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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ADERHOLT).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 19, 2003.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 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 gentlewoman from Illinois (Mrs. BIGGERT) for 5 minutes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested.

S. 459. An act to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public officer survivor benefits.

S. 535. An act to provide Capitol-flown flags to the families of law enforcement officers and firefighters killed in the line of duty.

THE FAMILY TIME FLEXIBILITY ACT

Mrs. BIGGERT. Mr. Speaker, one of the biggest challenges working men and women face today is balancing the needs of family with demands of work schedules. This conflict may weigh most heavily on women; but all workers, regardless of gender, experience conflict between work and family, watching their child's soccer game or going through the stack of papers on their desk.

To address this problem, I introduced the Family Time Flexibility Act, legislation that would provide hourly workers the option of taking paid time and a half off in lieu of time and a half pay for hours worked overtime. This concept is a very simple one. If workers have to work overtime, they should be allowed to choose how they are compensated, with more money or paid time off.

The editorial page of the Detroit News recently weighed in on this important topic by saying: ''Having more flexible hours is among the top wishes of working parents in this country. But an archaic Federal law has become a big impediment to parents and other workers in getting their wish.''

Mr. Speaker, this ''archaic'' law, the 1938 Fair Labor Standards Act, has been frozen for more than 60 years, locked in a time when women worked in the home, most families had only one wage earner, and nobody went to their kids' soccer games. Times have changed. Families have changed, and the workforce has changed. Yet the law has not changed. We know that workers in Federal, State, and local governments are permitted to choose time and a half off for working overtime hours and thus enjoy a great deal more flexibility than their private sector counterparts. Federal workers use it and like it. Police officers use it and like it. Park district workers use it and like it. In fact, one employee back in my district in suburban Chicago told me that he banks plenty of overtime hours plowing the snow during the long winter months and that allows him to take a longer vacation or spend more time with his family later during the few months when the weather is actually nice in Chicago.

For some employees, time can be more valuable than money, particularly if they have been putting in a lot of overtime hours. Their spouses begin to wonder if they are married to their job. Their children begin to forget what they look like. Their paychecks are growing, but they really would rather have just a little more time and a little more money. Most workers just want the freedom to make that choice for themselves, and many employers would like to offer them that choice. That is what this bill does. It gives employees choice and flexibility, and it gives employers another option to offer those employees who want it.

That is what the bill does. Here is what the bill does not do: this bill in no way affects the sanctity, the primacy, or the inviolability of the 40-hour work week. Let me repeat. The 40-hour work week is the law. Under this bill, an employee would earn overtime in the very same way that he or she currently does, by working more than 40 hours in a 7-day period. The bill does not alter the way that overtime is calculated. What this bill does not do is require employees to take compensatory time or require employers to offer it. In fact, this bill contains numerous safeguards to protect the employee and to ensure that the choice and selection of compensatory time is truly voluntary on the part of the employee.

This bill does not give employers all the choices. Where necessary, there are effective sanctions under the bill and the Fair Labor Standards Act for employers who violate the employee protections and other provisions of this

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legislation. For example, the bill expressly prohibits an employer from directly or indirectly intimidating; threatening; coercing, or attempting to coerce, any employee for the purposes of interfering with an employee's right to take or not to take comp time or to use accrued comp time. The bill creates a new remedy under the Fair Labor Standards Act for employers who violate the anticoercion language just described.

Let me note that this bill is not mandatory for anyone. The employer need not opt to offer family time, and the employee need not opt to take family time. It is all about choices. The employer chooses whether to offer the option, and the employee chooses whether to use the option; and if an employee changes his or her mind, he or she can at any time choose to cash out, and the employer must make the payout within 30 days.

H.R. 1119 is a comprehensive, balanced bill that gives more choices for employees and more opportunities for employers to keep their employees happy. This bill is not a mandate on employers or employees. It simply gives both parties the opportunity to agree to these arrangements, an opportunity which is now denied to them by law.

Mr. Speaker, I urge my colleagues to support the Family Time Flexibility Act.

CALLING FOR THE RESIGNATION OF PAUL WOLFOWITZ

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

Mr. FRANK of Massachusetts. Mr. Speaker, I was appalled 2 weeks ago to read that Deputy Secretary Paul Wolfowitz, one of the key policymakers in this administration, had publicly criticized, for Turkish consumption, the Turkish military for abiding by democracy. In an interview, which I will put into the RECORD, with CNN Turk, Deputy Secretary Wolfowitz repeatedly criticized the Turkish military because it had allowed democracy to function in Turkey. And he ought to resign. We have much too much at stake in our effort to bring stable democracy to the world in general, and particularly the Middle East, to allow a man to stay in that high office who has allowed himself to say that the military did too little, was not strong enough in pressing a democratically elected government. Indeed, it is especially disturbing to have that said with regard to the government of Turkey.

Trying to encourage Islamist movements that are genuinely democratic is one of our highest goals. The clash that some have argued exists between Islamic fundamentalism and democracy is a terrible threat to the world. We have in Turkey now a government that has Islamist groups, the political majority, and is also committed to democracy. And that parliament made a decision, not the government but the parliament, that we did not like. It failed to get a sufficient majority to join us in the war effort.

And here is what Paul Wolfowitz has to say: " . . . many of the institutions in Turkey that we think of as the traditional strong support is the alliance were not as forceful in leading in that direction."

Question: "Which traditional alliance are you talking about?"

" . . . I think particularly the military." This is Mr. Wolfowitz: "I think for whatever reason they did not play the strong leadership role on that issue that we would have expected." And the questioners were somewhat puzzled. Here is a high American official. We have said we are going to war in Iraq in part to bring about democracy, and he is criticizing a military in Turkey because it had not strongly tried to influence the elected officials? So they say what kind of a role the military might have because after all the military is not in parliament. And another interviewer says: "And they have been criticized by getting involved in politics."

Mr. Wolfowitz seems to realize he said something that he should not have, but he cannot help himself. His contempt for the democratic process, if it comes out with results he does not like, was too strong. His partisanship on this issue was too strong. So here is what Mr. Wolfowitz says: "I'm not suggesting you get involved in politics at all. I mean, I think, all I'm saying is that when you had an issue of Turkey's national interest . . . I think it's perfectly appropriate, especially in your system," my emphasis, "for the military to say it was in Turkey's interest to support the United States in that effort."

The interviewer says: "Didn't they say that?"

Mr. Wolfowitz's response: "I don't know. My impression is they didn't say it with the kind of strength that would have made a difference."

In other words, they did not muscle the government. They did not use armed force, the threat of armed force, as unfortunately the Turkish military has in the past, to force the Turkish Parliament to take an action which we wanted them to take.

Mr. Wolfowitz is the Deputy Secretary of Defense. As David Greenway pointed out in the Boston Globe last week, "The Turks are perfectly aware of the Pentagon's creeping takeover of U.S. foreign policy. There will be some who consider Wolfowitz's remarks as encouragement to boot out Erdogan," the Turkish prime minister.

Let me stress again how important it is for the experiment we are seeing in Turkey to succeed, a democratic Islamist government, and they had a tough issue that we dropped in their laps; and the parliament voted and the government tried and could not get a majority. And the Deputy Secretary of Defense says the military was not strong enough, the military did not intervene forcefully enough the way that they traditionally have? This is appalling to have such a high-ranking American official say this, and we have already got problems in post-war Iraq.

The administration's policy is a shambles there. Mr. Wolfowitz can take some of the responsibility for that. He is one of those who scoffed when Army Chief of Staff Shinseki said we are going to need several hundred thousand troops, and now of course we are being told 150,000 troops is not enough. But we have this terrible problem in Iraq clearly now since there have not been found the kinds of weapons that the administration said there would be, certainly not in the quantity they predicted.

The justification for Iraq is the impact it will have on governments in Iraq and in the rest of the Middle East. How does it help to have our Deputy Secretary of Defense, one of the shapers of that policy, now say, by the way, when we say democracy, we mean a democracy where the military intervenes strongly, not just gives its viewpoint but intervenes strongly to make sure things come out? Things in Iraq and our credibility are in enough trouble without Paul Wolfowitz compounding it, and he ought to resign.

[From the Boston Globe, May 16, 2003]

DEMOCRACY, NEOCON STYLE

(By H.D.S. Greenway)

Neoconservatives, who have risen to great power and influence within the Bush administration, have told us of their sweeping design to transform the Middle East into a model of democracy. Skeptics have demurred, but the neocons have countered that the doubters lack vision. There have been recent events, however, that bring into question the sincerity of these grand visionaries.

Take, for example, the recent remarks of Deputy Secretary of Defense Paul Wolfowitz, perhaps the most influential of the right-wing conservatives in government. Although the State Department got most of the blame for the diplomatic debacle over Turkey's failure to allow US troops to transit en route to Iraq, it was Wolfowitz who conducted much of the negotiations.

As it was, Turkey's new, democratically elected Parliament said no, much to Washington's chagrin and to the embarrassment of the Turkish government, which had urged a "yes" vote. Turkey was not the first government in a democratic state to be rebuffed by legislators. It happens in the United States all the time.

But last week, in an interview with CNN, Wolfowitz lashed out at the Turkish military for the failure to fall into line. "I think for whatever reason, they did not play the strong leadership role that we would have expected," he said.

Consider the ramifications of this statement in the Turkish context. Democracy in Turkey is alive but fragile. Open elections began only in the 1950s. Traditionally the Turkish military has seen itself as the guardian of the secular state that Kemal Ataturk put into place following the end of the Ottoman Empire after World War I.

The Turkish generals have made it a habit to step in from time to time to dismiss governments they do not like, returning rule to

civilians only when it suits them. The last time this happened was in the late 1990s, when Prime Minister Necmettin Erbakan was chucked out of power by the military for being too anti-Western and too Islamic.

Islam is a growing force in Turkey, especially among the rural poor now flooding into cities. Turkey's armed forces and the elites are determined to keep the country secular. Recent Turkish elections swept all the establishment parties away and brought to power a new Parliament with a decided Islamic bent. Its leader, Recep Tayyip Erdogan, a former mayor of Istanbul, was at first banned from becoming prime minister because of a nationalistic poem with Islamic imagery that he had once read aloud.

But Erdogan and his party had gone out of their way to be pro-West and moderate, and the military kept to its barracks. Eventually, Erdogan was allowed to assume the prime ministry, which he deserved, but not before he had been received by President Bush in the White House.

Bush rightly decided that, far from being a threat Erdogan's clean government ticket could serve as an example of how a Middle Eastern government could be Islamic, democratic, moderate, and pro-Western all at the same time.

Erdogan and his government wanted to allow US troops to use Turkish soil to attack Iraq, and not just because of the huge bribe the United States had offered. But the government couldn't persuade enough legislators. Many Turks felt the Parliament had made a mistake, that Turkish interests had been hurt, but the Parliament didn't agree, and that was that. End of story; or so it should have been.

One might have thought that anyone interested in true democracy would have been impressed and delighted. Here was Parliament defying the government, and the military didn't intervene. An American foreign policy goal is to get the European Union to accept Turkey. One of the EU's legitimate complaints is that the EU is a grouping of democracies and that the banana republic-like actions of the Turkish military over the years indicate that Turkey's democracy is only a sometime thing. But this time around, the Turkish military was not interfering.

Then up steps Paul Wolfowitz, saying that the Turkish military had not played ''the strong leadership role that we would have expected.'' Does that mean that, in Wolfowitz's view, there should have been a military coup? Or that the Turkish generals should have threatened the Parliament? In the Turkish context there is every reason to interpret the deputy secretary of defense's remarks in that way.

The Turks are perfectly aware of the Pentagon's creeping takeover of US foreign policy. There will be some who consider Wolfowitz's remarks as encouragement to boot out Erdogan as they did Erbakan. Americans have a right to ask: Do the neocons really want democracy, or do they simply want to bully the Middle East into a semblance of democracy that will toe the American line and further neoconservative imperial fantasies?

MAY 6, 2003.

DEPUTY SECRETARY OF DEFENSE WOLFOWITZ INTERVIEW WITH CNN TURK

(Interview Cengiz Candar and M. Ali Birand of CNN Turk)

On the web: *http://dod.mil/transcripts/2003/tr20030506-depsecdef0156.html*

CNN Turk. Welcome Mr. Secretary with Cengiz it's been a bit tight you can imagine to come over to Washington you know to see for 36 hours so if jetlag I think we can manage that but thank you for giving your time.

Wolfowitz. Thank you to have the two distinguished journalists like you here it's a great privilege for us.

CNN Turk. That's great but let me fire the first shot. We've had, we know how keen you are around Turkish American relations. We've had a wonderful relationship starting Korea and the Cold War, Afghanistan whatever you name it. But something went wrong, dreadfully went wrong. We started with strategic alliance with strategic relationship. Strategy is gone the relationship I don't know how it's going, and in the meantime we are having two different versions, one version from Pentagon and one version from State department, but yeah we've had a bit of trouble but it's no problem. We want to have your view on those relations. Where are we standing? Is it the crisis or what happened?

Wolfowitz. I think we had a big disappointment. But it remains the case that this has been a strong alliance over many years. I think it will continue to be a strong alliance and it remains the case that Turkey is a very important country in this era because it's a country with a Muslim majority that has a strong democratic tradition and I think it remains the case that Turkey can be an important model for that part of the world that we are trying to move in a more positive direction. But I don't think if we want to sustain this strong alliance and indeed strengthen it in the future then we ought to understand what went wrong, we ought to understand the nature of that disappointment and some of it has to do with, if you like, the U.S.-Turkish bilateral piece of it. But I think it's more helpful to think of the disappointment in terms of the failure to understand what was going on in Iraq. From a U.S. Turkish point of view there is good news and bad news. The good news is that a majority of the parliament did vote to support us in the things that we asked for. The bad news is that because of the procedural issues that wasn't a big enough majority to get it done and that many of the institutions in Turkey that we think of as the traditional strong support is the alliance were not as forceful in leading in that direction.

CNN Turk. Which traditional alliance are you talking about?

Wolfowitz. Well I think you know which ones I mean but I think particularly the military. I think for whatever reason they did not play the strong leadership role on that issue that we would have expected.

But I think the bigger disappointment has to do with the general failure of the Turkish public reflected also in the government, about what the stakes were in Iraq and that here you have a neighbor with an overwhelmingly Muslim population where the people were suffering under the worst dictators in the world. And one would have thought that Muslim solidarity would have led people to say let's help the Americans liberate these people and that isn't what happened.

Okay, that's past. We are now in the present and future. The present and future is there's a spectacular opportunity in Iraq to help these newly liberated people achieve their real potential and I think that's what we need to work on together, Turkey and United States and I think what Turkey needs to do is look into its democratic soul and say, yes we believe in democracy, we believe in democracy for Muslims and Arabs. There's an opportunity now, whatever happened in the last few months, there's an opportunity now to work with the Americans to build that in Iraq. Let's seize that opportunity and do everything we can as Turks to support it.

CNN Turk. But if you make a prognosis of what went wrong earlier, since you mentioned for example the military the traditional institution which had strong connections to the United States did not play a leadership role, so for the future to repair the relationship and bring it back to its original level that means that you have to need a leadership role to be played by those who haven't played it. What kind of a role the military might have because after all the military is not working in Turkey's parliament political parties (inaudible)?

CNN Turk. And they have been criticized by getting involved in politics.

Wolfowitz: I'm not suggesting you get involved in politics at all. I mean, I think, all I'm saying is that when you had a issue of Turkey's national interest and national strategy I think it's perfectly appropriate, especially in your system, for the military to say it was in Turkey's interest to support the United States in that effort.

CNN Turk. Didn't they say that?

Wolfowitz: I don't know. My impression is they didn't say it with the kind of strength that would have made a difference. But look let's not dwell too much on the past.

CNN Turk. Let's stick to the past.

(Laughter)

Wolfowitz: No.

Voice. Were you surprised that when you heard that the Turkish Parliament rejected it?

Wolfowitz. They didn't reject.

CNN Turk. Passed through?

Wolfowitz: They didn't pass through. In fact lets, I don't know many Americans are going to watch this program but let's not keep mis-educating people that Turkey's parliament rejected it. They did not get the majority that was needed and it's true we did not get the full support that was needed.

CNN Turk. Thanks to the Turkish constitution.

Wolfowitz. And I think at the end of the day, I think Turkey has paid a bigger price for that than we have. I think for one thing the whole economic package could have been something much more substantial. But I also believe we would've achieved more rapidly the kind of stability in Northern Iraq that is as much in Turkey's interest as it is in ours. But we are where we are today and achieving stability in Northern Iraq remains in Turkey's interest, it's very much in our interest, we need to work together to make sure that that's achieved. I think it can be achieved. We've been saying repeatedly and very emphatically, starting with my trip in Ankara back in July, that we oppose an independent Kurdish state in Northern Iraq, that we strongly support maintaining the territorial integrity of Iraq. I think it's very interesting and positive that today both of the key Kurdish Barzani and Talabani are in Baghdad trying to become major forces in a future integrated Iraq. That's a positive development, which we all ought to welcome. We need to work together to make that happen. We need to work together, although it's mainly going to be our responsibility, but to make sure that the very difficult property claims that people are making in the north get resolved peacefully and not through force. There are going to be a lot difficult problems in the period going forward. And I just, you know every so often I hear some people suggesting, well the right reaction for Turkey to this bump in our relationship is, well we should make more friends with Iran and more friends with Syria. Excuse me, that's absolutely the wrong way to go. The right way to go, as I say, is to think about where the real democrats, where does democracy need to be supported. It's going to be a huge boon to Turkey when the sanctions are lifted from Iraq when trade can move easily across the borders and when Iraq begins to realize it's real potential as a democratic neighbor of Turkey.

CNN Turk. This is also a matter of debate within Turkey itself but whenever an argument is brought it is not the time to have a close relations with Iran and with Syria at juncture of history. Some come up and say that they are our neighbors, when I mean some, they are officials following Islam, they are our neighbors it's very natural that we would have these kinds of relationships. And look the American Secretary of State goes to visit Syria and historically the American Secretary of States like they are one of them, Warren Christopher visited 22 times, never stepping his foot in Turkey. So if this kind of an argument comes, we and Turkey feel that there are different signals coming from Washington. Which kind of signal we have to be the recipient more than the other?

Wolfowitz. I'm sorry I think there's one signal with respect to Syria. This Secretary of State—I'm not going to talk about previous ones—this Secretary of State went to Syria and delivered a very tough message about how Syria needs to shape up and stop supporting terrorism and stop interfering with Iraq. That's the message that ought to come through and I think anything, that Turkey does what Syria or does with Iran should fit into an overall policy with us, of getting those countries to change their bad behavior. In the meantime, it seems to me, I know this an American view but, if I were Turk I'd believe I would say in spite of whatever has gone wrong in the last year, Turkey's strongest friend in the world is the United States. Turkey's real interests lie with the United States and when we look at our neighbor to the south this newly liberated country called Iraq, we have the same interest the Americans do in keeping it a unified country and making it a democratic country and helping to change the economy from this sort of Stalinist structure that the Iraqis have lived under for 30 years, into the kind of free enterprise economy that's going to be a huge boon to Turkey and all the neighbors.

CNN Turk. So in a way, you are not against Turkey's having relations with Syria and Iran but you want the same message to go to those (inaudible).

Wolfowitz. Absolutely, I mean of course they are your neighbors. But you want them to behave as neighbors. You don't want to suggest that well they can ignore the message of the Secretary of State of the United States because our powerful Turkish friend is ignoring it also. I think it's very important that we be coordinated.

CNN Turk. We need to discuss some misunderstanding as well for the time being and for the future of Iraq between two countries, two allies, Turkey and the United States and they are recently. We have two different interpretations about an incident that took place in Northern Iraq near Kirkuk between the American forces and the Turkish Special Forces. According to the American media the Turkish Special Forces were trying to bring weapons into (inaudible) Kirkuk they were intercepted by the American military there and then escorted back to Turkish frontier. Why would Turkish Foreign Minister say it was an humanitarian aid convoy which was assisted by some security personnel so they were there to secure the free travel of the Humanitarian aid convey. So what's the interpretation since we are speaking here in the Pentagon? What happened?

Wolfowitz. Well I don't think I want to get into it. You want to do history I want do the future. What happened shouldn't have happened. And it was clearly something that was done ignoring everything that we have said. But it was fixed. I don't think it'll happen again, I think Secretary Powell and Foreign Minister Gul had a very good clear discussion about it and hopefully we are on a better track now. But that's a good example I think, of where, whatever Turkey does in the north, and we understand Turkey has important interest in the north. It's got to be coordinated now through the coalition, through General Franks. We can't any longer have unilateral action in Northern Iraq.

CNN Turk. Why the question for the future then? On the same issue there is a small Turkish military presence in Northern Iraq.

They had to record it with the coalition forces you are saying right?

Wolfowitz. Well as long as they are there, yes.

CNN Turk. And the short coming future?

Wolfowitz. The goal ought to be, they shouldn't be needed in the long run. But let's in the meantime . . .

CNN Turk. That's what I'm after, I mean now there's a Kurdish authority—kind of a self-rule in Northern Iraq. Who happened to become America's close allies in the last war effort there? So in the coming future if they come up and say that we don't need anymore, the Turkish military presence despite it's small (inaudible) military personnel. In such a case, by being the real leader to the element in the area, in Northern Iraq what (inaudible)?

Wolfowitz. The real military elements in Northern Iraq are the coalition forces. We now have very substantial heavy American forces up north and that is the real military element and everybody better listen to the instructions of General Franks including any armed groups, any Kurdish groups. But I think the goal has got to be a free and democratic Iraq where Northern Iraq is never again a sanctuary for terrorists to be attacking Turkey. We've got to find a way to make sure that doesn't happen again. When we are confident about it then there is absolutely no reason for any Turkish presence. But if there's going to be a presence as long as it's there it clearly has got to be under the direction and control of the coalition. . . .

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STEMMING THE SPREAD OF CARGO THEFT

The SPEAKER pro tempore (Mr. COLE). 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, I rise today to address a problem that has been below the Federal radar screen for far too long. Every year tens of billions of dollars are lost to cargo theft. This epidemic has plagued the United States for over 30 years, with little being done to stem its spread. With the prevalence of cargo theft today, insurance companies have placed a heavy burden on the trucking industry. The costs associated with investigation and insurance payments are only exacerbating what is already an industry crisis.

Typical targets for cargo theft often include shipments of clothing, prescription drugs, computers and jewelry. A truckload of computer and microprocessors can be worth millions. A truckload of cigarettes, another common target, can be worth up to $2 million. The high value to volume ratio of high-tech goods has encouraged criminals previously involved in drug dealing to move into this area of activity where they run less risk of detection and suffer less severe penalties if caught.

The National Cargo Security Council wants to see an increase in criminal penalties for cargo theft as well as employment of more trained cargo theft task forces. The Council reported that cargo worth $12 billion is stolen in the United States every year, and yet the penalties for cargo theft are lower than that for selling drugs.

Cargo thieves employ creative means to prey upon cargo carriers and have managed to stay one step ahead of the authorities. Thieves know what they want and where they can find it. Striking cargo containers at ports, at trains and 18-wheelers, hijackers pry open the doors, remove the goods and replace them with bags of sand so that there is no change in weight. They will then proceed to put new pins in the hinges so the crime is not noticed until the containers are opened upon arrival.

This manner of theft is known as ''leakage,'' in that thieves attack intermodal containers by defeating the integrity of the security seal. This practice often confounds investigators, since they have no idea at what point the cargo was stolen.

Eighteen-wheeler cargo carriers now experience approximately 85 percent of theft. Thieves will either roll the dice, stealing containers with unknown contents, or they will go as far as camping outside of distribution centers. This method, called ''full-load truck theft,'' involves monitoring shipments out of distribution centers that are known for putting out expensive goods. The thieves will then follow the trucks in rental cars, waiting for the right time to pounce. This will often occur at truck rest stops where the driver leaves the vehicle. The process can amazingly take but a few minutes. These professional criminals are usually licensed truck drivers who can hotwire a truck quickly and efficiently.

Once goods are successfully stolen, they will be moved to port warehouses where they will wait to be exported. Depending upon where the goods are to be shipped, they will most likely be shipped to ports in Miami, Los Angeles or New York. The stolen cargo changes hands several times in what is a form of cargo laundering. By the time the cargo is ready for export, it is most likely to be seen as a legal shipment. Authorities have found it difficult to track outgoing cargo since outbound shipments are not checked, due to the fact that they are not subject to U.S. tariff laws.

Mr. Speaker, Members in this Chamber need to be aware of this problem. It is time that we got aggressive and made our highways again safe for commerce. This country is in dire need of harsher criminal penalties, and this need can be proven by the fact that criminals are turning to cargo theft in hordes. Many criminals are abandoning

the drug trade for a crime just as lucrative but with lenient penalties.

This body must make an example out of cargo thieves. We must let them know that they will not get away with just merely a slap on the hand. As sheriff's departments begin integrating special cargo theft task forces, we must arm them with the ability to prosecute criminals with stiffer penalties. Until we strengthen these laws, this 30-year-old crime wave will persist, threatening our ports, our roads and raping our economy of billions and billions of dollars.

MCGOVERN-DOLE PROGRAM CAN HELP ARAB STATES EDUCATE GIRLS

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

Mr. MCGOVERN. Mr. Speaker, last week the United Nations issued a report that some eight million primary school age children remain out of school in the Arab states, and 5 million of them are girls. The report also found that, when given the opportunity to go to school, the girls tend to have to repeat grades less often than boys and to complete their primary and secondary schooling more often.

The report covered 19 countries: Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Emirates, Yemen and the Palestinian Territories.

The report also reviewed overall literacy rates in these countries and found that one-third of the men and one-half of the women are still illiterate in the Arab states.

Iraq had the highest overall illiteracy rate of 61 percent, and Jordan was the lowest. The countries where female illiteracy are the highest are Iraq, at 77 percent, Yemen with 76 percent, Mauritania with 71 percent, and Morocco at 65 percent.

Mr. Speaker, we have long known that there is no greater key to economic development, lower birth rates and strengthening democracy than the education of girls. This result has been well documented by the World Bank, USAID and independent education and development organizations.

As part of our reconstruction efforts in Iraq, Afghanistan and throughout the Persian Gulf and the Arab world, the United States and the international community must emphasize the education of girls and the involvement of women in development decisions.

A proven method of increasing the numbers of girls who enroll and attend school is to provide meals in schools. The U.S. Department of Agriculture has a program with a proven track record of success in this area, the George McGovern-Robert Dole International Food for Education Program, formerly known as the Global Food for Education pilot program.

A recent evaluation of the GFEI pilot program demonstrated its success at attracting more girls to school as well as involving their parents in their education.

Once the girls are at school, clearly we need to make sure they receive a good education, which we help promote through several USAID-funded education programs, carried out by a wide array of governments and non-governmental organizations.

But, first, we must encourage families to send their daughters to school; and the McGovern-Dole program is a proven program to attract girls, as well as the boys who are not currently enrolled in school, and to help them be better prepared to learn and study by providing a daily nutritious meal in the school setting.

We all know that hungry children do not learn as well as their well-fed counterparts. We know this from our own experience here in the United States and from studies done around the world.

This is the strength of the McGovern-Dole program. It attracts children to school by offering meals, and then increases their ability to learn by providing them at least one nutritious meal at school.

I have seen first-hand in many parts of the world how this school meal is often the only food many children can count on every day and that the school may be their only stable reality in a world of chaos and uncertainty.

Mr. Speaker, I have focused my remarks today on the Arab states, but gender inequity and education and child hunger are global issues. Bad as the statistics cited for the 19 Arab countries, matters are even worse in parts of Africa and Asia, and our response must also be global.

The GFEI pilot program was initially funded at $300 million. Last year, over 70 bipartisan members of this House and every single Member of the other body called upon the administration to provide at least this amount of funding in fiscal year 2004 for the McGovern-Dole program.

I urge my colleagues on the Committee on Appropriations to make sure that the McGovern-Dole program is fully funded at $300 million in fiscal year 2004. I further urge the committee to provide additional funds for the McGovern-Dole program and ensure that it is an integrated part of reconstruction efforts in Iraq, Afghanistan and elsewhere to increase the number of girls attending school and to decrease the incidence of hunger among children.

Mr. Speaker, I include the following for the RECORD.

EDUCATION IN THE ARAB STATES: FIVE MILLION GIRLS STILL DENIED ACCESS TO SCHOOL

PARIS.—Some eight million primary school-age children remain out-of-school in the Arab States and five million of them are girls, according to a new report published by UNESCO. However, it finds that when given the opportunity to go to school, girls tend to repeat less than boys and to complete their primary and secondary schooling more often.

Prepared by the UNESCO Institute for Statistics, the Arab States Regional Report surveyed education in 19 countries—Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, and Yemen, as well as the Palestinian Autonomous Territories—with a total population of 270 million people, 39 percent of whom are under the age of 14.

It covers the 1999/2000 school year and consequently does not take into account the damage to education systems resulting from the conflicts in the Palestinian Autonomous Territories and Iraq, both of which, the report found, had reported relatively high levels of participation in schooling.

The report recognizes that ''considerable investments'' were made in education throughout the region over the past four decades and, as a result, many countries were close to the objective of getting all children into school. However, it also finds that gender parity (equal enrollment rates among boys and girls) had only been achieved in the Palestinian Autonomous Territories, Bahrain, Jordan, Lebanon and United Arab Emirates. Compared to other regions, the Arab States had better gender parity in terms of access to primary school than countries in Francophone Africa.

According to the report, 35 million children, 54 percent of them boys, attended primary school in the 1999/2000 academic year. This leaves nearly one child in five of primary age (one girl in four) still out-of-school. Djibouti was at the bottom of the ladder for enrollment, with only 30 percent of its primary-age children in school. It also had the biggest gap between enrollment rates of boys and girls in primary school, with only slightly more than 35 percent of primary age boys in school and just over 26 percent of girls.

On the other hand, the report shows that in all countries except Sudan, girls are less likely to repeat grades than boys in primary school. Regionally only six percent of girls repeated a year, as against nine percent of boys, although these figures mask big differences between countries. Jordan, for example, had the lowest overall rate of repetition (one percent), and Tunisia the highest (16 percent).

More than 90 percent of primary pupils throughout the region completed the primary cycle, however, girls had a slight edge in most countries except in the United Arab Emirates, where 93 percent of boys completed primary school compared to 92 percent of girls.

At the secondary level, states the report, some 22.5 million students of all ages, or 60 percent of the population of secondary school age (approx. 12–18 years), were enrolled in the survey year. Of this total just under 10.6 million, or 47 percent, were girls. Once again, these figures masked substantial differences between countries, and the report notes that participation rates in secondary education were considerably lower than primary schooling.

According to the report, primary pupils were most likely to make the transition to secondary school in Bahrain (98 percent), Jordan (97 percent), the Palestinian Autonomous Territories (96 percent), United Arab Emirates (96 percent), and Oman (95 percent). In Algeria and Tunisia, the report found that only two out of every three pupils made the move from primary to secondary school.

The report found that proportionally more girls than boys of secondary school-age were enrolled at this level. For example, 87 percent of secondary school-age girls were enrolled in Bahrain, as against 77 percent of secondary school-age boys. In Jordan, 78 percent of girls in this age group were enrolled, compared to 73 percent of boys in the same category.

As with primary education, girls also outshone the boys in all 13 countries that provided the relevant data, although the report signals that repetition rates at secondary level were generally high from both sexes. In Algeria, 31 percent of boys repeated compared to 24 percent of girls. In Tunisia, 20 percent of boys repeated against 17 percent of girls. And in Saudi Arabia, 12 percent of boys repeated and only six percent of girls.

Each of the countries involved has at least one institution of tertiary education. The report noted that, ''a great many students [. . .] go abroad to complete their training,'' either to Europe and North America or in other Arab States.

During the survey year, some five million students were enrolled in tertiary courses, of home just over two million, or nearly 40 percent, were women. Women's participation in tertiary education was markedly less than that of men in Iraq, Djibouti, Morocco and the Palestinian Autonomous Territories.

Social Science, business and law are the most favoured subjects, and accounted for one third of students in the Palestinian Autonomous Territories. In Saudi Arabia, 50 percent of tertiary students chose education as their field of study, compared to only two percent in Morocco and Lebanon. Least favoured subjects were agriculture and services.

According to the report, a large proportion of the teaching staff through the region are women. They account for three-quarters of teachers at pre-primary level and 52 percent of primary teachers. Their numbers fall considerably at the territory level: data were not available for the survey years, but in 1998/99, they made up only 25 percent of the tertiary teaching force.

The majority of these teachers, according to the report, were qualified. The only country where this was not the case was Lebanon, where, for example, only one primary teacher in five met national-defined pre-service qualification standards.

Pupil teacher ratios vary greatly throughout the region, ranging from a low of 12 primary pupils per teacher in Saudi Arabia to 45 in Mauritania. The median for the 15 countries that supplied data is 23 pupils per teacher.

Private enrollments are very low in the majority of countries, except in Lebanon (66 percent in primary and 53 percent in secondary) and the United Arab Emirates (45 percent and 32 percent, respectively).

Public spending on education varies greatly from country to country. With 9.5 percent of its GDP devoted to education, Saudi Arabia is the region's biggest investor in education, followed by Tunisia (7.5 percent). On the other hand, the United Arab Emirates, Lebanon and Mauritania allocate only two to three percent of GDP to education. Percentages for the other countries range from 3.4 percent in the Syrian Arab Republic, to almost five percent in Morocco.

These figures represent a big increase in education spending through the region over the past four decades. This investment ''has paid off'', states the report: between 1960 and 1985 the time children spent in school increased by an average two and a half years.

The report also notes the number of women participating in the labour market greatly increased over the past 20 years, ''although in general they have lesser-paid jobs than do men.''

Nonethless, it found that one man in three and one woman in two was still illiterate in the Arab States. Iraq had the highest overall illiteracy rate (61 percent) and Jordan the lowest (12 percent). The countries where female illiteracy rates were highest were Iraq (77 percent), Yemen (76 percent), Mauritania (71 percent) and Morocco (65 percent).

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 54 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 2 p.m.

PRAYER

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

Eternal is Your mercy, Lord, ever patient with our human ways. Grant success to the work of this Congress. Bless the very desire to serve You have placed in the hearts of these men and women as Members of the House of Representatives.

By representing the interests of the people and districts which have sent them here, they are lifted beyond self-interest. In caring for the interests of the entire Nation, they are stretched to a broader perspective.

As they dedicate themselves and their work together to You, Almighty God, they are drawn by Your universal love and pervasive justice both now and 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 his approval thereof.

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

PLEDGE OF ALLEGIANCE

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

Mr. PETRI 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 16, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 16, 2003 at 2:50 p.m.:

That the Senate passed without amendment H. Con. Res. 58.

That the Senate passed without amendment H. Con. Res. 128.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON,
Deputy Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 16, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House on May 16, 2003, at 12:15 p.m. and said to contain messages from the President whereby he submits a copy of a notice filed earlier with the *Federal Register*, continuing the emergency with Burma first declared in Executive Order 13407 of May 20, 1997, and whereby he submits a 6-month periodic report in accordance with 50 USC 1641(c) and 50 USC 1703(c) on the national emergency with respect to Burma.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON,
Deputy Clerk.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 108–72)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice, stating that the Burma emergency is to continue beyond May 20,

2003, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on May 17, 2002.

The crisis between the United States and Burma that led to the declaration of a national emergency on May 20, 1997, has not been resolved. The actions and policies of the Government of Burma, including its policies of committing large-scale repression of the democratic opposition in Burma, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.

The White House, *May 16, 2003.*

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–73)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I am providing a report prepared by my Administration, covering the 6-month period since November 20, 2002, on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997.

GEORGE W. BUSH.

The White House, *May 16, 2003.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he 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.

Record votes on postponed questions will be taken after 6:30 p.m. today.

EXPRESSING THE SENSE OF CONGRESS IN SUPPORT OF BUCKLE UP AMERICA WEEK

Mr. PETRI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 166) expressing the sense of Congress in support of Buckle Up America Week.

The Clerk read as follows:

H. CON. RES. 166

Whereas Buckle Up America is a national campaign that promotes and encourages safety belt and child safety seat use;

Whereas failure to wear safety belts and use child safety seats contributes to more fatalities than any other single traffic safety-related behavior;

Whereas, in 2002, 42,850 people were killed in automobile accidents and 2,914,000 people were injured in such accidents;

Whereas the economic cost to society is estimated at annual cost of non-use at current safety belt usage rates is $26 billion per year;

Whereas most passenger vehicle occupants killed in motor vehicle crashes continue to be those not restrained by safety belts or child safety seats;

Whereas crashes are the leading killer of all children, including African-American and Hispanic children;

Whereas car crashes are the second leading killer of African-American young men,

Whereas according to the National Highway Traffic Safety Administration, safety belts saved over 11,000 lives in the United States in 2000; and

Whereas educational programs like Buckle Up America Week have increased seat belt usage: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) all people throughout the Nation should talk to family and friends about the importance of wearing a safety belt;

(2) law enforcement agencies should be commended for their commitment to enforce safety belt usage laws;

(3) national and community agencies and organizations should be recognized and applauded for their work in promoting awareness about Buckle Up America Week;

(4) all legislative leaders should participate in Buckle Up America events; and

(5) drivers and passengers should insist their fellow automobile passengers wear their safety belt and that all children in the car are buckled up in the appropriate restraint for their age, height, and weight.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

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

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

This week is Buckle Up America Week. The legislation before us, House Concurrent Resolution 166, expresses the sense of Congress in support of Buckle Up America Week.

This national campaign is dedicated to increasing the proper use of seat belts and child safety seats. For the first time in several years, highway fatalities increased from the previous year. Nearly 43,000 people died and over 3 million were injured on our Nation's highways last year. This is the highest number of highway fatalities since 1990.

According to National Highway Traffic Safety Administration research, in the past 26 years safety belts prevented 135,000 and 3.8 million injuries, saving $585 billion in medical and other costs. If all vehicle occupants had used safety belts during that period, nearly 315,000 deaths and 5.2 million injuries could have been prevented and $913 billion in costs saved.

We have made significant headway recently. Seat belt use has increased dramatically over the last 20 years. In 1984, seat belt use was only 15 percent. Today, the national average is 75 percent. But more needs to be done.

Most vehicle occupants killed in motor vehicle crashes in recent years were not wearing seat belts. Even more disturbing is the fact that traffic crashes are the leading cause of death for children between the ages of 6 and 14. About half of children ages 4 to 7 who are fatally injured in motor vehicle accidents were completely unrestrained.

Child safety seats save thousands of children's lives during motor vehicle crashes each year. This resolution draws much-needed attention to the pressing issue of increasing seat belt and child safety seat use. I applaud the gentleman from Louisiana (Mr. VITTER) for introducing this resolution, and I urge my colleagues to support it.

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

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

Buckle Up America Week marks a high point in our push for greater seat belt and child safety seat use. This week kicks off a massive $20 million ''Click It or Ticket'' mobilization, the largest-ever nationwide law enforcement program to increase safety belt use. More than 12,000 law enforcement agencies in all 50 States, the District of Columbia, and Puerto Rico will conduct safety belt checkpoints as part of the mobilization.

And all I can say is, watch out, Members, because we are doing it in this region.

This year, the effort is specifically targeting one of our most at-risk populations: teenagers. Due in large part to low seat belt use, fatality rates for teen drivers are four times higher than for older drivers. In 2002, 4,942 16- to 19-year-old teens were killed in traffic crashes, and thousands more were injured. Two out of the five deaths among teens are the result of a traffic crash.

Today, safety belt use stands at 75 percent of the general population, but less than 69 percent for teens. We know the way to increase seat belt use is through strong laws and high visibility enforcement. Prior campaigns of this kind have produced a 9 percent overall increase in seat belt use. So today we begin by putting people on notice to click it or expect a ticket. The campaign runs through June 1st.

I want to commend the chairman of the subcommittee, the gentleman from Wisconsin (Mr. PETRI), as well as the sponsor, the gentleman from Louisiana (Mr. VITTER), for bringing this matter to the House floor. Because of our efforts, and especially efforts of communities and law enforcement agencies around the Nation, I believe we will see Americans and American teenagers

buckling up as never before. I strongly urge my colleagues to vote for this life-saving measure.

Mr. VITTER. Mr. Speaker, I offer this resolution today and encourage my colleagues to join me in supporting Buckle Up America Week. This national campaign promotes awareness of safety belt and child safety seat use. The fundamental message is that seatbelts save lives. In 2002, over 42,850 people were killed in automobile accidents, and 2.9 million people were injured in such. An average of four Americans die every hour in car accidents, ninety-six people a day. Many of these injuries and deaths could be prevented by wearing a seatbelt.

The National Highway Traffic Safety Administration estimated safety belts saved more than 11,000 American lives in 2000. Educational Programs like Buckle Up America Week have successfully increased seat belt usage. These programs aim to encourage children and adults to start or continue to use safety belts each time they get into their vehicles. I applaud all law enforcement agencies for their commitment to the enforcement of safety belt usage laws. Such dedication serves to encourage increased seat belt usage.

Lack of seat belt use costs Americans $26 billion every year. We all pay higher health care and insurance costs because of unbelted drivers and passengers. But, the true cost is the loss of life. Car crashes are the leading killer of all children.

Please join me in supporting this important resolution. I urge all of my colleagues to talk with their families and friends about the importance of wearing safety belts. Let's encourage all drivers and passengers to insist that their fellow automobile passengers buckle up and that all children are secured in the appropriate child safety seats.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 166.

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. PETRI. 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.

JAMES L. WATSON UNITED STATES COURT OF INTERNATIONAL TRADE BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (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''.

The Clerk read as follows:

H.R. 1018

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

SECTION 1. DESIGNATION.

The building located at 1 Federal Plaza in New York, New York, shall be known and designated as the ''James L. Watson United States Court of International Trade Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the ''James L. Watson United States Court of International Trade Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, H.R. 1018, introduced by the gentleman from New York (Mr. RANGEL) designates the building located at 1 Federal Plaza in New York City, New York, as the James L. Watson Court of International Trade Building.

Judge Watson was born in Harlem, New York, the son of Jamaican immigrants in 1922.

During the Second World War, Judge Watson served with the famous Buffalo Soldiers Regiment in Italy where he was wounded and returned to the United States decorated with a Purple Heart and the Combat Infantry Badge.

He graduated from New York University in 1947 and the Brooklyn Law School in 1951. In 1954, Judge Watson was elected to the New York State Senate.

In 1963, Judge Watson was elected to New York City Civil Court, a position he held until President Johnson appointed him to what was then known as the United States Customs Court and is now known as the United States Court of International Trade.

During his 25-year tenure on the bench, Judge Watson heard cases in California, Oregon, Washington, Atlanta, Tampa, Houston, El Paso, San Antonio, and Dallas on civil and criminal matters.

Judge Watson also worked to help modernize his court under the Customs Court Act of 1970. As chairman of the court's Rules and Practices Committee, he reworked the rules and facilitated the modernization of the court with the introduction of computers. He took senior status in 1991, and passed away in 2001.

I would like to note that the House passed by a voice vote similar legislation during the previous Congress. However, due to technical differences with the version in the Senate, it was never enacted. I trust our consideration this year will result in a more favorable outcome. I support the legislation, and encourage my colleagues to do the same.

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

□ 1415

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

Mr. Speaker, H.R. 1018 is a bill to honor Judge James Watson, the Nation's most senior African American judge. He served on the United States Court of International Trade, a lifetime appointment by President Lyndon Johnson. Judge Watson was also a former New York Senator and civil court judge.

I knew Judge Watson when I lived in New York City. I saw him make history there. He was from a family of African American achievers and path breakers. His career spanned 36 years, and he set a record of 70 appearances serving as a visiting judge in districts around the country. On several occasions, he was the first African American to held court in parts of the deep south, the Virgin Islands and Puerto Rico. Compassion and evenhandedness were hallmarks of his judicial behavior.

In World War II, he served as an infantryman with the legendary all-black 92nd Buffalo Soldiers Division and was seriously wounded in combat in Italy. He received the Purple Heart, the Battle Star, the Combat Infantry Badge and a U.S. Army commendation.

After the war and his recuperation, he attended New York University and Brooklyn Law School. Upon graduation, he established a private practice with retired Judge Bruce Wright, Lisle Carter, former Assistant Secretary at the Department of Health and Human Services, and Jacob Smith. Judge Watson was elected in 1954 to the State Senate and to the Civil Court in 1963. Judge Watson hired as one of his first law clerks a young attorney named Charles Rangel.

In March, 1966, President Johnson named him to the U.S. Customs Court, which was later renamed the Court of International Trade. During his years on the International Court, Judge Watson helped develop a modern court system, rewrote many of the court's rules, and introduced computers into the court.

He was noted for a judicial style that was fair and balanced. His personal ability to settle many cases out of court helped avoid costly expenses and the unpredictability of an often-long trial.

He was a lifelong resident of Harlem, a sought-after public speaker, and an insightful adviser to local public officials. His cousins include Bruce Llewellyn, chairman of CocaCola, Secretary of State Colin Powell, and Dorothy Llewellyn Cropper, a New York Supreme Court justice.

Judge Watson's life was full of success and friendship. He was blessed with a devoted family and loving wife.

It is fitting and proper to honor the distinguished Judge Watson with this designation, and I urge support for the bill.

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

Mr. RANGEL. Mr. Speaker, I rise with great enthusiasm in support of H.R. 1018, the bill designating the building located at 1 Federal Plaza in New York City as the ''James L. Watson United States Court of International Trade Building.''

I first introduced this bill in the 107th Congress when it was passed in the House but failed to be brought up in the hectic closing days of the Senate. I commend Chairman YOUNG and Ranking Member OBERSTAR for their commitment to this initiative and willingness to move the legislation early in the 108th Congress. I look forward to speedy action in the Senate to ensure enactment of this legislation that honors one of this nation's greatest jurists.

This bill will attach Judge Watson's name to the courthouse housing the U.S. Court of International Trade where he served for 36 years until his death, having achieved senior status in 1991. He was appointed to what was then the United States Customs Court in 1966 by President Lyndon B. Johnson. Reorganized and renamed by Congress in 1980, the court deals primarily with matters involving trade, including the classification and valuation of imported goods, tariffs, customs and duties and charges of unfair practices by U.S. trading partners.

Judge James L. Watson, who died at the age of 79 in the fall of 2001, was a fine man, a distinguished jurist and a pillar of the Harlem community where he was born. I was honored to have served as one of his law clerks soon after my graduation from law school.

Judge Watson was the nation's most senior African American federal judge, and was the first Black Customs Court judge in modern times assigned to cases in the deep South. As was the practice in the Customs Court, he was also assigned to preside over various criminal and civil matters in Federal District Courts across the country.

The scion of an accomplished family of lawyers, public servants and business people with roots in Jamaica, West Indies, Judge Watson had a distinguished career in New York, prior to his service on the Court of International Trade. After his service in the U.S. Army in WWII, he graduated from New York University and Brooklyn Law School. Moving from the private practice of law into the political arena, he was elected to the New York State Senate, where he served from 1954 to 1963, when he was elected to the Civil Court.

Long before this legislation, Judge Watson had placed his stamp on the functioning of the Court of International Trade. In 1970, he helped modernize the court, bringing it more in line with the rest of the federal judiciary and, as chairman of its committee on rules and practices, was instrumental in rewriting its rules and communications systems.

Judge Watson was a trailblazer in government and the law, with a reputation for fairness, good judgment, and the common touch with people. I will never be able to thank him enough for his service to our community and to our nation. More personally, I will be forever grateful for the opportunity he provided me as a young lawyer and the wisdom he instilled, which guides me to this day.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 1018, a bill to designate the court of international trade building at 1 Federal Plaza in New York City as the ''James L. Watson United States Court of International Trade Building.'' The House passed legislation regarding this designation in the 107th Congress, unfortunately, the other body never acted. I am glad that the House is acting on this bill early in the session so that there will be ample opportunity for the other body to complete action on it during this Congress.

Judge Watson, a native New Yorker, was born in Harlem in 1922 and lived and worked his entire life in New York. During World War II, he served with the legendary Buffalo Soldiers Division in the 371st Infantry Regiment, 92nd Division in World War II. After being wounded during service in Italy, he was decorated with a Purple Heart, the Battle Star, the Combat Infantry Badge, and a U.S. Army Commendation.

After the war, Judge Watson graduated from New York University in 1947 and from Brooklyn Law School in 1951. He was elected to the New York State Senate in 1954. In 1962, President Kennedy selected him to accompany then Vice-President Johnson to the Jamaican Independence celebration. In 1963, he was appointed to the Civil Court of New York and hired our colleague CHARLIE RANGEL as one of his staff attorneys. Congressman RANGEL has said: ''Judge Watson was my friend and constituent for many years; he was the Judge for whom I clerked after completing law school; and the man who contributed with all of his heart to his family, his community and our Nation.''

President Johnson appointed Judge Watson in 1966 to what was then known as the United States Customs Court, now known as the United States Court of International Trade. During his years on the Court of International Trade, he worked to help modernize the Court and facilitated the introduction of computers into the courtroom. After 36 years on the bench, Judge Watson took senior status in 1991. He passed away at his home in Harlem in 2001.

Mr. Speaker, Judge Watson was the Nation's most senior ranking African-American Federal judge and enjoyed a national reputation for handing or fair and just sentences. He was a sought-after public speaker, who served on both the Board of Visitors of Fordham University and the board of the Harlem YMCA. Judge Watson's life serves as a model of diligence, hard work, and fairness. Many, many people, including colleagues, politicians, and other lawyers, sought the wise advice and sage counsel of Judge Watson.

I urge all Members to support H.R. 1081 and honor Judge Watson by naming the building in which he served with distinction for over three decades in his honor.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1018.

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. LATOURETTE. 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.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 166 and H.R. 1018.

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

There was no objection.

COMMEMORATING 20TH ANNIVERSARY OF ORPHAN DRUG ACT AND NATIONAL ORGANIZATION FOR RARE DISORDERS

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 147) commemorating the 20th Anniversary of the Orphan Drug Act and the National Organization for Rare Disorders, as amended.

The Clerk read as follows:

H. CON. RES. 147

Whereas Congress passed, and President Ronald Reagan signed into law on January 4, 1983, the Orphan Drug Act;

Whereas there are many diseases and conditions, such as Huntington's disease, myoclonus, ALS (Lou Gehrig's disease), Tourette syndrome, and muscular dystrophy, that affect such small numbers of individuals—populations under 200,000—residing in the United States that the diseases and conditions are considered rare;

Whereas there are 6,000 known rare diseases and conditions, affecting approximately 25,000,000 Americans;

Whereas these rare diseases and conditions are sometimes referred to as ''orphan'' diseases and conditions, and drugs (including biological products) to treat them are sometimes referred to as ''orphan drugs'';

Whereas, prior to 1983, because so few individuals were affected by any one orphan disease or condition, a pharmaceutical company that developed an orphan drug may have reasonably expected the drug to generate relatively small sales in comparison to the cost of developing the drug and, therefore, to incur a financial loss;

Whereas the object of the Orphan Drug Act was to stimulate the development of orphan drugs;

Whereas the Orphan Drug Act is one of the most successful Federal laws enacted in the last 20 years;

Whereas, prior to 1983, less than 40 therapies existed to treat orphan diseases and conditions as compared today to the more than 238 drugs, foods, and devices that now exist to treat an estimated 11,000,000 patients in the United States;

Whereas 85 percent of orphan drugs are being used to treat serious or life-threatening diseases, 31 percent treat rare forms of cancer, and approximately 50 percent are approved for pediatric uses;

Whereas the National Organization for Rare Disorders, established in 1983, is a federation of voluntary health organizations dedicated to helping people with orphan diseases and conditions and assisting the organizations that serve them; and

Whereas the National Organization for Rare Disorders is committed to the identification, treatment, and cure of orphan diseases and conditions through programs of education, advocacy, research, and service: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress celebrates the 20th anniversary of the Orphan Drug Act and the National Organization for Rare Disorders, and recognizes the great contributions the Orphan Drug Act has made to the rare disease community.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Maine (Mr. ALLEN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 147.

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

There was no objection.

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

Mr. Speaker, I rise in support of H. Con. Res. 147 which commemorates the 20th anniversary of the Orphan Drug Act and the National Organization for Rare Disorders. This legislation, introduced by the gentleman from Florida (Mr. FOLEY), was unanimously approved by the Committee on Energy and Commerce on April 30 of this year.

H. Con. Res. 147 recognizes the great contribution the Orphan Drug Act has made to the rare disease community. In the decade before the Orphan Drug Act was enacted, only 10 new treatments for orphan diseases were developed. In the 20 years since it was passed, more than 200 new drugs, foods and devices have been approved by the Food & Drug Administration, and an additional 900 are in various stages of development.

These treatments for rare disorders treat an estimated 11 million patients in the United States. Eighty-five percent of orphan drugs are being used to treat serious or life-threatening diseases, 31 percent treat rare forms of cancer, and approximately 50 percent are approved for pediatric uses.

Last year President Bush signed into law two important bills dealing with rare diseases. The Rare Diseases Act of 2002 established an Office of Rare Diseases at the National Institutes of Health, while the Rare Diseases Orphan Product Development Act of 2002 increased funding for the Food and Drug Administration's Orphan Product Research Grants Program. I am glad we are following the enactment of these important bills by recognizing both the original Orphan Drug Act and the National Organization for Rare Disorders, which has advocated tirelessly for the victims of rare diseases.

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

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

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

Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS) for his work on this bill. I am proud to support H. Con. Res. 147, legislation which commemorates the 20th anniversary of the Orphan Drug Act and the National Organization for Rare Disorders.

Approximately 25 million Americans suffer from more than 6,000 rare diseases. These diseases include Huntington's disease, Lou Gehrig's disease, cystic fibrosis, and Duchenne muscular dystrophy. Because of the relatively small patient populations associated with rare diseases, pharmaceutical firms are concerned about receiving an adequate return on their investment in developing medications to treat them.

In response to this problem, Congress passed the Orphan Drug Act on January 4, 1983, which allows for incentives, such as market exclusivity, for products developed for rare diseases. Additionally, the Food and Drug Administration has been able to support small clinical trials through Orphan Products Research Grants. The Orphan Drug Act has been effective, leading to the development of more than 183 drugs and four medical devices for rare diseases.

I also note that the gentleman from California (Mr. WAXMAN) was a key leader in the development of the Orphan Drug Act. The success and longevity of the Orphan Drug Act are a tribute to his skillful work on this legislation 2 decades ago.

We are also here today to recognize and commemorate the National Organization for Rare Disorders. NORD is a unique federation of voluntary health organizations dedicated to helping people with rare, also known as ''orphan'', diseases and assisting the organizations that serve them. NORD is committed to the identification, treatment and cure of rare disorders through programs of education, advocacy, research and service.

The purpose of this legislation is to recognize the contributions that the Orphan Drug Act has made to the rare disease community and to commemorate the 20th anniversary of both the Orphan Drug Act and the National Organization of Rare Disorders. I urge all of my colleagues to join me in support of H. Con. Res. 147.

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

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY), the writer of this resolution.

Mr. FOLEY. Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS), who is known as Mr. Health in Florida, for the gentleman's help on this important issue.

I rise today in support of H. Con. Res. 147, a bill recognizing the 20th anniversary of the enactment of the Orphan Drug Act and the creation of the National Organization for Rare Disorders.

For many years, 25 million plus Americans suffering from more than 6,000 rare diseases and disorders, including Huntington's disease, ALS, known as Lou Gehrig's disease, Tourettes syndrome and muscular dystrophy, were denied access to effective medicines because prescription drug manufacturers could rarely make a profit from marketing drugs for such small groups of patients.

A rare disease is a disease that affects a population of less than 200,000 people. Currently, one in nine Americans have a rare disease. Due to the low number of affected patients, the prescription drug industry did not adequately fund research into such treatments. Despite the urgent health need for these medicines, they became known as orphan drugs because no company would commercialize them.

On January 4, 1983, Congress passed and President Ronald Reagan signed into law the Orphan Drug Act. This legislation created financial incentives for research and production of such orphan drugs. In addition, a new Federal program at the National Institutes of Health and the Food and Drug Administration encouraged clinical research and commercial product development for products that target rare diseases.

As a result of this incredible law, which was produced in coordination with Congress, the White House and the pharmaceutical industry, over 238 drugs, biologics, foods and devices now exist, as compared to less than 40 therapies that existed before the law was enacted. Undoubtedly, this can easily be described as one of the most effective laws this Chamber has ever passed.

Mr. Speaker, I would like to recognize an organization which has been committed to bringing a voice to the most underserved medical population in the world, those suffering from rare diseases, the National Organization for Rare Diseases.

NORD, established soon after the signing of the Orphan Drug Act, is a federation of voluntary health organizations dedicated to helping people with orphan diseases and conditions and assisting the organizations that serve them.

NORD has been and will continue to be committed to the identification, treatment, and cure of orphan diseases and conditions through programs of education, advocacy, research and service.

Mr. Speaker, I would also like to take a moment to thank the gentleman from Louisiana (Chairman Tauzin), the gentleman from Florida (Mr. BILIRAKIS), the ranking member, the gentleman from California (Mr. WAXMAN), and, of course, the gentleman from Illinois (Mr. SHIMKUS) for their effective work and advocacy of this issue. I would also like to thank Bradley Schrieber, my legislation counsel, who joins me on the floor today, who first brought this legislation to my attention.

For me, it is a personal sense of pride, because it was the first bill that was a freestanding bill that I authored that was signed into law, and I have the momentous pen in my office. I can look back on my career in Congress and know that in some small way we played a critical role in helping those voices who may be in the minority but are suffering just as those who are suffering from better-known diseases, if you will. I am delighted to be part of this, and I am glad it was brought to the floor today, and I encourage all of my colleagues to join me in recognizing this very important year for the millions of men and women and children in this medical minority.

Mr. ALLEN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in voting for Hon. Con. Res. 147, commemorating the 20th anniversary of the Orphan Drug Act and the National Organization for Rare Diseases. As the principal author of the Orphan Drug Act, I am extremely proud of what has been achieved as a result of this landmark legislation.

Almost one in 10 of us is afflicted with what are called rare diseases, diseases that affect fewer than 200,000 people. And yet before 1983 if you were unlucky enough to suffer from such a disease, you had little or no hope that a treatment or cure would be developed. The market for a drug for an individual with a rare disease simply was not large enough for the pharmaceutical companies to justify the high cost of developing a potential treatment.

The Orphan Drug Act was the first in a line of important laws that utilized creative new market incentives to encourage pharmaceutical innovation. No one was more important in the fight to pass orphan drug legislation than Abbey Meyers and the group she founded, the National Organization for Rare Disorders, or NORD. For the last 20 years, NORD has fought tirelessly for people with rare diseases, supported research, pushed for Federal funding and spread information about rare diseases. NORD's work, and the strides we have made against rare diseases thanks to the Orphan Drug Act, justly deserve to be honored in this resolution. I want to join my colleagues in urging that this matter be passed by the House.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 147, 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. BILIRAKIS. 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.

□ 1432

RECESS

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 32 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MILLER of Florida) at 6 o'clock and 30 minutes p.m.

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. Con. Res. 166, by the yeas and nays;

H.R. 1018, by the yeas and nays;

H. Con. Res. 147, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

EXPRESSING THE SENSE OF CONGRESS IN SUPPORT OF BUCKLE UP AMERICA WEEK

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 166.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 166, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 377, nays 2, not voting 55, as follows:

[Roll No. 192]

YEAS—377

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
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
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
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
DeFazio
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
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
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
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, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
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 (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
Shaw
Shays
Sherman
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—2

Paul
Smith (MI)

NOT VOTING—55

Baker
Boswell
Burns
Burr
Case
Conyers
Deal (GA)
Delahunt
DeLay
Dicks
Dingell
Doyle
Ehlers
English
Everett
Fattah
Feeney
Fletcher
Gallegly
Gephardt
Graves
Gutierrez
Holden
Hyde
Jefferson
Jenkins
Kanjorski
Lipinski
Lynch
McCarthy (NY)
Miller (NC)
Miller, Gary
Mollohan
Nadler
Neal (MA)
Owens
Pelosi
Peterson (PA)
Rogers (KY)
Sessions
Shadegg
Sherwood
Shuster
Souder
Stark
Stupak
Tauzin
Taylor (NC)
Tiahrt
Toomey
Udall (CO)
Velazquez
Walsh
Waters
Young (FL)

□ 1850

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to clause 8 of rule XX, the next vote in this series will be conducted as a 5-minute vote.

JAMES L. WATSON UNITED STATES COURT OF INTERNATIONAL TRADE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1018.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1018, 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 380, nays 0, not voting 54, as follows:

[Roll No. 193]

YEAS—380

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
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
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
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
DeFazio
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
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
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
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, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
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 (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
Shaw
Shays
Sherman
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—54

Baker
Boswell
Burns
Burr
Case
Conyers
Deal (GA)
Delahunt
DeLay
Dicks
Dingell
Doyle
Ehlers
English
Everett
Fattah
Feeney
Fletcher
Gallegly
Gephardt
Graves
Gutierrez
Holden
Honda
Hyde
Jefferson
Jenkins
Kanjorski
Lipinski
Lynch
McCarthy (NY)
Miller (NC)
Miller, Gary
Mollohan
Nadler
Neal (MA)
Peterson (PA)
Rogers (KY)
Sessions
Shadegg
Sherwood
Shuster
Souder
Stark
Stupak
Tauzin
Taylor (NC)
Tiahrt
Toomey
Udall (CO)
Velazquez
Walsh
Waters
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1856

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.

PERSONAL EXPLANATION

Mr. BURNS. Mr. Speaker, on rollcall Nos. 192 and 193, I was not recorded due to travel delays because of attending a memorial service. If recorded, I would have voted ''yea'' on 192 and ''yea'' on 193.

PERSONAL EXPLANATION

Mr. EHLERS. Mr. Speaker, on rollcall Nos. 192 and 193, I missed these votes because my airplane flight was delayed. Had I been present, I would have voted ''yea'' on both.

COMMEMORATING 20TH ANNIVERSARY OF ORPHAN DRUG ACT AND NATIONAL ORGANIZATION FOR RARE DISORDERS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the

concurrent resolution, H. Con. Res. 147, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 147, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 386, nays 0, not voting 48, as follows:

[Roll No. 194]

YEAS—386

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
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
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
DeFazio
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
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
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
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, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
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
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—48

Boswell
Burr
Case
Conyers
Deal (GA)
Delahunt
DeLay
Dicks
Dingell
Doyle
English
Everett
Fattah
Feeney
Fletcher
Gallegly
Gephardt
Graves
Gutierrez
Holden
Hyde
Jefferson
Jenkins
Kanjorski
Lipinski
Lynch
McCarthy (NY)
Miller (NC)
Miller, Gary
Mollohan
Nadler
Neal (MA)
Peterson (PA)
Sessions
Shadegg
Shuster
Souder
Stark
Stupak
Tauzin
Taylor (NC)
Tiahrt
Toomey
Udall (CO)
Velazquez
Walsh
Waters
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida) (during the vote). Members are advised there are less than 2 minutes remaining in this vote.

□ 1913

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: ''Commemorating the 20th anniversary of the Orphan Drug Act and the National Organization for Rare Disorders.''.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following titles:

H.R. 1298. An act to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

REAPPOINTMENT AS MEMBER TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. Pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 USC 6431 NOTE), amended by section 681(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 USC 2651 NOTE), the order of the House of January 8, 2003, and upon the recommendation of the minority leader, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Commission on International Religious Freedom for a two-year term ending May 14, 2005:

Ms. Felice Gaer of Paramus, New Jersey, to succeed herself.

□ 1915

TEXAS LEGISLATORS

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, last week was a week. Fifty-five Texans decided that it was their job to represent their constituents, that the process of government in Austin was there to undermine the representation of their constituents.

I want to again applaud the 55 who had the courage to realize that the cutting of children's health care and Medicaid was not the kind of legislative process they wanted to engage in and to stand up against an intercession, intermediary redistricting so that the people of Texas could be represented.

Mr. Speaker, I think it is important now that we look back, that we make sure that the Federal resources did not inappropriately interfere with the constitutional privilege of elected State legislators in Texas. I believe it was imperative that my colleagues sent a letter to Secretary Ridge to get all of the documentation, including the tapes, that will show us whether or not the Homeland Security Department was utilized against these brave souls. It is important for the government to raise the shades and light the sunshine to tell the truth on what happened last week.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MILLER of Florida). 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.

AUTISM

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, for some time now I have been coming to the floor on a regular basis talking about children who are autistic. A few short years ago, one in 10,000 children in this country was autistic. Now it is more like one in 200. This is a 50-fold increase. We have an absolute epidemic.

The major culprit in most people's minds is the mercury, mercury that has been in vaccines as a preservative. Since the 1930s and 1940s, they have been putting mercury in vaccines as part of a preservative called thimerosal. As children started getting more and more vaccinations, the amount of mercury in their systems grew and grew and grew. And now children get between 25 and 30 shots before they go to kindergarten. The cumulative effect of all that mercury in their brains is causing severe neurological problems for these children, their families, and the entire country.

We did a report, a report that took 4 years in studying the problems with these vaccinations, and most people in the country are not even aware of the problem. A lot of people do not even know what autism is. But the fact of the matter is an awfully large number of these children who have been damaged and who are autistic, we believe and our report believes and shows, that they were damaged by the mercury that was injected into their bodies along with the vaccinations they were getting.

Mr. Speaker, I have been coming to the floor for some time, and every time I come to the floor I talk about letters I have been receiving from families of children and pictures of children who are autistic and their stories about how their child became autistic. We have found from all these letters that the children get their vaccinations, four, five, six, and seven shots in 1 day, in many cases; and within a very short time after that these children who are normal, who make eye-to-eye contact, who laugh and walk and do all the things that normal children do, they change. They no longer communicate, they no longer look you in the eye, they bang their heads against the wall, they have chronic diarrhea and constipation alternatively. And the problems go on and on.

I have a letter here from a fellow who says it has cost him his house. He had to sell his house, $45,000. He had to borrow money. He is in debt up to here, and he has nowhere to turn. The Vaccine Injury Compensation Fund, which was supposed to help these people, it was created to help these people whose children were damaged by vaccines, shows no hope.

Many of these people did not get in within the 3-year time limit because they did not know what caused their child to be autistic. They did not even know their child was autistic because the doctors misdiagnosed them. So they missed the 3-year statute of limitations, and they have nowhere to go.

So we are trying to get the Senate and the House together to work out a program where children can get into the program, can have their case reviewed. And if it is proven that they were damaged by the mercury in the vaccines, or the MMR vaccine, then they can get restitution from this fund. But we are having a terrible time because the pharmaceutical companies are fighting us because they are afraid of the liability they might incur.

So we come down here every day, and we beat on this issue and beat on this issue and will continue to do that until we get some positive results, because these parents, and we have thousands of these letters, thousands, and it is growing every day, these parents have no place to turn. These children are going to grow up living to be 65, 70 years old and the taxpayers of this country are going to be taking care of them. That is the only place they can turn because the Vaccine Injury Compensation Fund is not doing what it is supposed to do to help these children.

I wish everyone would look at these pictures, my colleagues back in their offices and those on the floor. These are normal children who were damaged by vaccines. Their parents have no place to turn, and the pharmaceutical companies have turned their backs on them. That is criminal and something has to be changed.

HONORING HAITIAN-AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MEEK) is recognized for 5 minutes.

Mr. MEEK of Florida. Mr. Speaker, I rise today to honor Haitian-Americans. Yesterday, May 18, marked the 200th year of Haitian history, that country's Flag Day celebration. They celebrated in Haiti, and not only in Haiti but also in Miami, Florida, in the place we know as Little Haiti.

This was a celebration of a very proud people, a people that have invested so much into our democracy that we have here in the United States, and not only now but in the beginning. America was founded on the basic democratic beliefs of cultures and values, of people from every country in the world.

There are over 1.2 million Haitians living in the United States today, with 700,000 of them in Florida. I honor those Americans, those Haitian-Americans who continue to believe in the guiding principles of their country. Flag Day represents unity and strength. That unity has been seen throughout American history since the 1700s during the American Revolution at Savannah. Haitian-Americans fought side by side, prevailing against Britain and creating an independence of 13 colonies. Haitian-Americans are woven within the very history and fabric of this country.

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

Mr. MEEK of Florida. Mr. Speaker, I am not alone on this floor this evening in introducing this Sense of Congress to establish a Haitian-American Heritage Month; and so I yield to my colleague, the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I too join with my colleague in supporting this resolution, but also speaking out really to help educate our colleagues in the country about the 200th adversary of Haitian Flag Day. It is a significant event, the bicentennial of the second oldest republic in the Western Hemisphere, Haiti, that joined the United States in seeking its freedom from European colonialists in the early 1800s.

The Haitian people have fought for 200 years, have been part of a movement towards democracy not just fighting side by side with Americans but side by side with other Western Hemisphere countries in seeking their own democracy. We have had a community also in south Florida as well as throughout the country that has grown and prospered and, in fact, many of their friends and relatives today still seek that opportunity that all of us have sought in the United States of America.

Today, we have Haitian-Americans that are detained in Krome, in prison really, in the United States, in Miami-Dade County, some of whom, by court order, have been ordered to be released, and yet Attorney General Ashcroft has prevented their release by categorizing Haiti as a terrorist State at this point in time.

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

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, I would now yield to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I commend the gentleman for bringing this very important issue to the floor. I too would like to add my support.

Haitian-Americans, Haiti in particular, had a great deal to do with the development of this country during our fight for independence in the Revolutionary War. There was a battalion in the Savannah battles where Haiti sent troops to fight alongside the colonies against the British.

Also, I think that because of Haiti's battle against Napoleon, one of the first countries to defeat the Napoleon Army, France was very strapped for cash, and it therefore had to sell the Louisiana Territory to the United States for a very, very low sum of money because they needed money

after their wars. That opened up the great West. If it had not been for the Haitian country depleting funds from the French Government, the progress of moving west would not have happened so soon. So we are tied together.

As a matter of fact, Simon Bolivar lived in Haiti; and he went to liberate South America. So Haiti has had a tremendous importance in the growth and development of not only this country but the entire Western Hemisphere, and I appreciate the gentleman yielding to me.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time once again, I want to thank both the gentleman from New Jersey (Mr. PAYNE) and my colleague, the gentleman from Florida (Mr. DEUTSCH), for joining in; and we would ask other Members to join us in this resolution.

Yesterday, May 18, marking the 200th year of Haitian history, Haitian Americans and the country of Haiti celebrated their Flag Day. They celebrated in the country of Haiti with great fanfare on the grounds of the Haiti's capitol. In the United States Haitian Americans celebrated Flag Day with cultural events, including ceremonies, concerts, and prayer vigils. Haitian Americans in my district celebrated countywide and particularly in an area that is fondly known as ''Little Haiti'' to commemorate their Flag Day.

America is founded on basic democratic beliefs and cultural values of people from every country in this world. There are over 1.2 million Haitians living in the United States today, with over 700,000 in Florida. I honor Haitian Americans for continuing to believe in the guiding phrase that is included below the country arms in Haiti's flag, ''In Union There Is Strength.''

That unity has been seen throughout American History since the 1700s. During the American Revolution at Savannah, Haitians and Americans fought side by side prevailing against Britain and creating the independence of the 13 colonies.

Haitians Americans are woven into the fabric of American culture, economy, and politics. They are owners of newspapers, and radio stations, and have television programming and varied commercial businesses nationwide.

In the month of May, in addition to Flag Day, Haitian Americans also celebrate Labor Day on May 1 and Haiti's Mother's Day is the last Sunday in May.

It is my request that my colleagues offer their support for the legislation I introduce today expressing the sense of this body that there should be established a ''Haitian-American Heritage Month.'' I deem it only befitting that the month of May be designated as an official month of ceremonies and celebrations, as it holds such historical significance to Haitian Americans in our great Nation.

TRIBUTE TO JOHN WEAVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY of Minnesota. Mr. Speaker, I come to the floor today to speak in honor of a great Minnesotan, a man I am honored to call friend, John Weaver. John is a lifetime resident of Anoka, Minnesota, the Halloween Capital of the World; and a city I am honored to represent.

John has had an extraordinary life over the last 75 years, and the way he has lived that life is truly an example to others. Graduating as the valedictorian of Anoka High School in 1946, he then attended the University of Minnesota, where he pursued a degree in civil engineering. While in college, John still managed to serve his country admirably aboard the USS *Iowa* and the USS *Boxer* in the Pacific Ocean while in the Navy Reserve Officer Training Corps.

After graduating and building a thriving business, he never lost sight of what was truly important.

□ 1930

His highest priority was and remains his family, his wife Jill and their three children, Jeff, Sara and Martha. Even with his commitment, or frankly because of his commitment to his family, he was drawn to service in the community.

Starting with his service on the Anoka-Hennepin school board in 1971, he made it clear that he wanted to give something back to the community, and the people he served recognized this, returning him to the school board for two additional terms before they made it clear that they wanted him to use his abilities to help all Minnesotans. As a reward for his tireless dedication to improving the community, John's peers elected him to the Minnesota House of Representatives in 1978. He distinguished himself by his service there.

Even after John left the State Capitol, he did not leave public service. Serving on the Anoka City Council beginning in 1983 and right up to the present day, John's energy has been put to good use for the community and the State of Minnesota. Despite his lengthy record of service and achievements in elected office, John has always looked for more opportunities for involvement. He was appointed and reappointed to the Mississippi River Coordination Commission by President George Herbert Walker Bush and President Clinton. He also served on the Minnesota Metropolitan Council of Transportation Board and was involved in countless community activities, including helping with the Anoka County History Museum. His service has had an impact on the lives of people across the States and the country.

But I think his greatest impact is not just on what he has done for us today but the impact he will have in the future. He has been very involved with the Boy Scouts of America since he himself achieved Eagle rank more than half a century ago. His years of involvement with the Scouts, the number of young men that he has helped to guide their lives to good character and good citizenship are countless.

Mr. Speaker, Minnesota is called The Star of the North. With people like John Weaver, that star burns brightly.

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

Mr. KENNEDY of Minnesota. I yield to the gentleman from Minnesota.

Mr. KLINE. Mr. Speaker, I would like to echo the praise of the gentleman from Minnesota (Mr. KENNEDY) for a great Minnesotan, a great American, and a man I am proud to call a friend. John Weaver is an exemplary citizen both of his community and of his Nation.

As a father of three, grandfather of six and loving husband, his dedication to his family is evident. But despite his family-first philosophy, he has continued to find time to serve his community. That makes his involvement all the more meaningful. A life-long resident of Anoka, John Weaver has served the Anoka City Council since 1983. In a true demonstration of what it means to serve, John Weaver saw a need and met it head on.

When asked why he decided to run, Weaver said, ''Anoka is potentially at a crossroads. We have some interesting challenges, not the least of which is the financial picture.''

Standing up for his community, John has fought tirelessly to ensure his small town is not overlooked by the State of Minnesota. John Weaver believes that it is important that the people of Anoka see a return on their taxes in the form of outstanding government services. He has gone far beyond advocating this message, personally setting an example to other community leaders.

He has a long resume of public service that the gentleman from Minnesota (Mr. KENNEDY) has already enumerated. Let me say his dedication to his community is clear, and it is an honor to recognize this fellow Minnesotan and a great American.

ORDER OF BUSINESS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to be heard out of order for 5 minutes.

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

There was no objection.

TEXAS DEMOCRATS TAKE A STAND

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Mrs. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I stand here to praise the actions last week of 50-plus Texas House Democrats, including the representatives from my county, Representative Roberto Alonzo, Yvonne Davis, Terri Hodge, Jesse Jones, Steve Wollens, and from the adjoining county of Tarrant, Lon Burnan, and my classmates of the class of 1972, Senfronia Thompson and Pete Laney.

While I have not named the other courageous Democrats, I thank them all for their commitment to justice and integrity. No game playing, no playing both sides, the Texans took a stand. They stood against an unnecessary and unprecedented procedure which was an insult to Texas voters. They stood against the destruction of our current process which protects the voting rights of Texas citizens, and they stood against a special interest legislative agenda which placed politics before issues that are critical to Texas families such as school finance and the State budget and insurance crisis.

As I reflect upon the actions of the Texas House Democrats, I am disturbed by the reaction of their Republican counterparts in securing involvement in the Department of Homeland Security and its resources in this political matter.

The mission of the Department of Homeland Security is to prevent terrorist attacks within the United States, reduce America's vulnerability to terrorism, and minimize the damage and recover from attacks that do occur.

Further, the Department's mandate is to mobilize and focus the resources of the Federal Government to accomplish this mission. For 2003, the Homeland Security budget is $33.5 billion and the administration's fiscal year 2004 request is $36.2 billion at a 7.4 percent increase.

The budgetary line items for the agency include improving information analyses and infrastructure protection, preparing for and responding to national emergencies, securing the Nation's borders and transportation systems, improving immigration services, and advancing science and technology. There is no budgetary line item slated for tracking down State legislators who are not terrorists and not a threat to homeland security.

Consequently, the Texas Republicans and this administration must answer the following question: Were the citizens of this Nation served well in the use of resources by the Department of Homeland Security in a Texas political matter? I submit that the answer is no.

Again, I salute the Texas House Democrats for their courageous and principled action and urge the administration to guarantee that the Department of Homeland Security follows its mandate: namely, securing our homeland from terrorism, not State legislators.

PAYING TRIBUTE TO CHARLES TANGORA AND JACK KELLEY

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, last week my district lost two beloved members of our community so, with sadness, I pay them posthumous tribute today.

Local attorney, civic activist, and despite the fact I was the worst law clerk he ever hired, my friend, Charles ''Chuck'' Tangora will truly be mourned and missed. While practicing law in Livonia for over 35 years, he raised a fine family and still found time to help improve the quality of life in our community, including being instrumental in ensuring the city of Livonia elected its first female City Council President, a quiet, mild-mannered schoolteacher named Georgia Joan McCotter.

Of course, Chuck's natural leadership abilities were recognized by all involved. He was the president of the Italian American Club, past president of Livonia Rotary and of the American Diabetes Association. And, most importantly, he was known as the one person who could always bring opposing sides to a consensus in the community's best interests. Most recently, Chuck was instrumental in raising the sizable reward which helped police solve the Marco Pesce family murder case.

And for all his benevolent works, Chuck, true to his fine, kind character never asked for anything in return but the smiles of those whose lives he touched. And once the immediate pain of his passing wanes in the winds of wistful recollection, as he, himself, would earnestly wish, there will again be smiles upon the faces of all who remember his life's legacy.

Mr. Speaker, the second pillar of our community to fall was the Honorable Jack Kelley, who gave 19 years of distinguished public service to the city he loved as a member of the Detroit City Council. If one word were used to sum up the man, no, it would not be one of the colorful words he often used, it would be the word ''honest.'' And if two words were used, they would be ''brutally honest.''

It was his innate, intense honesty which led him to be a fast friend and fair foe, a colorful Celt who understood the brevity and the levity of our frail, flawed existence and felt compelled to help his fellow human beings in the short, sweet time God allowed.

And he did. After graduating from St. Francis DeSales High School, he joined the Navy and served his country for 30 months in the Pacific arena during World War II. Upon his return home, he commenced a career of public service by being appointed deputy director of the Building and Safety Engineering Department by then-Mayor Cavanagh, a post he held for 30 years. Then he was elected to his council seat in 1974, and even now his legacy continues as his son, Kevin, the Redford Township supervisor, followed in his Democratic footsteps and continued the father's noble tradition of public service.

Yes, a staunch Democrat, proud union man, and devout Irish Catholic, Jack Kelley's greatness was, to me, best expressed by another staunch Democrat, proud union member, devout Irish Catholic, and boyhood friend of Jack Kelley's, my late father who said, ''Jack Kelley was the only person I ever voted for who tried to break my nose. He is good people.'' Truly, we will never see the likes of Jack Kelley again, and truly we are all the lesser for his loss.

DEFENSE AUTHORIZATION BILL SERIOUSLY FLAWED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, the House is about to consider the defense authorization bill that, sadly, is seriously flawed. It would exempt not only the military but all Federal agencies from certain aspects of the Endangered Species Act and the Marine Mammal Protection Act.

Instead of addressing real threats to readiness, the administration and Congress is taking on an easier target, the dolphins. Using defense as cover, the Republicans propose to make changes to environmental laws in ways which have nothing to do with defense readiness, suggesting that was not their goal in the first place.

The bill would take out one of the key provisions of the ESA by requiring that only critical habitat that is deemed necessary shall be designated. Without a definition of necessary, this invites abuse and applies to all Federal lands, not just the Department of Defense.

The bill also includes the Department of Defense proposal eliminating critical habitat designation altogether on lands owned or controlled by the military.

The bill contains a rider to exempt the Department of Defense at Fort Huachuca in Arizona from any responsibility for off-base groundwater pumping that threatens the existence of the San Pedro River. This rider was not requested by the Department of Defense, nor does it address military training or preparedness, and it has created a firestorm in the State of Arizona.

The authorization bill weakens the Marine Mammal Protection Act, weakening the current definition of harassment of marine mammals. It applies to all ocean users, not just the Department of Defense.

Finally, it allows the Department to exempt itself from the Marine Mammal Protection Act for anything necessary for national defense. It excludes any meaningful involvement of the wildlife agencies, the States, Congress and the public in review of these exemptions.

Our military activities are the largest source of pollution in the country. We are the wealthiest and most powerful and most polluting country in the world. We ought to be able to figure out how to better address this problem without compromising the environmental survival of what we are fighting to protect. Given the right direction and adequate resources, our military can achieve tremendous results.

The exemptions we are debating this week are wrong on so many different levels.

First of all, the legislation is unnecessary. There is already a waiver provision in place in the law for years. There has never been a case where for military necessity a waiver has not been granted. Never, not one. Not one example has been produced before the committees that are examining this.

Additionally, it misses the real threat to military readiness, what is termed encroachment. This is the same sprawl and unplanned growth that threatens our farms and forestlands, pollutes our air and water, and congests our roadways, and this is a real threat to our ability to train and maintain the world's mightiest fighting force.

Across the country, from Ft. Stewart, Georgia, to Nellis Air Force Base in Nevada, development is threatening the armed forces' ability to fly planes, maneuver and conduct other readiness activities. This has led the State of California to pass their Senate bill 1468 which recognizes the long-term operations of military installations must involve a partnership between the State, local agencies and the Federal Government.

□ 1945

It provides the military, environmental organizations and local planning agencies the tools to work together to fight common enemies of military readiness like suburban sprawl. But this proposal is completely absent from the legislation coming before us.

The defense authorization bill is also wrong on a very fundamental level. It is missing an opportunity to use the Department of Defense to set the highest standards. Again, given adequate resources and the right orders, our Department of Defense can achieve any mission. We are missing that opportunity.

Finally, Mr. Speaker, there is a fundamental arrogance and hypocrisy that somehow the Federal Government's rules and regulations are necessary to protect the environment. We will impose them on small business or local government but not on us ourselves. It is the wrong signal and the wrong direction to protect endangered species and the health of our planet.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1904, HEALTHY FORESTS RESTORATION ACT OF 2003

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–109) on the resolution (H. Res. 239) providing for consideration of the bill (H.R. 1904) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO HONORABLE LARRY COMBEST ON HIS RETIREMENT FROM CONGRESS

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I rise to congratulate Chairman LARRY COMBEST on a long and successful congressional career. I was privileged to serve on the Committee on Agriculture under LARRY. We were certainly at opposite ends of the spectrum. My first 2 years on the committee were LARRY'S last 2. I was without status. He was the chairman. Regardless of seniority, each person had access to LARRY and his staff on an equal basis. I have always felt that the true measure of a person's character was how he treated those who could do nothing for him. In that respect, I thought that LARRY was really exemplary and I really appreciated the way I was received.

The most significant accomplishment of the Committee on Agriculture the last 2 years was reauthorization of the farm bill. This was a very exhaustive process. It went on over 2 years, involving roughly 50 hearings, 25 of those in various parts of the country and 25 here in Washington. Input was received from such diverse groups as the Farm Bureau, Farmers Union, corn and soybean, rice and cotton, fruits and vegetables, Ducks Unlimited, Nature Conservancy and the Sierra Club. Everybody had a chance.

What the chairman did was ask each group to write the farm bill as they saw it needing to be written and also to score it, to come up with what it was going to cost; and so this was kind of a unique approach because I think everybody that tried began to realize how complex this was.

Again, he took input from every group. The bill was written in full committee, which I appreciated. Everybody had a chance to speak their piece. It was truly bipartisan. We hear the term bipartisan around here all the time, but this was a case where I can really, honestly say that I do not believe either side was given any advantage and that each side felt they had equal ownership, and as a result the farm bill was passed almost unanimously out of the Committee on Agriculture.

LARRY was under a great deal of pressure to delay the writing of the farm bill until 2003. Yet he realized that agriculture was in trouble, that we were surviving each year on roughly a 7, $7.5 billion emergency payment and this simply could not go on, so he pressed forward and got the bill done in 2002 in the face of a fair amount of criticism. I thought that he showed great tenacity in doing so, and I really appreciated his efforts.

I visited South America with LARRY and other members of the Committee on Agriculture a little bit more than a year ago, and I can recall one meeting in Brazil with their agriculture leadership in which they were very critical of U.S. farm policy. They thought they were poised to take over the soybean market of the world, and I remember LARRY'S response. He said, ''My responsibility is to protect the interests of American farmers and ranchers.'' That is what he did. Our farmers and ranchers really comprise only 1 percent roughly of our population. At one time they were a very significant part of our population. Now they are about 1 percent, and so they certainly need advocates. I really appreciate the fact that Chairman COMBEST truly did all that he could to represent a very important and often unappreciated part of our Nation.

I would like to thank the chairman for his contribution and for his career here and for the way that he worked with other people to bring agriculture to the forefront during the farm bill.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TEXAS REDISTRICTING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS. Mr. Speaker, before I discuss some comments I would like to make about the courageous acts of 51 Texas legislators last week, I want to join my Republican colleagues in thanking Congressman LARRY COMBEST for so many years of dedicated public service to the State of Texas and to our country.

Those of us who believe that one of the strengths of our country comes from the values of rural America, one of the strengths of our economy comes from the productivity of our family farmers and ranchers, all of us who believe those things owe a debt of gratitude, an everlasting debt of gratitude to LARRY COMBEST for his bipartisan and strong leadership in our country not only as chairman of the Committee on Agriculture but as chairman of the very important Permanent Select Committee on Intelligence through which he served our Nation's security in so many important ways.

Mr. Speaker, I do want to talk about the actions of last week where we had

51 Texas legislators who fought to stop U.S. House Majority Leader TOM DELAY from forcing a divisive, partisan and unnecessary congressional redistricting plan through the Texas House of Representatives. Their act of courage was heralded by editorial boards throughout our State of Texas. I salute legislators like Jim Dunnam and John Mabry from my hometown of Waco, Texas.

Without their actions on Monday morning of last week, the Texas House would have passed a plan that would have split my 100-year-old historic rural central Texas district into four different congressional districts stretching from Fort Worth to the suburbs of Houston to San Antonio, literally covering hundreds and hundreds of miles without a single bit of input from one mayor or city council member in our district, one school board member, because that plan was only put together on Mother's Day afternoon last Sunday with the intention of passing it through the Texas House starting at 10 a.m. the next day, on Monday morning. That was wrong for that plan to have been pushed and right for Texas legislators to stand up not for themselves, not for me, but for the right of central Texas citizens in my district and Texans, Republicans and Democrats alike throughout our State, to have a voice in shaping their congressional districts and the future of their communities.

While the Texas legislators are back in Austin working on State priority issues, there are some questions that will not go away and some questions to which the American people deserve an answer.

Outrageously, the U.S. Department of Homeland Security, the new agency with the responsibility to protect American families from terrorists here and abroad, that agency used Federal antiterrorism resources and personnel to track down Texas Representative Pete Laney of Hale Center, Texas, as he flew his private airplane from his hometown to Ardmore, Oklahoma. To borrow a phrase from former Senator Lloyd Bentsen, ''I know Pete Laney, Pete Laney is a friend of mine, and I can assure you Pete Laney is no terrorist.'' Quite to the contrary, he is the former Speaker of the Texas House, a respected leader in our legislature, respected by members of both sides of the aisle. In fact, Pete Laney was the one individual that President George Bush who then as Governor Bush asked Mr. Laney to introduce for the first time to the public President-elect Bush in his first speech to the Nation and the world once he found out he would be President.

I have some questions for the Department of Homeland Security:

One, and most importantly, why will you not release the tapes of the conversation between the Texas Department of Public Safety and the U.S. homeland security agency, the very conversation that led to the possibly unlawful and certainly unethical use of Federal resources, antiterrorism resources to track down the law-abiding citizen Pete Laney?

Secondly, do you have something to hide? Why is our U.S. homeland security agency afraid to let the American people and the press know what was in that conversation?

Thirdly, does the public not deserve to hear the conversation that led to what does appear to be a gross abuse of Federal resources?

Fourthly, to the homeland security agency, our U.S. agency again trying to defend us against terrorism, if the tape exonerates you and your actions, what are you afraid of? Why are you not willing to release that tape now, not weeks, not months from now, not years from now? Why are you afraid to release that tape now to Members of Congress and to the public?

Fifth, did Majority Leader TOM DELAY or House Speaker Tom Craddick or any one of their staffs or someone speaking in their behalf ask the Texas Department of Public Safety to make this request to the U.S. Department of Homeland Security?

We will not know the answer to those questions until the tape of our U.S. homeland security agency is made available to the public.

Mr. Speaker, this is no longer just a Texas issue. It is an issue for all Americans who care about defending our families and our neighborhoods and our communities from terrorists. How horrible it is that during the very week that al Qaeda was preparing the final efforts apparently to attack Morocco and American citizens in Saudi Arabia our homeland security agency was tracking down former State Speaker of the House and present State representative Pete Laney in Hale Center, Texas, a community of just over 2,000 people, not known as a hotbed of Islamic fundamentalism or radicalism in little old west Texas.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CULBERSON) is recognized for 5 minutes.

(Mr. CULBERSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

TEXAS REDISTRICTING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. SANDLIN) is recognized for 5 minutes.

Mr. SANDLIN. Mr. Speaker, there is disturbing news coming out of Washington, D.C., and Austin, Texas, today that should be of great and grave concern to all Americans. Because, Mr. Speaker, the Department of Homeland Security, a U.S. government agency, has basically now had to admit that it used a homeland security plane and government resources for political purposes and now they are covering it up. As most of the country now knows, Texas Democrats in the State House recently absented themselves from the floor to break a quorum, a legitimate parliamentary maneuver. This angered the Republican powers that be in Washington, D.C. A homeland security plane was dispatched to try to follow and harass Pete Laney, the former Democratic Speaker of the Texas House, and other members. Upon being caught and not before, the Department of Homeland Security said that they actually were under the impression that the plane was lost or crashed.

Mr. Speaker, that is just not credible. That is just not so. Period.

Now it has been learned that a tape and a transcript of the contact between Homeland Security and law enforcement has been discovered. And what has been the response of homeland security? They refused to turn over the tape. They refused to turn over the transcript.

Mr. Speaker, I have two questions. What did they know and when did they know it? The U.S. Congress calls upon Homeland Security to release the tapes, stop the cover-up, and do it now. Otherwise, they need to get a dictionary and they need to look up the word ''subpoena.'' Otherwise, they need to get the statutes and look up in the statutes the term ''freedom of information.''

The use of the Federal Government for political purposes should frighten all Americans. The Fort Worth Star-Telegram said this Sunday, ''To meet the threat of global terrorism, the United States is assembling enormous Federal resources focusing on activities in American cities, neighborhoods and countrysides that could endanger those citizens. If we are to have this security apparatus, it must be contained to its designated purposes. There must be every safeguard so that it does not cross the thin line between protecting innocent citizens and spying on their private lives. That these security resources were used no matter in what minor way in a Texas political dispute should be alarming to us all.''

And, Mr. Speaker, alarmingly there is more. Not only has the Federal Government been spying on citizens for private purposes and then covering it up but also the authority of the state has been used to intimidate and terrorize the families of Texas legislators.

□ 2000

Here are some examples: Representative Craig Eiland, his wife recently had premature twins, the twins in the neonatal unit of the hospital. Investigators were sent to the neonatal unit to

investigate and question nurses, sent to his wife's home to terrorize her.

Representative Chuck Hopson, his wife left Austin to drive 4 miles to Jacksonville. The law enforcement officer got on her bumper and went with her the entire way.

Police entered the home of Joe Pickett, a State representative. His 17-year-old daughter was there alone, and as he explained it, ''They scared the holy hell out of her.''

Patrick Rose had his car searched after it had been placed on the TV and everybody in the whole country knew that the Texas legislators were in Oklahoma. A senior staff member, Representative Naishtat, was told it was a felony to withhold information about his whereabouts, a total lie.

In the Corpus Christi newspaper it said this: ''The wife of State Representative Jaime Capelo, Democrat, Corpus Christi, looked out her kitchen window Tuesday and noticed a blue four-door vehicle driving past. The driver looked at her home as he passed. The vehicle pulled up next to a white Chevy. 'I asked him why he was watching my house.' The man identified himself as a State trooper and told her that officials in Austin had called his office and told the troopers to follow her.''

These abuses and others prompted State Representative Jim Dunnam from Waco to send a letter to Speaker Craddick and say in part: ''P.S. as you know, we are at the Holiday Inn in Ardmore, Oklahoma. Please stop having our loved ones followed and staked out by law enforcement.'' Mr. Speaker, surely, surely Mr. Craddick's family raised him better than that.

Mr. Speaker, using the power and authority of the Federal Government to trample the U.S. Constitution and the freedoms we hold dear is outrageous. Covering it up makes it worse. Coordinating with State enforcement to terrorize innocent families is not only illegal; it is inexcusable. It is time for the Federal Government to come clean and come clean now. Release the tapes, release the transcripts, stop the cover-up. The Constitution is superior to the arrogance of power. Thanks to my State reps, Barry Telford, Mark Homer, Chuck Hopson, they know that. They have learned that lesson. I wish the Republican power brokers in Washington, D.C. do the same thing.

SMALL BUSINESS HEALTH FAIRNESS ACT

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, last September the U.S. Census Bureau released figures that showed that the number of Americans who do not have health insurance has increased to more than 41 million Americans. Of those, 60 percent are employed by small businesses. We know that a great number of these small business owners do want to offer their employees health insurance coverage; but with health insurance costs rising 14.7 percent just in 2002 alone, they are struggling to meet this cost.

House Resolution 660, the Small Business Health Fairness Act, opens the door for small business owners, providing the chance to give their employees high-quality health insurance at an affordable price by allowing associations to form large regional or national groups that can purchase fully insured health insurance which would put growing businesses on a level playing field for larger corporations.

Those opposed to AHPs, as they are called, claim that they will allow ''cherry picking'' or selecting only employees that are young and/or healthy for coverage. In reality, this legislation prohibits an AHP from denying health insurance on the basis of health status. They must follow the same rules on portability, preexisting conditions, and nondiscrimination that large employers must follow.

This legislation also contains solvency provisions that protect employees against the risk of health claims. These health plans must certify through a qualified actuary that an AHP is financially sound.

To conclude, what businesses want is to offer health coverage to their workers. House Resolution 660 gives employers the ability to provide this coverage by allowing small businesses to band together as a trade association to become larger purchasers of health insurance. By saving small businesses, an estimated 15 to 30 percent, compared to the cost of purchasing coverage directly from an insurance company, associated health plans will give more Americans the health benefits they need to provide for themselves and for their families.

JOB-KILLER POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I came down here to talk about taxes, but let me first talk about Texas. All Americans must unite in the war against terrorism and we did that. We passed the PATRIOT Act. We provided resources for the Department of Homeland Security. But now we discover that the war on terrorism is a war against Democrats. This will divide America, and that is good for the terrorists. How many Americans may lose their lives because we cannot empower the Department of Homeland Security because it uses that power to pervert American democracy? Only an honest release of the tapes, only an honest approach will save the Department of Homeland Security and save only the Americans that it can save.

Now let us talk about taxes. The Bush recession continues. Republicans continue to use their political power to adopt job-killer policies which means the Bush recession will continue to continue. The most obvious job-killer policy is the dividend exclusion provision included in the Senate tax bill passed last week. Every major tax provision has both positive and negative effects on our economy, and Republican after Republican has come down here to talk about the rather modest economic benefits of excluding dividends from taxation. Democrats, though, have not used our time to respond and to point out the much larger offsetting negative effects of this provision. The reason for that is that we Democrats have been so incensed at a policy that provides 50 percent of the tax benefits to 1 percent of the population and gives 1 percent of the benefits to 50 percent of the population.

We have been so incensed that the Republicans would launch a class war attack against working families. We have been so incensed that they would come up with a policy designed to allow the richest in America to buy the new $350,000 Mercedes Benz, the Maybach, and pass the cost on to the sons and daughters of working Americans as they build the deficit. We have been so incensed about that that we forgot to mention, oh, by the way, it is a job killer.

Let us talk about that. We could of course drop currency from helicopters, $25 billion a year, $50 billion a year, and that would have some positive economic effects; but it would have a much larger negative economic effect because it would raise interest rates and it would deprive us of the opportunity to help States. They will have to discharge teachers, law enforcement officers, and others; and those folks will lose their jobs. So even helicopters dropping cash has some positive effect, but a larger offsetting effect.

The offsetting and negative effect of this dividend exclusion is worse because at least the people who catch the money from the helicopter will probably go out and spend it on necessities of life, whereas the dividend exclusion is aimed at the folks most likely to buy foreign luxury imports, which does not provide jobs for Americans.

The dividend exclusion was justified on the idea that it was going to build up corporate treasuries because people would invest in stock and then the corporations would go out and buy plants and equipment. This was proven to be a phony ruse because under pressure to bring down the price tag of the dividend exclusion, the White House has now written a version that obviously will not cause any additional corporate investment. What does that provision do? It provides half-tax exclusion for dividends paid in 2003; full exclusion for 2004, 2005, 2006, and then back to a full taxation of dividends starting in 2007 and future years.

What will that mean? First, all the dividends corporations were going to pay out this month and in the next 8

months will not be paid; so we will have a slump in expenditures by those who receive dividends. Why? Because they can wait until January 1 of next year, pay the dividend, and have it be completely tax exempt. So we start with the decline even in the amount of dividends paid, but come 2004 we will see huge dividend payments. That money comes out of corporate treasuries. It reduces the amount that corporations have available for investment of plant and equipment; and if they have any money after 2004, they will pay it all out in 2005, 2006. No corporate investment; huge dividends.

But it is argued that this dividend exclusion is going to encourage investment in stock. If it had been a permanent exclusion, maybe that was a possibility. A lot of people buy municipal bonds because they get tax-free income. But who would buy municipal bonds if their income was going to become fully taxable in just a few years? Who is going to buy corporate stock because they want dividend exclusion when the dividend exclusion is going to expire in just a few years? So there will be a huge outlay of corporate funds from corporate treasuries that will not be available to buy plant and equipment. But there will be no investment in corporations caused by this provision because nobody is going to buy a new issuance of stock if in just a few years we are going to be back to the old tax law.

The Bush recession continues. Job-killer policies like that contained in the Senate bill will ensure that the Bush recession will continue to continue.

A RISING SEA OF DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, in the next few days, Congress is going to pass another increase in the statutory debt limit, and it will be signed by the President. I want to talk about the rising sea of debt, and we have to be careful that we do not drown.

A few years of surpluses between 1998 and 2001, which were not really surpluses except by Washington standards, seems to have given us a false sense of security. Since then the situation has deteriorated very rapidly, with huge increases in spending; and now we face the most serious debt and overspending crisis in American history. The value of the dollar is going down because of the increasing debt and the tax obligation that our kids and our grandkids are going to pay is going up because of increased debt.

President Andrew Jackson paid off the Federal debt in 1835, retiring the last of the Revolutionary War bonds; however, the United States returned to borrowing which has now grown to levels that President Jackson could hardly imagine. Starting at zero in 1835, it took more than a century for the debt to reach $100 billion in 1943; $100 billion in 1943. After 200 years of American history, the debt reached $500 billion in 1976. Now we are projected to borrow more than $500 billion every year, this year, next year, the year after. The debt stands at $6.5 trillion today and will reach $10 trillion at current borrowing rates before the end of the decade. The administration is now using gimmicks to pay our bills until Congress again increases the statutory debt limit.

The debt is not even the worst of it. The government unfunded liabilities are several times larger than the official public debt. These liabilities are promises that the government has made or obligations it has undertaken without setting aside any resources or a way to pay those debts. According to the Department of Treasury's latest financial report to the United States Government, we owe or can expect to owe $57.8 billion to cover otherwise defaults on direct and guaranteed loans; $55.8 billion on accounts payable across the government; $1.86 trillion for government and military pensions and benefits; $849 billion in other veterans benefits, mostly medical; $273 billion for projected environmental cleanup from government activities; $202 billion in miscellaneous liabilities. These are all OMB projections, and this is only the beginning. This is the least of it.

This still is not part of the unfunded liabilities which are Social Security and Medicare. It will cost $9 trillion to pay promised Social Security benefits. Similarly, Medicare part A is expected to run $5.13 trillion over expected taxes. Part B is another $8.13 trillion.

□ 2015

Thus, the liabilities in just these three programs is about four times our current debt.

Further, this unfunded liability assumes the full repayment of all trust funds. Government has been borrowing from all of these other trust funds to afford the expenditures that have increased so dramatically over the last several years. If those trust funds are not paid, those amounts, which are really very small by comparison, will have to be added to the liability.

We have gotten to the sorry state of affairs through what I consider overspending and overpromising by Washington. Reelection votes are bought today in exchange for promises of benefits later, and the problem is that the country cannot afford all Washington is promising.

About 13 percent of the total Federal budget is now used to pay interest on the debt. If overspending continues and interest rates return to normal, we could easily see spending of the United States using one-quarter, one-fourth, of all of the total budget. A day of reckoning is coming sooner or later. If the government stays on its present course, we will face the choice of much higher taxes or much reduced benefits and services.

In conclusion, Mr. Speaker, Washington needs a new sense of urgency. We are promising too much, spending too much, and leaving future generations at risk. I have long pushed for spending restraints and necessary entitlement reform, including Social Security reform. It is time for those issues to come before the floor.

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

(Mr. LAMPSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

INSIGHTFUL EXPLANATION OF TEXAS POLITICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I rise tonight to recognize a member of the Texas House from my district and my hometown of Denton, Texas.

Representative Myra Crownover has written what I consider to be the most insightful remarks regarding the recent lack of a quorum in the Texas House. Her remarks were written and carried in the Denton Record-Chronicle last weekend. I ask Members to listen to Representative Crownover in her own words.

''I would like to take this opportunity to explain what is at the heart of the battle between Texas House Republicans and Democrats.

''Though Republicans and Democrats debate and disagree on a number of issues each and every session, none is as arduous or contention as redistricting. While most legislation concerns issues that cross party lines, such as children, health care or education, redistricting is simply about politics and elections. There is no bipartisan redistricting. There never has been, there never will be. It is the nature of the beast.

''Although the Legislature addressed congressional redistricting 2 years ago in the last legislative session, lawmakers could not agree on new lines, so a panel of three Federal judges did, and their map led to a 17–15 advantage for the Democrats. Rather than drawing a map that currently reflects the political landscape of Texas, the lines were tooled just enough to keep the map legal. There is no question that the current map meets the standards for redistricting spelled out in law.

''The argument for addressing the congressional maps this session rests in the fact that in the 2002 elections the GOP won every statewide race from the governor to the courts and took control over both houses of the State legislature for the first time since Reconstruction. Roughly 60 percent of the

State voted Republican during the last election cycle. The Legislature now has an obligation to pass a map that properly reflects the demographics and voting patterns of Texas.

''As stated previously, redistricting is a painful process, but it is also necessary. For the party in the minority, it is a difficult but important debate. It has been for years. However, the minority this session chose to walk away from the debate and crossed a line that should never be crossed. The rules of the House relating to a quorum were created to maintain a balance, protecting both the majority and the minority parties. This rule has been abused and a harmful precedent has been set. If 51 members dislike a piece of legislation, they may simply walk away. No debate. No vote. No representation.

''There will always be a majority and a minority. We will continue to redistrict State and congressional maps for decades to come. Such emotionally charged issues are simply part of the process, and because of this, rules and respect for the rules are required. Without them, the system breaks down. Not just for the 150 Members of the Texas House, but for every citizen of Texas.''

Mr. Speaker, I could not agree more.

ARMENIAN GENOCIDE MILESTONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the House floor this evening to mark the fact that we now have 100 cosponsors of House Resolution 193, a bill reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide. This legislation seeks to educate on the horrors of the crimes against humanity of genocide and, by educating, helping to prevent genocide from happening again. It is common knowledge that history repeats itself, and some of the worst crimes against humanity are no exception to this rule.

Mr. Speaker, as the cochair and founder of the Congressional Caucus on Armenian Issues, I have been involved in genocide recognition efforts for the past decade. The caucus is 125 members strong and has been instrumental in the education of my colleagues on the issue of Armenian genocide. We have organized floor speeches every year on April 24, we have circulated a yearly letter asking the President to use the word ''genocide'' in his yearly April 24 address, and, most importantly, we were very close in the year 2000 in passing legislation officially recognizing the Armenian genocide.

That resolution in 2000 did not come to the House floor for a vote due to a decision by the leadership. If it were not for that decision, the legislation would have passed overwhelmingly, in my opinion.

As I mentioned, the Armenian Caucus sends a yearly letter to the President asking him to use the word ''genocide'' in his yearly April 24 commemoration. President Bush, like President Clinton before him, made a campaign promise to give the Armenian genocide its due recognition, but then they both recanted. Both presidents avoided the use of the word ''genocide'' in their statements.

This year, 168 Members of Congress, well over one-third of the total number of Members serving, asked President Bush to use the word ''genocide'' last month. He instead characterized the worst crime ever to befall the Armenian people as a ''great calamity.'' I must say I reject this characterization as simplistic and also demeaning, and I hope my colleagues in the House will do the same. If they do, they have the chance to act by joining the 100 Members who have signed on to H.R. 193 and take a stand to properly recognize the worst crimes against humanity.

I use the plural ''crimes,'' because this legislation is not only about the Armenians. In the bill it states, ''the enactment of the Genocide Convention Implementation Act marked a principal stand by the United States against the crime of genocide and an important step towards ensuring that the lessons of the Holocaust, the Armenian genocide and the genocides in Cambodia and Rwanda, among others, will be used to help prevent future genocides.''

Unfortunately, Mr. Speaker, we have not come together as a world community to eradicate the horrific crime of systematic destruction of an entire people. Every generation in the last 100 years has seen the brutal realities of genocide, but none have fully learned from it. Passing House Resolution 193, in my opinion, will help to educate and hopefully help to stop the crime of genocide in the future.

Mr. Speaker, I am proud to say that we have obtained cosponsors that will bear great credence to this bill. H.R. 193 is currently under consideration in the Committee on the Judiciary, with the gentleman from Wisconsin (Chairman SENSENBRENNER) and the ranking member, the gentleman from Michigan (Mr. CONYERS) on as cosponsors. Also among the 100 cosponsors are the minority leader, the gentlewoman from California (Ms. PELOSI), and the former minority leader and presidential candidate, the gentleman from Missouri (Mr. GEPHARDT). All of my colleagues on a bipartisan basis will be instrumental in passing this bill, but it is nice to see some early support from a very diverse group of Members on a bipartisan basis.

The title of House Resolution 193 includes the word ''genocide,'' but the heart of the bill is about humanity. It takes humanity to overcome the ignorance that spurs the evil crime of genocide, learning about another culture instead of fearing it. It takes humanity to bridge the gap of hate that exists between a warring people.

We have seen this work in the last century. One of the worst crimes ever to be committed, the Holocaust against the Jews, is the best example of how some good can come from a terrible evil. At the end of World War II, Germany was vanquished as a Nation and its citizens were forced to accept the reality of what Hitler had done. The fact is, Germans as a people accepted that something horrific had taken place, and they accepted it. Last year, the Holocaust Museum in Berlin became a reality. Sixty years after the Holocaust, peace was made where war had begun.

The lessons of the relationship of the Jewish and German people should be applied to the rest of the victims and perpetrators of the crime of genocide all around the world. This is especially true, Mr. Speaker, in Armenia and Turkey. It has been 88 years since the beginning of the genocide, and after 33 U.S. State legislatures, over a dozen governments around the globe and vast documentation in our national archives, the Turkish government still will not recognize the Armenian genocide. They have instead established a deliberate campaign of revisionist history to try to commit the last act of genocide, the destruction of culture and history.

I ask that the Turkish government give up its futile effort and for my colleagues to join me in recognizing the worst crimes against humanity.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

(Mr. ROHRABACHER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

(Mr. STENHOLM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

(Mr. HINOJOSA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

(Mr. GONZALEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO THE HONORABLE LARRY COMBEST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Virginia (Mr. GOODLATTE) is recognized for

60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. GOODLATTE. 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 my special order.

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

There was no objection.

Mr. GOODLATTE. Mr. Speaker, over the next hour we will be paying tribute to our colleague and friend, Representative LARRY COMBEST, who announced in November of 2002 that he was retiring from Congress at the end of this month.

It is a real privilege and honor for me to participate in this special order, because LARRY has been a friend and a mentor to me for more than 10 years now since I first became a Member of the House and joined the House Committee on Agriculture. He served as our chairman for 4 years. He has very graciously traveled to my district to meet with my farmers and community leaders and talk about matters of concern to them and has truly been a great help to many of us here in the Congress.

LARRY COMBEST has also faithfully served his own constituents, his home State of Texas and his country, for the past 18 years.

His greatest legislative accomplishment lies in his shepherding through of the landmark 2002 Farm Bill, which President Bush signed into law last year. He and other members of the committee began work on the bill 3 years ago when the agriculture community was in the throes of a severe economic depression. Under LARRY'S leadership, the farm bill was eventually signed into law, reflecting his goal of providing a dependable safety net that farmers could rely on when tough economic times arise, as they inevitably will.

President Dwight Eisenhower once remarked, ''Farming looks mighty easy when your plow is a pencil and you are 1,000 miles from the cornfield.''

LARRY understood the fundamental concept that legislators in Washington cannot craft effective farm policy if they are not in touch with the day-to-day struggles of rural America. With this in mind, the Committee on Agriculture, under LARRY'S leadership, held 10 field hearings across the country before actually sitting down to craft the farm bill. They drew high attendance and over 200 witnesses.

For his tireless work on behalf of the farm community, he received countless accolades, among them the Gerald W. Thomas Outstanding Agriculturalist Award for Public Service, the Lubbock Area Foundation Hero of the Year Award, and the Legislator of the Year from the National Association of Farm Service Agency Employees.

While LARRY was a consistent voice for agriculture, his work in Congress did not end there. He is a senior Member of the Committee on Small Business, where he has earned a reputation as a fiscally responsible Member of Congress who serves as a reliable steward of taxpayer money.

□ 2030

As evidence of this commitment, his first day in Congress he cosponsored the balanced budget amendment. He has also been a leader on the Permanent Select Committee on Intelligence and has lent previous experience in the military affairs and in intelligence matters to the Congress, and that has also been widely recognized and acknowledged.

In recognition of his efforts, he has been the recipient of many recent awards, including the Lubbock Chamber of Commerce's Distinguished Service Award, Leader of the Year in Service to Agriculture by Progressive Farmer Magazine, the Independent Bankers Association of Texas 2002 Trailblazer Award, and the Heritage of Odessa Foundation's 2002 Award for Excellence in Community Service in Government.

Additionally, each year the National Federation of Independent Businesses recognizes LARRY as a guardian of small business, and the U.S. Chamber of Commerce has consistently honored him with their Prestigious Spirit of Enterprise Award.

In addition to his abundant legislative accomplishments, LARRY remained attentive to the needs of his constituents, never forgetting where he came from and who sent him here. His office has an excellent reputation for case work which flowed from his enthusiastic spirit of service. Voters recognized this about LARRY, expressing their confidence in his representation by ever-increasing electoral margins.

I am honored to follow him as chairman of the Committee on Agriculture and am committed to ensuring that the farm bill that he guided through Congress is implemented according to its original intent. He has been a valued colleague.

After nearly 2 decades of distinguished public service, it is an understatement to say that LARRY COMBEST can return home with his head held high. But those who know him doubt that will happen; for, in spite of all that he has accomplished, LARRY has maintained his humility, a character trait which is increasingly rare in this city.

I know he is anxious to return to west Texas, to his friends and family; and we wish him and his wife, Sharon, all of the best. His consistent voice on behalf of rural America will be terribly missed.

Mr. Speaker, it is my pleasure to yield to the gentleman from Texas (Mr. STENHOLM), the distinguished ranking member of the Committee on Agriculture who has served long in this body and served the entire time the gentleman from Texas (Mr. COMBEST) served.

Mr. STENHOLM. I thank the gentleman very much for yielding.

Mr. Speaker, it is with very mixed emotions that I join in tonight's Special Order to recognize the gentleman from Texas (Mr. COMBEST) on his departure from the halls of Congress. I say mixed emotions because, while it is more than fitting for the House to recognize him for his many years of service to this body, both as a staff member and as a Representative, I am sorry to see the departure of a colleague, a neighbor, and a friend.

Many times over the past two Congresses I would, sometime during my speech, say, well, at first it was the first Congress in the history of our Nation, then it was the second, this would have been the third Congress in which one State, Texas, had the chairman and the ranking member of the Committee on Agriculture. At no time in our history has this ever happened. Not only were we from the same State, but we were neighbors and we were friends.

That is the spirit in which I come tonight. Since LARRY came to Congress in 1985, we have had many occasions to work together for the mutual benefit of Texas, our Nation, and particularly our Nation's agriculture.

In fact, it was a year ago this month that the 2002 farm bill was enacted into law, and about a year and a half of the time and effort of the gentleman from Texas (Mr. COMBEST) went into writing that bill. It was a collaborative effort, very typical of the bipartisan manner for which the Committee on Agriculture is recognized.

As much as I would have enjoyed being the chairman during that period of time, that was not to be; but LARRY made sure that, as ranking member, I was a full participant throughout the legislative process, and I greatly appreciated the opportunity of riding shotgun and working side by side with him in that endeavor.

I do not believe it would be an overstatement tonight to say that without LARRY'S devoted work on that farm bill in a bipartisan way, it would not have become law. I think that is a very fair and accurate statement. Many times we might stretch it a little bit; but knowing as much about the inner workings of what happened in that bill, without the gentleman from Texas (Mr. COMBEST), we would not have gotten it done. I think the colleagues on the gentleman's side of the aisle agree and those on my side agree.

LARRY'S departure from the House of Representatives marks the end of a very distinguished record of service to the folks of the 19th Congressional District of Texas. LARRY throughout this time has been a man of great character and sound judgment who has served his constituents well. I personally will miss his company, his counsel, and the true spirit of bipartisanship with which he conducted himself throughout his tenure in Congress.

Sadly, such bipartisanship and good will has increasingly become a rare

commodity in the halls of Congress, but not on the House Committee on Agriculture.

LARRY, Cindy and I wish you and Sharon all the best as you embark upon a new chapter in your lives. I hope and trust there will be many more occasions for our paths to cross in the future. It has truly been a pleasure to work with you. We will miss you; but we know, suspect highly, that those paths will cross again in some constructive way. Good luck and God speed to you and Sharon.

Mr. GOODLATTE. I thank the gentleman.

It is my pleasure to recognize the distinguished gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. I thank the gentleman, Mr. Speaker. I imagine that most of us in this House particularly admire or respect someone for various reasons: their use of power, their talent in persuasion, their deep commitment to a cause or an issue. I admire LARRY COMBEST because he has the right balance of things. He knows what is really important in politics and in life. He maintains his dignity, his honesty, and his commitment while giving us his best for nearly 20 years.

He served this Nation and the State of Texas in an extraordinary way in standing firm for the farmers of this country, for rural America, and for business interests. LARRY's quiet and often serious demeanor fooled me for a while, but we often get to really know each other in this House either by working on a particular issue together or by traveling together. That is how I got to know LARRY and his wonderful wife, Sharon. You don't really know LARRY until you have experienced the love and closeness that LARRY and Sharon share.

This Congressman from west Texas has much to be proud of; but LARRY would probably say, I am just doing my job. I will miss LARRY in this Congress, we all will, but we could not do better than to pattern our service after his.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Speaker, I rise today to honor a man who crafted and delivered a strong farm bill to the farmers of the Twelfth Congressional District of Georgia.

Although I serve on the Committee on Agriculture now, I did not have the opportunity to serve on the committee under the leadership of the gentleman from Texas (Mr. COMBEST). I thank the gentleman from Texas (Mr. COMBEST) for his support for the Georgia farmers that I now represent, and for his commitment to the benefit of American agriculture.

In his 4 years as chairman of the committee, the gentleman from Texas (Mr. COMBEST) worked to improve Federal risk-management programs and Federal farm policy. His work went beyond that of the livelihoods of farmers. He worked to improve rural infrastructure, university research, broadband access, child nutrition, conservation efforts, and even food to aid other countries.

Mr. Speaker, LARRY COMBEST is well respected among the farmers I represent. His masterpiece, the Farm Security and Rural Investment Act, is farm policy that my producers support. The legacy of the gentleman from Texas (Mr. COMBEST) will be remembered and appreciated for years to come.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. I thank the gentleman for yielding to me.

Imagine for a moment the late 1990s where many farmers were going broke. There were auctions, and farmers had to sell out farms that had been in their family for generations.

Imagine running for reelection in 1998, being reelected, and being asked to serve as chairman of the Committee on Agriculture to pass a new farm bill to try to keep a viable agriculture in the United States, a huge challenge. Every commodity group is coming forward to suggest that they should have more money from the Federal Government, but being chairman of the Committee on Agriculture, LARRY COMBEST was still under pressure to limit total spending.

I think it should be repeated that where we ended up on the subsidies for agriculture were actually less under this farm bill that the gentleman from Texas (Mr. COMBEST) guided through. Subsidies for farmers ended up less than what they were for the prior 3 years.

LARRY COMBEST came to Congress as a leader in Texas agriculture. He came with the knowledge of how farm programs work. I had my disagreements with some of the provisions of the farm bill, like I suspect every member of the Committee on Agriculture might have written it a little bit differently if they had their personal desires. But what we ended up with is a help for American agriculture, faced with a situation of challenging subsidies in a world atmosphere. Let me give a couple of examples.

Europe, for example, subsidizes their farmers five times as much as we subsidize our farmers. Japan subsidizes their farmers between 20 and 25 percent as much as we subsidize our farmers. We ended up with a farm bill that is going to help assure, at least, that we have a strong, viable agriculture in the United States.

On LARRY COMBEST'S retirement, I wish him Godspeed and thanks for the effort.

Mr. GOODLATTE. I thank the gentleman.

It is my pleasure to recognize the gentleman from Texas (Mr. THORNBERRY) for 5 minutes.

Mr. THORNBERRY. Mr. Speaker, I thank the gentleman from Virginia, the chairman, for taking this time to pay tribute to our departing Member, the gentleman from Texas (Mr. COMBEST).

Mr. Speaker, my connections with LARRY go back some distance. We were raised in towns about 30 miles apart in the Texas panhandle and our families knew each other, but I really got to know him when I went to work for him as his administrative assistant in 1985, shortly after he was first elected to Congress.

Of course, LARRY was not just any freshman Congressman. He had worked for Senator John Tower and came to Congress with that background, experience, and network all working for him. Needless to say, I learned a lot and benefited tremendously from my time as part of the Combest team.

For the last 8½ years, LARRY and I have represented adjoining districts, and even shared in the representation of several cities and counties. I have continued to learn from him and to benefit from our work together.

Mr. Speaker, LARRY COMBEST'S public record of accomplishment is well known in Washington and in Texas. From leadership positions, such as chairman of the select Permanent Select Committee on Intelligence and then chairman of the Committee on Agriculture, he has made a bright mark on the public policy agenda of the last decade.

The farm bill, which he shepherded through the 107th Congress, was landmark legislation, important not just to agriculture but to the country's economy and to the health and standard of living of all Americans.

But along the way, as he was leaving his mark on public policy for the Nation, he was providing outstanding representation to the people of the 19th Congressional District of Texas. Every day he was their advocate. Every day he was their voice. Every day he was their biggest fan.

Of course, none of us do this job alone. Other than the handicap of a certain AA in the middle of the 1980s, LARRY has been fortunate to have an outstanding group of dedicated public servants assisting him. And I think it is important to mention those that have been with LARRY nearly 20 years: Lynn Cowart, Patti Murphy, Jenny Welch, Mary Whistler, Jay Ibarra, Jimmy Clark.

Any Member of the House or Senate would be fortunate indeed to have such dedicated, loyal, capable staff members.

In addition, LARRY has been fortunate to have outstanding help on the political side. Jane Anne Stinnett has been the director of LARRY'S team since the beginning of his political career. I have never met anyone who works harder or cares more in such a selfless way. She is a remarkable lady, and it is a combination of LARRY'S good fortune and good judgment that led to Jane Anne playing a key role in LARRY'S political and public life for 20 years.

Lisa Nowlin has also played an important part in LARRY'S political world, as has Ken Towery. Mr. Speaker, it is impossible for me to catalog the career and contributions of Ken Towery, from Pulitzer Prize winner to chairman of the Corporation for Public Broadcasting. Among other things, he has helped guide the tremendously successful political career of LARRY COMBEST, among others.

It is said that first-rate people hire first-rate people, while second-rate people hire third-rate people. If that is true, LARRY COMBEST ranks at the top because he has truly had first-rate people working with him throughout his career.

□ 2045

Finally, one cannot speak about LARRY COMBEST without acknowledging the central role played by his wife, Sharon. Their partnership made all of LARRY'S other accomplishments possible.

Mr. Speaker, LARRY COMBEST has been a caring mentor, an outstanding representative, a thoughtful leader and a good friend. Like so many other Members and friends, I will miss having him around Washington, but I will also know that his impact on the lives of so many people in Texas and throughout the Nation will last for many years to come. I thank the gentleman.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for his excellent statement.

At this time I am pleased to recognize the chairman of the department operations, oversight, nutrition, forestry, dairy, et cetera, et cetera, the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding to me.

I am so honored to be here tonight to pay tribute to our friend, LARRY COMBEST. A lot has already been said, and I do not want to be redundant and repeat some of the things that have been said, but I would like to mention a couple of things.

One is that he is probably one of the best dressers in the U.S. Congress. I have been with him at meetings with farmers, and he is always appropriately but the best dressed person there. And I think anybody who knows LARRY knows that I am saying exactly the truth.

The other thing I should mention about LARRY is the first time I ever met him was for a retreat for Republicans at some god-awful Xerox center about 50 miles west of here. It was my first chance to spend any time with LARRY, and the one thing that was very obvious to me in our first real meeting and discussion, he is an incredibly good listener. Now, in this town that is a quality that is not developed in many of us, not the way it should be. But LARRY is an amazing listener. He listens to what people have to say, and it is reflected in the success that he has had in his congressional career.

He came from west Texas. The district that he represents is one of the biggest energy-producing districts in the country, and yet he took the time to listen to our farmers and to other people on the importance of biofuels and ethynyl and biodiesel and came to the conclusion that it made an awful lot of sense long term for our energy policy. He did not put his own parochial interests above what was in the best interests of American agriculture.

So much has already been said, but it was because of that deep feeling that he was able to go to the Committee on the Budget a few years ago and get an unprecedented $73.5 billion out of the fiscal year 2001 budget so that we could create that farm bill. And he taught us so much about what it takes to make a farm bill, but it was his character that pushed it all the way through, and I mean that. Because passing a farm bill is much tougher than I ever thought. What he did was he demonstrated one of those things that we need to learn more about here in Washington and that is he was firm on principle but flexible on policy; and, ultimately, it was his vision of this farm bill that really won the day.

Now, LARRY, we are going to miss you a lot. I am going to miss you more than you can even imagine. We will miss you a lot more than you will miss us. Certainly you deserve a little respite from this rat race. I can only say that I hope that you will not forget us rats.

Thank you very much and God bless you.

Mr. GOODLATTE. Mr. Speaker, I recognize the gentleman from Oklahoma (Mr. LUCAS), the chairman of the Subcommittee on Conservation, Credit, Rural Development and Research and a whole host of other responsibilities.

Mr. LUCAS of Oklahoma. Mr. Speaker, on the last day of this month this body will lose a Member who has for almost 18½ years been a critical part of several committees. The Committee on Small Business has been noted, serving as chairman of the House Permanent Select Committee on Intelligence. But for me personally his chairmanship of the House Committee on Agriculture probably provides me with my greatest memories and has had the most tremendous impacts on my legislative judgment, certainly on my constituents in Oklahoma.

I think back to 1996 when, in the heat of debate, at one of the most critical points of that farm bill, of sitting in a room with the then-Speaker and the late Bill Emerson and the soon-to-be-Chairman COMBEST as we discussed agriculture and southern crops and watching LARRY make quite clear what the needs were of his constituents and what he felt like the needs were for agriculture in the United States and changing the course of the farm bill that day.

Then in 2002 under his chairmanship and leadership with the gavel, setting about as he said at the time to go forth and listen to our farmers, yes, to listen to the experts and, yes, to listen to all the academic input, but to create a farm bill for the producers, a farm bill based on the things that they thought should be in a farm bill. Many at the time thought it was a pretty amazing concept, not always the way things are done in Washington, D.C. But, lo and behold, hearings across the country, hearings beyond belief here in the Nation's Capital, and the result of that was an amazing farm bill.

And, oh, yes, the chairman's patience in conference committee, dealing with the, shall we say, other side of the building and dealing with some of our own membership, patience that would make Job extremely proud. And the result of that was a farm bill that locked in a tremendous amount of resources that, had we dug around that farm bill in 2003, would not have been there. Yes, a farm bill based on what our neighbors back home told us they wanted, crafted in a way that could build almost two-thirds majorities in both the House and the Senate placed on the books.

But, ultimately, I think when LARRY and Sharon return home to west Texas, the final observation will be that they have been good servants of their constituents; and that is what it is all about, representing those folks back home to the best of your ability in a way that they would be proud of.

That, Mr. Chairman, you have accomplished. That is a goal I think we should all work towards.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman.

At this time it is my pleasure to recognize the chairman of the Subcommittee on General Farm Commodities and Risk Management, the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman for yielding to me. I am delighted to be here. It is an honor to have served in this Congress these last 7 years with the gentleman from the 19th District of Texas (Mr. COMBEST).

Mr. Speaker, when I came to Congress I knew it was important to me to be associated with people who understood and cared about agriculture and who cared about farmers and ranchers of America; and it was my honor to become acquainted with Chairman COMBEST. He has been a role model and mentor for me since that time of my arrival 7 years ago.

Those of us who represent agriculture in the House of Representatives are a minority. There are not enough of us, and what it takes is people who go beyond their numbers, who more than 1 out of 435 can make a difference. And the gentleman from Texas (Mr. COMBEST) has done that. He has done that because he is knowledgable and understands the issues. It is in his blood. That is where he comes from. It is who he is. Agriculture, farming and ranching is LARRY COMBEST.

It is because he is a leader, because he cares about using that information

and knowledge on behalf of those engaged in everyday activities trying to earn a living on the farms and ranches of America.

His leadership in the Committee on Agriculture is extraordinary. It is just something that we have relied upon. As we have worked our way through a farm bill in this last Congress, it is clear to me that because of his leadership things happened. He has a commitment to what he believes in, and he believes in farmers and ranchers of America. He wants to see our family farms survive and prosper. He wants that way of life to continue. He has a commitment to serving his constituents and helping American agriculture be here today and tomorrow.

And, perhaps most importantly, he has integrity. I have never known anyone who I could trust more than LARRY COMBEST. His word can be taken for what it was, his word. What he said is what he meant. His advice was honestly given. I have never known him to mislead anyone. And it was that character and that integrity that made it possible for us to do things in agriculture on this House floor because people trusted him, they respected him, and they honored what he was about.

As he returns home to Texas, it is with some sadness that we see my friend LARRY COMBEST leave. We all invest in other people in this place. Oftentimes I suppose we spend too much time worrying about things that are not so important. But the thing that is important is the relationships, friendships, and understandings that we have with other Members of Congress; and I consider it a high honor to have been associated with LARRY COMBEST during his term as a Member of Congress.

His relationships with other Members of the House will not end with his departure. His friendship with President Bush has really been beneficial to those of us who care about rural America, and we look forward to his continued involvement in issues that matter to us and to farmers and ranchers across the country.

Public service is something that we all talk about, something that we engage in as Members of Congress, but we all have a lot to learn from LARRY COMBEST who exemplifies the role of a true public servant, who did what he thought was right, who fought the fight and made a difference on behalf of the people of Texas and on behalf of the people of America.

Mr. Speaker, I wish LARRY and Sharon the absolute best in their future years. I thank them both for their friendship. I honor and respect them, and I hope the fish bite. Thank you, LARRY.

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to recognize the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I rise tonight, like many others, proud of our colleague and chairman of the Committee on Agriculture, LARRY COMBEST. They say that you make a living by what you get but you make a life by what you give, and by that measure LARRY COMBEST has enjoyed a very rich life. He has given back so much to his community, to our State of Texas, and, of course, to the Nation he loves so much.

At times like this it is tempting, I think, to focus on his achievements because there are so many ways, so many ways he has made a difference for the better in this country. But I think you need to be most impressed by LARRY COMBEST's attributes, his qualities as a man.

He has so much integrity, remarkable amount of integrity. He is so thoughtful about the issues. He does his homework so much. He is like the rural community he represents, incredibly hard working. His advice truly is honest. And he not only has principles and values, he lives his principles and he lives his values each day. He is a wonderful role model for younger Members of Congress, for his colleagues, his peers, for all who have worked with him. He is just a remarkable man.

And as much as we are going to miss him, the fact is we are overjoyed that he and Sharon will be sharing their time together. They have given so much back to America. We are anxious to give them time together. God bless.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman. I thank all of those who participated in this today, and I wonder if I might prevail upon the man of the hour to say a few words to us himself.

A lot has been mentioned about the possibility that the gentleman from Texas (Mr. COMBEST) might spend some time fishing in the next few months. That will be a well-deserved recreation for he and his wife, Sharon. But I find it especially refreshing, given that he represents a district that includes, as I understand it, the town of no trees, and I do not think he has much by the way of national forestland. So I am glad he will get the opportunity to enjoy it all across the country.

So at this time I am pleased to yield to the distinguished gentleman from Texas (Mr. COMBEST), the former chairman of the House Committee on Agriculture and my friend.

Mr. COMBEST. Mr. Speaker, I am touched deeply by the gentleman's comments and the fact that you will take this special order to do this. One never expects to find themselves in this position, and we have seen it over the years as others make their departures, and you never know exactly how it feels until that time comes for yourself. But I appreciate so much the gentleman's kind words opening this and those of my friends and my colleagues that had very kind things to say.

It is the friendships, I think, that one can develop here that is important. It is not just the work. It is the friendships that you can develop and the growth and the years that you can watch occur to your colleagues and to your friends and to your staff.

I appreciate so much the gentleman from Texas (Mr. THORNBERRY) mentioning so many people that have been involved in the making of the success of the office, not my success, but the success of the office that the people of the 19th District through 10 elections gave us the opportunity to sit in because they are important. He knows them well. As he mentioned, as a former chief of staff, he is one of those that should definitely be mentioned when you think about hiring the best. You all see that every day in the work that he continues and that he does in this House, his thoughtfulness, his integrity, his intelligence, his character.

Sharon and I fondly remember watching him and his now-wife and mother of their children when they were dating and attending their wedding and watching Mary Kemp and Will as they grew up and as they were born and as they have turned into young adults; and they are dear, dear friends and very dear in our hearts.

□ 2100

And to others, I am just sorry that when GIL GUTKNECHT was here we did not have a little Rodney Dangerfield episode. I encourage any of my colleagues who have never had the gentleman from Minnesota (Mr. GUTKNECHT) do Rodney Dangerfield that it is worth your time.

To, obviously, all of those who put in the hard work on the committee and those who came tonight that were not part of the committee, the gentleman from Texas (Mr. BRADY) and the gentlewoman from Texas (Ms. GRANGER) are dear Texas friends for coming and sharing with us. They are both dear, dear friends, dear people to us, and their families.

That will be the thing, I suppose, more than anything that is missed. It has been a wonderful ending to a career that we have seen an opportunity to visit with a lot of groups. I always find that the person whose name is on the letterhead is the one who gets the award or the one who gets the acclaim, but certainly not the one that solely is responsible for any of the work that is done. I think back to the most recent thing, of course that has been the farm bill, but back to the years on the Permanent Select Committee on Intelligence, a wonderful dedicated staff of public servants. Most of their work no one will ever know.

We wrote a piece of work over a 2-year period of time that was called IC–21, the Intelligence Community for the 21st Century, and it created a lot of turf battles. It did not get far, but I told the staff as that was completed that the good news was and the thing they could rest in was that someday the intelligence community would look like that product. And following September 11, it is becoming to look more like it, because it was a work in what should be done.

Certainly the most recent effort, the farm bill, was a tremendous dedication

by a lot of people. The committee and all of the members of the committee were so dedicated to producing a product and laying aside any partisan bickering and certainly laying aside even parochial interest for the better of the whole. And it was a success. It was something that took a lot of work.

I have often said to those groups that I have had a chance to meet with that I only wish that they knew the work that was put in by the committee staff. It is something they will never have an appreciation of, the time that they spend away from family; literally the nights that were spent on the floor, on couches, in chairs, wherever they could grab a quick nap, wherever they could get a little rest and then plod on from there. They never quit. They never gave up. They did it with wonderful smiling faces. American agriculture, I think, has never seen such a capable staff assembled, nor do I suspect they will ever see one that is more capable ever assembled in the future. They did such great work.

Bill O'Conner, chief of staff, who was in and around the committee nearly 20 years ago when I started, and who knows a great deal about the institution, about agriculture, and about the process. And it was many, many long hard hours under his leadership and direction that that staff continued to work. And everyone worked together. Tom Sell, who was the deputy chief of staff, one of the great young men that I have gotten to know over the years. It does not hurt also that his son and I share the same birthday. Noah and GIL GUTKNECHT and I have the same birthday, and it is something we will obviously always remember.

I could tell a story about every member of that staff and the work that they put into the end product that became the farm bill. There were some, Alan Mackey, who literally was so wracked with pain that it was difficult at times for him to even get out of bed, but was always there, every day, long, long hours every day. Dr. Elizabeth Parker was undergoing chemo at the time and set a new style for women's hair fashions in the Committee on Agriculture. She was there every day. Debbie Smith, whose home was less than a quarter of a mile away from those hit by a tornado, spent 3 days up here and never went home to see how things were because it was at a critical time here.

So many others on both the majority and the minority. There was an effort put into this in a bipartisan fashion, as my dear, dear friend CHARLIE STENHOLM said that was not for politics but for the good of the cause of American agriculture.

There are so many people over the years that I could spend a lot longer than any of my colleagues want to spend mentioning the staff and the work they do. They make us look awfully good. All of us know that. They are the ones that produce the work that really makes a difference, that keep the fires burning. I will be very remiss in not mentioning every one of them, and I could, and you are all in my thoughts; but I will particularly mention Lynn and Patty, who were there the day the door opened and will be there the day the lights are turned out, and have just kept things going, and so many in the district.

It has reminded me a great deal over the past several months of a particular translation from Corinthians that says, ''What do you have that God hasn't given you? And if all you have is from God how can anyone boast as having accomplished anything on their own?'' And I think we have to always recognize there are a lot of others, including much more powerful than we, who direct our lives and who direct the things that we do.

And I will just close with this, Mr. Speaker, again giving my appreciation to you, Mr. Chairman, but saving the best for last, I want to thank Sharon. This is, as all my colleagues know, a family effort. This is not something we, anyone, does alone. It takes a tremendous amount of sacrifice and dedication on the part of our spouses. Mine is extra special.

I have very fond memories of this place, but one of the things that she and I have talked about is that we hope that we have spent our last night apart, as so many nights we spend apart from our families when we are in Congress. And to those of you who we will miss greatly not being here, the fact that 24 hours of every day I will spend with her, I can take missing you all a little bit. We are looking very forward to the next phase in our lives, spending it together.

It was quite ironic, I think, when we made the announcement publicly that we were going to make this move. We just simply could not quit. Everyone was just so interested, particularly the media, about what was wrong. There has to be a problem. You cannot just walk away from this. And I think she summed it up quite well when she said, isn't it really sad that people do not think you can leave that to spend more time with your wife? And it is, I guess, if people think that with all of the wonderful opportunities that we have here, that that is more important to us than those that we care about.

And so we are looking forward to this next phase, I will assure you, as much as we were 18½ years ago when we came here preparing for this phase; but it will be done in a different setting. We intend to continue in our service. It will be in an unpaid capacity, and it will be done out of dedication and love for each other and for people. But this has been a wonderful opportunity, and I am proud of the accomplishments that this House has made over the years and that I have been able to just sit here and be a part of it.

We will continue to watch you occasionally, to see how you are doing. But come about middle of the summer, when it is really hot and humid here, we will be somewhere under the cool trees in the mountains of Colorado, maybe spending enough time there that I could almost become a constituent of my good friend Governor Bill Owens. We will not be there quite that long, we will always have a home in our beloved Texas, but we are looking forward to that adventure in our lives.

So next week, when you are out doing your Memorial Day parades, we are going to start the fishing trip. Thank you very much.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for sharing those wonderful remarks with us, and I thank him also for sharing nearly 2 decades of his life with the American people and with all of us here in the Congress. We thank Sharon for sharing you with us because it has been a blessing for all of us. So we wish you the best.

Mr. Speaker, I am pleased to note that we have a large contingent of staff members of the House Committee on Agriculture and other friends and supporters of LARRY in the gallery. I mentioned earlier that the RECORD will remain open for an additional 5 days for Members to submit statements for the RECORD, and a number already have.

I would also note that the vice chairman of the committee, the gentleman from Ohio (Mr. BOEHNER), and the chairman of the Subcommittee on Livestock and Horticulture, the gentleman from North Carolina (Mr. HAYES), the former chairman of the Subcommittee on Specialty Crops and Foreign Agriculture Programs, the gentleman from Alabama (Mr. EVERETT), have submitted statements for the RECORD, and I know others have been submitted and will be in the coming days because, LARRY, many of us want to let you know how highly we regard you and we wish you happy trails and abundant streams. May God abundantly bless you and Sharon in all of your future travels.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COLE). The Chair will remind all Members not to refer to occupants of the gallery.

Mr. BONILLA. Mr. Speaker, LARRY COMBEST is a good friend. I will miss him and his wife Sharon very much.

All of his friends who remain in the House of Representatives wish him happiness in his new endeavors.

Mr. EVERETT. Mr. Speaker, I rise to join my colleagues on the House Agriculture Committee in saying farewell to an old friend and statesman, retiring Congressman LARRY COMBEST of Texas.

I've known LARRY since I first came to Congress and joined the Agriculture Committee in 1993 and I have the utmost respect for his continual dedication to the Nation and our farmers and ranchers.

LARRY COMBEST's long and distinguished career has included the chairmanships of the

House Intelligence and Agriculture committees. I had the pleasure of working side by side with Chairman COMBEST as he forged the Farm Security and Rural Investment Act of 2002.

From holding ten historic nationwide Agriculture Committee field hearings, one of which he conducted in my state of Alabama, to personally securing a $73.5 billion funding commitment from the House leadership for the new Farm Bill, LARRY COMBEST was largely responsible for the successful passage of the landmark legislation for farmers and ranchers.

Chairman COMBEST's determination made it possible for the Committee to write a bipartisan, effective bill in a relatively short time and ensure its ultimate passage into law. This legislation restored a much-needed safety net to production agriculture that has been missing for too long. And when agriculture funding was under attack earlier this year, LARRY COMBEST once again stood up for farmers by standing fast against harmful proposed budget cuts.

As we in the House say goodbye to LARRY, I thank him for his service to America and wish he and his wife Sharon the very best as they pursue a future life outside of Washington.

Mr. JOHNSON of Illinois. Mr. Speaker, it is my distinct pleasure to recognize the Honorable LARRY COMBEST as he completes his final three weeks serving as a Congressman in the United States House of Representatives. In addition to representing the 19th congressional district of Texas for the past 20 years, Representative COMBEST has served the entire U.S. agriculture community as Chairman of the House Committee on Agriculture. His dedication to his country, his constituents and American agriculture should not go unrecognized.

I commend Representative COMBEST for his hard work and fine leadership while serving as Chairman of the House Committee on Agriculture. Although I was elected to Congress in 2000 and only served under his leadership on the Committee for one term, I was honored to do so. Throughout the 107th Congress, Chairman COMBEST was diligent in his efforts to improve farm programs and to ensure the future of agriculture in America. Due in large part to his relentless hours of hard work and outstanding leadership, the Farm Security and Rural Investment Act of 2002 was passed by Congress and signed into law by President George W. Bush. I applaud Representative COMBEST for the strides he made to strengthen agriculture in the United States.

Congressman COMBEST has certainly contributed greatly to our nation and to our agriculture community, and I thank him for all of his efforts and congratulate him on his accomplishments while serving in the United States Congress.

Mr. HAYES. Mr. Speaker, I rise today to honor and commend Congressman LARRY COMBEST for more than 18 years of dedicated service to the 19th District of Texas.

As a member of the House Committee on Agriculture, I have appreciated his leadership as the former chairman and his genuine desire to pass sound legislation for America's farmers and ranchers.

LARRY took an approach to crafting the 2002 farm bill that no other legislator took before—he began holding hearings around the country as well as in Washington, listening to the producers affected by farm policy, asking for concrete ideas and proposals which helped the Committee develop a farm bill that met the needs of our agriculture industry.

His ability to work in a fair bipartisan manner allowed the committee to establish a bill that was balanced and supported by members representing many regions of the United States.

Throughout the entire process, his tireless efforts did not go unnoticed by his colleagues or America's agriculture sector.

When I go home to North Carolina, I hear from my own farmers how much the farm bill has helped their families stay on the farm, and because of the leadership that LARRY provided, I know my producers have a safety net that they can count on.

I am pleased to have had the opportunity to serve with LARRY and I wish him and his family the best in the future.

His leadership will be missed but certainly his accomplishments and all of his efforts will not be forgotten.

It is again my pleasure to honor congressman LARRY COMBEST for a job well done. He is a great statesman and trusted friend.

Mr. LAHOOD. Mr. Speaker, as a former member of the House Agriculture Committee, I would like to pay tribute to Representative LARRY COMBEST, who has announced his intention to retire at the end of May. During his ten terms in Congress, LARRY COMBEST has earned a reputation of being a friend of American Agriculture. As Chairman of the House Agriculture Committee, Representative COMBEST always worked in a fair and bipartisan manner to insure that all sides had an opportunity to make their voices heard. This was especially true when the Agriculture Committee developed what eventually became the 2002 Farm Bill. In order to hear from all interested parties, Chairman COMBEST held extensive hearings throughout the country, including one in my hometown of Peoria, Illinois. I believe that this level of inclusiveness was a major factor in Congress passing a Farm Bill that addresses the needs of America's farmers and ranchers.

Representative COMBEST's mark on this Chamber will not only be found in the work he has done for our Nation's farmers and ranchers. Representative COMBEST also served with distinction as Chairman of the House Permanent Select Committee on Intelligence. While I did not have the privilege of serving under his Chairmanship, as a member of the House Intelligence Committee, I know that his legacy of bipartisanship and integrity remains.

During his tenure in Congress, Representative COMBEST always worked for the interest of his constituents, his State, his country, and the House of Representatives. Knowing that actions speak louder than words, Representative COMBEST joined me as co-chair of the House Bipartisan Retreat Committee to help instill civility and bipartisanship to the proceedings of Congress.

Representative COMBEST will be sorely missed.

Mr. SMITH of Texas. Walter Lippmann stated, ''The final test of a leader is that he leaves behind in other men the conviction and will to carry on.'' Congressman LARRY COMBEST leaves not only conviction and will for others to follow but also an example of representational leadership. His unique style of leadership has brought about positive change for his constituency, for the state of Texas, and for each position he has held as a member of Congress.

Serving as only the third Representative in history from the 19th Texas Congressional District, Congressman COMBEST has honored the statesmen who preceded him in office. Always accessible and a constant voice for the people, his guiding strength and influence have become standard signatures for his work in Congress, including the drafting of the 2002 Farm Bill, the advocacy of medical and scientific advances through Texas Tech University initiatives, and promotion of the Vietnam Women's Memorial.

Congressman COMBEST leaves behind the conviction to distinguish the need of the people from the will of the people and the courage to carry on with the good of the people.

He is a trusted colleague and a proven leader. Congressman LARRY COMBEST will be missed.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. HONDA) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. HONDA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order, recognizing Asian Pacific American Heritage Month.

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

There was no objection.

Mr. HONDA. Mr. Speaker, I rise today to speak on the significance of Asian Pacific American Heritage Month. The push for designating an APA Heritage Month started 26 years ago by visionary APA community leaders and also was led from this House by retired Congressman Robert Horton of New York and the current Secretary of Transportation, Norman Y. Mineta.

This year's Heritage Month theme, a Salute to Liberty, is an especially timely theme as our Nation is faced with conflict and tension. We must remember that in the fight to protect our national security, we must also preserve our civil liberties and individual rights. During this month, it is also imperative that we utilize this opportunity to reflect upon and understand our past so we can successfully build for our future. This is a moment of teaching and learning. There have been many histories of Asian Pacific Americans in this country, Mr. Speaker, their origins, their barriers, the barriers that they have overcome in the pursuit to seek the American Dream in this country.

Mr. Speaker, I would like to take a moment and sort of share with the community the history of the bill that was passed in 1992, eventually, to recognize the month of May as an official

Asian Pacific American Heritage Month.

In 1977, Representative Frank Horton, a Representative from New York, and Norman Y. Mineta, from California, introduced the Asian Pacific Heritage Week, House Resolution 540, in the House of Representatives, which called upon the President to proclaim the first 10 days of May as Pacific Asian Heritage Week. The joint resolution did not contain an annual designation, so in 1978, President Jimmy Carter signed the joint resolution put forward by both Representatives Horton and Mineta.

Then, in 1990, Asian American leaders around the country gathered at the White House to witness the signing of a proclamation by President George Bush declaring May to be Asian Pacific Heritage Month. So we went from a week to a month. In 1992, President Bush signed legislation into law designating May of each year as Asian Pacific American Heritage Month.

□ 2115

Mr. Speaker, it is apropos since this is the month of May we do take some time to recognize those who were important in designating Asian Pacific Heritage Month.

First, why is it important? As a schoolteacher, if we do not teach our history and understand the members of our community's contributions to this country, our children, be they Asian Americans or not, will be less educated and less informed and less appreciative of not only their culture but the cultures of other people.

The growth of the Asian Pacific population from 1980 to 1990 doubled from 3.7 million to approximately 7.3 million. This increase is remarkable when compared to the total increase in the U.S. population of 9.8 percent during that same period.

Then the growth continued to rise another 43 percent from 1990 to 1999. Currently, APAs comprise 4.5 percent of the U.S. population; and by 2050 APAs are expected to comprise 9 percent of the U.S. population. However, in the State of California, the APA population already comprise 11 percent of the general population and grew 34 percent in the past decade, from 2.8 to 3.8 million. This growth, although largely attributed to immigration patterns, is also indicative of more defined data collection methods which has always been a problem in our communities. So the last census it was critical that the census taken was accurate and was as precise as possible.

Data is a cross-cutting issue. Lack of data impacts our understanding of the health problems in our communities, as well as the problems in access and quality. Adequate data collection continues to be a challenge for the APA community.

Although we are often mistaken to be a homogeneous group and sometimes considered perpetual foreigners, APAs in this country encompasses 49 ethnicities speaking over 100 languages and dialects. Aggregating such a large and diverse group makes it difficult to understand the unique problems faced by the individual ethnicities it encompasses.

So when we aggregate Asian Americans as a population, when we look at programs and policies in this country, it is critical that we disaggregate the information so that we are able to be more precise in our policies and programs that we want to target for our communities.

Let me just share a little bit of historical time line. Historically, in 1763 the very first settlement that we know of were some escaped prisoners aboard the Spanish galleons, and they were Filipinos jumping ship in New Orleans. They fled into the bayous of Louisiana, and they established a community called Saint Malo, the first APA settlement in the United States, fleeing the Spanish galleons and seeking freedom in this country.

In 1882, this country saw fit to pass the Chinese Exclusion Act. The Exclusion Act ends most immigration from China until 1943 and denied citizenship to those already present, many of whom were drawn by the gold rush and the Central Pacific Railroad.

As a sideline, we have found out through our research that there have been many Chinese Americans who fought in the Civil War. Upon their petition to become citizens after serving in the military, they were denied citizenship because of the Chinese Exclusion Act.

In 1868, the Japanese settled in California, first in a community called Alameda in the San Francisco Bay area and secondly in El Dorado County near Sacramento. That colony was name Wahamatsu Colony.

An interesting story of the Wahamatsu Colony, the first colony in this country, was that they first came as refugees from Japan led by a gentleman who was a gunrunner in Japan, Mr. Schell. He had a choice of either facing death or being deported. So he left with his contingent of folks from Japan and established this colony. This colony did not last very long, but it is important to note that the last surviving members of the first colony in the State of California are not Japanese Americans but families of African Americans and Chinese.

So it shows that ethnic groups in this country, when they come to this country, they may be disallowed from intermarrying with the mainstream white groups of this country, but they found ways to raise families and find their way through this country until such time that laws were passed to allow people to earn their citizenship in this country.

In 1912 at the Stockholm Olympics, swimmer Duke Kahinomoku became the first APA to win a Gold Medal. He was later credited with introducing the sport, a sport that is endearing to the gentleman from California (Mr. ROHRABACHER), the sport of surfing in the United States.

In 1913, the Alien Land Act was passed, and this was specifically in California. The Alien Land Act forced immigrants, primarily Japanese and other APAs, from owning or leasing land; and similar laws were passed in other States throughout the Nation. Subsequently it was rescinded later on in the 1950s.

In 1942, the Japanese American internment occurred. This was following the United States' declaration of war against Japan when Franklin D. Roosevelt signed Executive Order 9066 authorizing the forced relocation and detention of 120,000 Japanese Americans, as well as over 2,000 Japanese Latin Americans. And also in this country it is not well-known that over 7,000 Italian Americans were affected personally, their families, and over 30,000 German Americans were affected.

In 1943, the Japanese American battalion, the 442nd, which was comprised of some 12,000 Japanese Americans, many of them from internment camps, responded to the War Department's call for volunteers for an all-Japanese combat unit. It was not unusual at that time that we had segregated combat units. We had combat units of Indians; we had combat units of blacks and African Americans. At that time around 32,000 were inducted to form the 442 regimental combat team, and we had Members of this House who served in the Regimental Combat 442, the past Congressman Sparky Matsunaga and the current Senator from Hawaii, Mr. INOUYE.

This combat team became legendary for its success, and it is probably the most decorated military men in the United States history. Their average Purple Heart that this combat unit had inflicted upon them, they had earned almost three Purple Hearts per person, meaning they had to be injured. Each member had to be injured at least three times, so close to 9,000 Purple Hearts were granted recognizing their injuries in the effort to fight the war in Europe.

In 1946, the first Chinese American, Wing F. Ong of Arizona, becomes the first APA to be elected to State office. Asian Americans, we are still looking at firsts. Some day we hope that we will go beyond the first and become a rule rather than an exception.

In 1956, after the first congressman, an Indian American businessman Dalip Singh Saund of Westmoreland, California, became the very first Asian Pacific American elected to Congress, he, however, wanted to become a citizen and could not become a citizen prior to 1952 because there was still a law on the books that disallowed Asian to become citizens. When that law was rescinded, he was able to participate in the halls of Congress.

In 1964, the first congresswoman, Patsy Takemoto Mink is the first woman of color and the first Asian Pacific congresswoman to represent Hawaii in the halls of Congress. We know

that we lost her just recently, and it was a terrible loss to not only Asian Americans but Americans throughout this country and to all those who believe that those who have never forgotten their roots and their past come to Congress making sure that the idea that equality and opportunities for all Americans, regardless of their background, must be met and must be respected.

In 1965, a labor activist named Philip Vera Cruz organizes a successful strike of fellow Filipino grape pickers in Coachella, California. This gentleman began the movement that leads to the formation of the United Farm Workers of America where eventually Cesar Chevaz became the head leader and recognized for his work and his philosophy of peace and nonviolent activism.

In 1968, there was an ethnic studies strike. Students of color from San Francisco State University and UC Berkley organize a Third World strike. Their efforts led to the creation of ethnic studies departments at both campuses and eventually across this country.

I have to say that because of the work of folks in ethnic studies, which was a movement that did not have much support among the scholastic circles until recently, that we found all this information that would lead to children, present and in the future, being able to understand that Asian Americans are not recent immigrants and Asian Americans have contributed to the development of this country.

Further, the most valuable player in 1969 was a Filipino American. He played for the Los Angeles Rams as a quarterback, and his name was Roman Gabriel. He was recognized as the league's Most Valuable Player.

The first governor in 1974 was a Japanese governor named George Ariyoshi; and he was elected governor of Hawaii, the first APA governor in the United States.

And in 1981, a Chinese American architecture student, Maya Lin, her design was chosen for the Vietnam Veterans Memorial in a national competition. She becomes one of the most widely recognized architects in the United States, and her work can be seen here in Washington, D.C., at the Vietnam Memorial.

In 1982, a young man, Vincent Chin, who was celebrating the event of his marriage, was murdered. He was murdered in Detroit, Michigan. Two white auto workers mistook Chin for Japanese and blamed him for the auto industry's woes and the downturn in the economy. He was bludgeoned to death with a baseball bat. The courts were lenient on the killers, and none of them served a day in jail. This incident became a rallying point for the national APA community. His mom went across this country seeking justice and eventually had some justice through the civil rights law.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank the gentleman for leading the effort to commemorate Asian Pacific American Heritage month.

During this month-long commemoration, Americans of Asian Pacific heritage celebrate achievements and major contributions for almost 12 million American citizens of Asian and Pacific heritage. Whether we are seeking of arts, education, government, business, athletics, medicine, law, or the military, Asian Pacific Americans have not only contributed but excelled.

Several congressional organizations reflect this unique relationship between Congress and Asian Pacific Americans.

□ 2130

I recently joined my distinguished colleagues, Representative ISSA, Representative FILNER and Representative ROHRABACHER, in founding Friends of the Philippines. The bipartisan membership comprises Members who are working to promote better relations with our longstanding ally, the Philippines. I am also a member of the India Caucus, which similarly works to promote a better relationship with India.

The bicameral and bipartisan Congressional Asian Pacific American Caucus was created by Congressman Norman Mineta, who is now Secretary of Transportation, and Congresswoman Patsy Mink in 1994. Both have served as Chair of the caucus. In the 108th Congress, this Congress, Congressman DAVID WU serves as Chair and Congressman HONDA serves as vice Chair of that caucus. 115 Members of Congress have joined the caucus and work together on policies and legislation that are of concern to Asian Pacific Americans. The caucus is working hard not only to educate other Members about the history and contributions of Asian Pacific Islanders but also to protect and advance the constitutional rights of all Americans.

My connection with the celebration begins with my maternal grandfather who was born in the Philippines. Around 1900 he immigrated to the United States aboard a naval vessel at an early age. He landed in Raleigh, North Carolina, and was adopted by a family in Raleigh. He became a pharmacist but unfortunately died before I was born.

The historic significance of this month involves two events that occurred in May which determined why this month was chosen to celebrate a week, and now a month, for Asian Pacific American heritage contributions. The first occurred on May 7, 1843, when the first Japanese immigrants arrived in the United States. The second occurred on May 10, 1869, known as Golden Spike Day, when the first transcontinental railroad in the United States was completed with significant contributions from Chinese immigrants.

Before Asian Pacific American Heritage Month was signed into law in 1992, it began as a week-long observance of Asian Pacific Americans' contributions to this country. In 1977, Congressman Horton introduced H.J. Res. 540, legislation to authorize the President to proclaim annually the first 10 days in May as Asian Pacific American Heritage Week. Congressman Mineta led the efforts to enact H.J. Res. 1007, which in 1979 began as an annual celebration of Asian Pacific American Heritage Week. In 1989, legislation was introduced to convert the week into a month, and in 1992 legislation was enacted to make the annual month an annual commemoration.

Mr. Speaker, I join the gentleman from California tonight as we urge all Americans to learn the history of Asian Pacific Americans and to celebrate their contributions to the culture and heritage of our Nation. I want to thank the gentleman from California for leading the effort to make sure that this was properly commemorated.

Mr. HONDA. I thank the gentleman.

Mr. Speaker, if I may continue my sharing of information on the chronological order. After the American internment, in 1990 we had a gentleman by the name of Chang-Lin Tien who became the first APA to head a major university in the United States when he was appointed chancellor of the University of Berkeley. He distinguished himself not only because he led the campus as a chancellor but he also became known by the students on that campus, which is quite rare. He also allowed the students to feel that they were part of a community. He was a great proponent of affirmative action. He was a great proponent of making sure that he modeled what it is that he believed by his own personal life. He also was probably the most prodigious and prolific fund-raiser that university system has ever seen. He just passed away a year ago from brain cancer. We shall miss him dearly; but his work and his model, his expectation continues to live in that system and in the State of California.

In 1992, Mr. Speaker, the Los Angeles uprisings took place. The L.A. uprisings followed the verdict in the Rodney King trial. Property loss was valued at $1 billion with Korean American businesses bearing half the damage. Relations between Korean Americans and African Americans became a focal point of community activism. Today when visiting Los Angeles, one will find that the two communities are working hand in hand to make sure that they learn from each other and can grow with each other and that neither one is targeted in times of tension.

In 1996 there was a victory for Asian immigrant women workers. After a 3½ year national campaign, APA immigrant women and Asian immigrant women advocates reached a historic agreement with clothing manufacturer Jessica McClintock to protect garment laborers.

Mr. Speaker, in 1996 something happened in the State of Washington. Not only can Hawaii boast of an Asian American Governor but also the State of Washington elected its first Asian American Governor, Gary Locke from the State of Washington. He enjoys quite a bit of leadership. Today he is the chair of the Governors association. In 1996, AIDS research reached a point of distinction. A gentleman by the name of David Ho was named Time Magazine's Man of the Year for his work in AIDS research. He developed the protease inhibitor cocktail treatment which adds years to the lives of many AIDS patients. David Ho.

In 1997, there was a woman in space. She was an Asian Pacific American. Astronaut Kalpana Chawla became the first Indo-American and APA woman in space. She died in the breakup of the Columbia Space Shuttle returning to Earth this year, in February 2003.

The first APA man in the Cabinet was selected by President Bill Clinton when he appointed former Congressman Norman Mineta Secretary of Commerce. He is the first APA member of the Presidential Cabinet. Earlier in his career, Mineta was the first APA mayor of a major metropolitan city, San Jose. Then in the next administration under George Bush, George Bush saw fit to ask Norm Mineta to serve as Secretary of Transportation. We are enjoying his leadership currently as Secretary of Transportation.

In 2002, an APA woman legislator by the name of Wilma Chan of Alameda, California, is a State legislator but she rose to the Democratic majority leader of the California State Assembly. There are other firsts, Mr. Speaker. The first Hmong attorney. The Hmongs came from Southeast Asia after the Vietnam War. The Hmongs were scattered throughout this country but eventually assembled both in Fresno, California, and in Minnesota. Mee Moua was a young woman who was an attorney and became the first woman and first Hmong attorney and first member of the Hmong community to be elected to the Minnesota State Senate. Shortly after that, Cy Thao became the first Hmong assemblyman in the State of Minnesota. There is also in the State of Minnesota the first Indo-American, Satveer Chaudhary. He hails from Minnesota, also.

There was the first APA woman in the Cabinet. President George W. Bush appointed Elaine Chao to be Secretary of Labor. She is the very first APA woman to hold a Presidential Cabinet post.

Mr. Speaker, in this country there are many firsts. We have John Liu who is the very first Asian American to sit on the City of New York's city council representing the 20th district.

Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE. I thank the gentleman for yielding and for his leadership of the Asian Pacific American Caucus and our tri-caucus, actually, because it is really a privilege to belong to the tri-caucus, the Asian Pacific American Caucus, the Hispanic Caucus, and the Congressional Black Caucus. We join the gentleman today in celebrating Asian Pacific American Heritage Month. In my district, the Ninth Congressional District of California, the east bay of Northern California, Asian Pacific Americans have long played a very crucial role in the life and in the history of the east bay and the region's identity has been deeply shaped by its place on the Pacific Rim. I am proud again to join him tonight in celebrating Asian Pacific American Heritage Month. The contributions to our country by Asian Pacific Americans are numerous, and we are a much better country as a result. However, today Asian Americans confront a wide variety of challenges, including access to educational opportunities, language access issues, and health problems and disparities.

Specifically, I would just like to talk this evening about health care issues, immigration and civil liberties issues and about the work being done in my own district by the Asian Health Services organization and the Asian Law Caucus. Asian Health Services is a comprehensive community health center based in Oakland, California. It provides medical care, health education, insurance counseling, and client advocacy. They reach out into the underserved Asian and Pacific Islander population in Alameda County. Its staff members offer its services in nine languages. They provide almost 60,000 medical visits to some 14,000 patients each year. And they are doing this on minimal resources. In the process, they are helping to tear down language and economic barriers that separate far too many Asian Americans and Pacific Islanders from quality health care.

As we all know, there are vast health disparities in this country. Asian and Pacific Americans are disproportionately affected by cancer and other serious diseases. Asian and Pacific Americans have a tuberculosis rate that is 15 times higher than that of whites. They have cervical and liver cancer rates that are five times the national average. These disparities we must erase, and we must commit ourselves to do that tonight as we celebrate Asian Pacific American Heritage Month.

Recent immigrants also face many challenges from language barriers to medical bureaucracy. Organizations like Asian Health Services are helping their clients conquer their challenges through community outreach, education, and patient care. In recent years, AHS has also opened a very badly needed dental clinic. As part of Asian Pacific American Heritage Month, I want to salute the contributions tonight of the Asian Health Services. In this age of State and Federal budget deficits and Federal tax cuts, their commitment is needed now more than ever. Immigrants are especially at risk during these perilous times.

As part of Asian Pacific American Heritage Month, I believe that it is very important to call to the attention of the country a hero for many of us who I am privileged to say lives in my district and is a constituent, Mr. Fred Korematsu. During World War II when thousands of Japanese Americans were unjustly interned in camps, Fred Korematsu refused to go and took his case all the way to the Supreme Court. Mr. Korematsu stood up not only for his own rights but for civil liberties for all of us. Racial profiling really was not a word or a concept in 1942, but it was practiced with vengeance. The internment of Japanese Americans during World War II represents one of the darkest chapters in our Nation's history. Tens of thousands of people were imprisoned not because of disloyalty, but because of ethnicity; and the President, the Congress, and the Supreme Court all conspired in this act of fear and prejudice.

When Fred Korematsu took his case to the Supreme Court in 1944, the Court ruled in favor of the government and thus in favor of racism and oppression. But by exposing the truth, Fred Korematsu exposed for all of the world to see the utter hypocrisy of fighting for democracy abroad while rationing it here at home. And although it took many, many decades, Fred Korematsu finally won when President Reagan apologized for the internment and Congress finally offered compensation.

I am very proud to say that the Asian Law Caucus fought for Fred Korematsu as it has fought for many Asian Americans. For 31 years, the Asian Law Caucus has advanced the legal and civil rights of the Asian and Pacific Islander communities. Now those communities and our society unfortunately as a whole need that advocacy even more. As attorneys and as legal professionals, we need the skills and the energy and the commitment of lawyers associated with the Asian Law Caucus. Educational opportunities and legal support services are both shrinking under this current administration.

□ 2145

The representation provided to hundreds of low-income clients and the advocacy of the caucus is really making an impact in both high-profile litigation and in the lives of families and individuals each and every day. By fighting for housing, fairness in employment, and the rights of seniors; by stopping unlawful evictions and helping immigrants navigate, and really they have to navigate, the citizenship process, the Asian Law Caucus is strengthening democracy and carrying out the legacies of the civil rights movement of the last century.

So as a proud member of the Congressional Asian Pacific American Caucus, I am proud to join with the gentleman from California (Mr. HONDA) tonight to make sure that our entire country understands why we are celebrating Asian Pacific American Heritage Month. Let

us make sure that we represent Asian Pacific Americans every month, each and every day as we develop our policies and our legislation that ensure liberty and justice for all.

Mr. HONDA. Mr. Speaker, I thank the gentlewoman from California (Ms. LEE). And I yield, Mr. Speaker, to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from California (Mr. HONDA), and I am very proud to stand here as a member of the Asian Pacific Caucus and as well to applaud the gentleman from California (Mr. HONDA) for his vision and leadership on helping us commemorate the Asian Pacific Heritage Month, the month of May.

I am excited because as I left Houston, we were, if the Members will, embedded, if I might use that terminology, in celebrations and commemoration on the Asian Pacific Month in Houston. We are very proud as a very diverse community to be reflective of so many from the Asian community, and we are very proud of the fact that all of our citizens recognize and respect the excitement and contributions of this dynamic community. Might I applaud Mayor pro tempore council member Gordon Quan, the highest-ranking Asian American in the city of Houston. He serves as second in the command of the city of Houston, and we are very proud of his representation.

I am also proud of the fact, if I might speak to the political process, of the number of Asian Americans who will be seeking political office and empowerment. Might I applaud the thought processes that have moved our communities to be accepting of that diversity. And as well, might I applaud the Asian American senior citizen community and senior citizens community center. We had the privilege of meeting with many of the representatives just a few weeks ago, and we have collectively made a commitment to help them build a very dynamic community center for the very dynamic senior citizen community in Houston that happens to be Asian. The reason, of course, because there is such history, there is such a commonality, a community of interests, that we want to make sure that those individuals have an opportunity to reflect on their history and to expand on their cultural pride by having a community center designated and committed to them.

I am also proud of the work that has been done in collaboration with the Asian American community on the issues dealing with immigration. We have worked on the question of whether or not immigration equates to terrorism, and we worked on the question of civil liberties as we have moved certain bills such as the PATRIOT Act and as we formulated the Select Committee on Homeland Security. We have worked to ensure that we do not stigmatize and racially profile different ethnic groups.

This is a month to celebrate and commemorate this outstanding community. For that reason I would like to stand and join with the very powerful and very impressive leader of this Asian Pacific Caucus in the United States Congress and suggest that his continued advocacy on behalf of expanding the opportunities of the Asian Pacific community throughout the Nation and emphasizing political empowerment, social empowerment, civic empowerment is one that I join him in and I thank him for allowing me to celebrate this very important month, and might I congratulate the entire Asian Pacific community in Houston and all Asian Americans as we celebrate this very important month.

With that I yield back to the distinguished gentleman.

Mr. HONDA. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her words and her support not only here in the halls of Congress but also back home in Houston and Texas in general. Her work and the work of the gentlewoman from California (Ms. LEE) really just show that there is power in collaboration and being able to work together not only as individuals but as a coalition for the betterment of every American in this country.

Mr. Speaker, I would like to touch a little bit on the internment story of the Japanese Americans in this country. It is a story that needs to be told over and over again because it is not a Japanese American history lesson. It is not a Japanese American experience only. It is not a Japanese American lesson, but it is really rooted deeply in what I would consider an American lesson.

Mr. Speaker, this year marks the 61st anniversary of President Franklin Delano Roosevelt's signing of Executive Order 9066 on February 19, 1942; and it is the 15th anniversary of the Civil Liberties Act of 1988.

In 1942, President Roosevelt signed Executive Order 9066 pursuant to which 120,000 Japanese Americans and legal resident aliens were incarcerated in internment camps during World War II. Many of these families lost their property and possessions during the several years they were jailed behind barbed wire.

On February 19, 1976, President Gerald Ford formally rescinded Executive Order 9066; and July 21, 1980, became the beginning of reconciling our past to the present. Congress adopted legislation signed by President Jimmy Carter on July 31, 1980, establishing the Commission on Wartime Relocation and Internment of Civilians to investigate the claim that the incarceration of Japanese Americans and legal resident aliens during World War II was not justified by military necessity. The outcome of that commission, Mr. Speaker, the commission had held 20 days of hearings and listened to testimony of over 720 witnesses, and published its findings in a report entitled ''Personal Justice Denied.'' The principal finding in 1982 was that the promulgation of Executive Order 9066 was not justified by military necessity and that the decision which followed from it, detention, ending detention and ending exclusion, were not driven by analysis of military conditions, but rather the causes that shaped these decisions were race prejudice, war hysteria, and a failure of political leadership.

With a strong bipartisan vote, Congress passed H.R. 442, the Civil Liberties Act, which states in part: ''For these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry, the Congress apologizes on behalf of the Nation.'' President Ronald Reagan signed the Civil Liberties Act into law on August 10, 1988, at which time he proclaimed: ''This is a great day for America.''

In 1998, as a member of the California State Assembly, I authored the State version of the Civil Liberties Act, understanding that the work was still not done once the Civil Liberties Act of 1988 had expired.

I mention these dates and this timing, Mr. Speaker, because today it is even more important, more important than ever, to speak up against unjust policies. It is also more important than ever to educate Americans of the Japanese American experience during World War II, as well as the experience of other groups like Japanese Latin Americans who were expatriated from their country at the request of our government; and then while they were on the ships on their way to the United States to be interned in Crystal City, Texas, they were stripped of all their papers and became people without a country. And certain German and Italian Americans in this country were also mistreated, many of whom were forced in the middle of the night to leave their homes and pledge allegiance to the Flag in the middle of the night in order to show that to their neighbors, who forced them out, to prove that they were loyal and patriotic Americans during that time.

It is also important to learn the important lessons from our own history in the resolution I introduced, H.R. 56, the Day of Remembrance resolution, which is still in the Committee on the Judiciary. Teaching the lessons of those dark days is more important today than it ever was. By remembering, Executive Order 9066 that was signed on February 19, 1942, does not become an anniversary just on February 19 but is an anniversary that must be remembered and lived and understood every day of the year, every year for the future of this country, because the lessons that were learned were lessons that were principally rooted in the Constitution of this country, the Constitution which was a contract between our government and the people who are here in this country, a contract that is signed on paper called the Declaration of Independence, a contract that is immutable and cannot be

changed and should not be changed, a contract that promises everyone who is in this country due process and the protection of their civil liberties. It is a contract that has been protected. It is a contract that has been fought for and a contract which members of this country who served in the military have shed their blood overseas for, who left their limbs in the islands of the Pacific and on the European continent.

These Americans must be remembered as part of the lessons that we learned from the Japanese American experience that the Constitution is a contract worth protecting and dying for. We must remember that this Constitution was written back in 1776, but yet it is an evolving, growing Constitution that over time has included not only white men with properties but those who used to be slaves; those immigrants whose laws were passed against them which eventually were rescinded became citizens of this country; those immigrants who came just recently after the Vietnam War, and even today people are still seeking to find refuge in this country even at times when we seem to appear to be inhospitable to the immigrants.

Mr. Speaker, the lessons learned during the internment when we thought that we were protecting Japanese Americans for their own safety was actually a myth because if it were true, then as my father used to tell me, he wondered why if we were here for our protection, why would the barbed wires be around us, the machines pointing in on us. And my father used to still tell me, though, that, as I grew up, to be 110 percent American; that we must also remember that the contributions that have been invested in this country of our parents and grandparents are well worth it, that we must also learn that even though this country is faced with challenges since 9–11 that in spite of the war on terrorism that we still have to remember the constitutional principles by which we live.

When 9–11 occurred, the ugly head of racial prejudice appeared again as it did in 1942. Hysteria started to take over some hearts in this country, and as a result people like Balbir Singh Sodhi, an immigrant and a Sikh American from Fremont, California, moved to Mesa, Arizona to start a business there and because he looked like the enemy to the perpetrator, he was murdered and shot there in his store. And then coincidentally another year later, his brother Sukhpal Singh Sodhi was a taxi driver in San Francisco who was shot and murdered in San Francisco merely because he appeared to be a Middle Easterner and those who murdered him thought that they were vindicated because they played upon and acted upon their prejudice and their hysteria and their hatred.

□ 2200

It did not become a wave of murders and hangings here in this country, for I believe that, because of the history that we have been able to share, that many of us checked our fears and checked our emotions and made sure that we did not respond or succumb to our base fears.

Mr. Speaker, I believe that Members of this Congress also participated in making sure that the people of our country remembered and learned from the history of the internment, that racial profiling is unacceptable, and although we are in the throes of fear and the issues of national security that we must exercise our common sense, our good sense, and exercise our understanding of the principles of the Constitution.

We know that after 9/11 and after certain acts were passed, such as the PATRIOT Act, that we must seek the critical balance between civil liberties and private liberties with national security; and the Constitution continues to be tested as we move along, looking towards a possible second PATRIOT Act.

Mr. Speaker, it is my prayer, my hope, that Members of this body remember that Asian Americans were pioneers establishing this country. The Asian Americans were laborers building this country. The Asian Americans are doctors, lawyers, teachers and politicians, providing for the health and welfare of this Nation; and we, like every other American, are red-blooded Americans.

Mr. Speaker, I would like to close with a couple of comments that became a lesson for me personally as I have been here my third year and my experience and seeing the works of the halls of Congress here in Washington, D.C.

I believe that the very basic lesson I have learned is not only from the experience that my community has had in 1942, the kinds of lessons we learned since then and the kinds of teachings that we have learned, but I also started to understand that the last century was a century of wars, a century of conflict, a century of trauma, and that the promise that we have in this new century should be the century of reconciliation and peace.

Now that the Cold War is gone, we have a challenge of facing conflicts in other ways. A wise man once said to me that peace, Mike, is not an absence of conflict, but a way, a manner, in which you can deal with conflict.

So, in closing, the primary lesson I have learned these past few years, Mr. Speaker, is that our Constitution is never tested in times of tranquility, but our Constitution is sorely tested in times of trauma, terror and tragedy, and that the very fiber of the American character and this country should be embodied and should be learned from the very words and the principles and the rights embodied in the Constitution and Bill of Rights.

Mr. Speaker, I thank you for the opportunity to utilize this time to share some of the information that we have had, share some of the information with the general public, and hopefully the records would reflect that Asian Americans in this country came with a dream, they worked hard and participated, they faced barriers and overcame them, and that can only happen over time in a country and a democracy like ours, where evolution and evolving sentiments and policies in this country only lead us forward, that we learn from our mistakes, and that only makes us stronger and better Americans and a greater America.

Ms. PELOSI. Mr. Speaker, for more than two centuries, America has been enriched by our diverse and rapidly growing Asian American and Pacific Islander communities. Generations of immigrants and refugees from Asia and native peoples from Hawaii and the Pacific Islands have enhanced our nation by preserving and sharing their unique cultures and values.

Asian Pacific American Heritage Month provides a special opportunity for all Americans to pay tribute to Asian Americans and Pacific Islanders whose countless contributions—in science and technology, arts and media, business and social work, politics and more—have left a lasting legacy on American culture and society.

Moreover, these communities serve as a living example of the critical role that equal opportunity, social justice, and civic participation play in making the American Dream a reality. In the face of prejudice and poverty, internment and exclusion, Asian Americans and Pacific Islanders have fought for the right to call America their home. This month, we thank them for their perserverance, we applaud them for their achievements, and we proudly recognize them as fellow countrymen in our common homeland.

Ms. BORDALLO. Mr. Speaker, I am pleased to join my colleagues this evening to commemorate Asian Pacific American Heritage Month and I want to thank the Chairmen of the Congressional Asian Pacific American Caucus, Mr. HONDA and Mr. WU, for their leadership of the caucus. I would especially like to thank Mr. HONDA for organizing this special order which seeks, not only to recognize the contributions of Asian Americans and Pacific Islanders to our Nation, but also to educate our citizens on the uniqueness of our people.

Asian Pacific Americans are a rapidly growing group made up of 49 different ethnicities speaking over 100 different languages and dialects representing 4.5 percent of our population today.

Asian Pacific Americans have much to be proud of. In every aspect of American life—business, education, government, the military, in media, sports, entertainment and the arts—you will find prominent Asian Americans and Pacific Islanders.

Here in Congress, more than 30 members past and present have been of Asian and Pacific Island descent representing backgrounds such as Chamorros, Samoans, Native Hawaiians, Japanese, Filipino, Korean, Indian and Chinese.

As we celebrate the contributions of Asian Pacific Americans in this ''Salute to Liberty'' and with the approach of Memorial Day, it is fitting that we reflect of the thousands of Asian Pacific Islanders who have served in our armed services. In World War II, Korea, Vietnam, the Persian Gulf and, most recently, the

war in Iraq, Asian Pacific Islanders have served with honor and distinction.

I am honored by Guam's record of service to the Nation. Men and women from Guam have served in all wars, and they have served in disproportion to their small numbers.

Today, let us again acknowledge the sacrifice of Asian Pacific Americans in defense of our country.

Common to the Asian and Pacific Island heritage is the sense of family and community. Our concern for our immediate as well as extended family is what encourages us to work harder and strive for a better life for everyone in our community. It is our sense of family that strengthens our commitment to fight against racism, discrimination and injustice, not just of our people, but of all people.

Historically, Asians and Pacific Islanders have known much war and strife. They have survived and they have thrived to the benefit of America. So today, as we celebrate Asian Pacific American Heritage Month, let us honor all they have done to enrich our lives.

Mr. ABERCROMBIE. Mr. Speaker, I am pleased that this House is marking Asian Pacific American Heritage month. For those of us from the State of Hawaii, there is something missing in this year's Heritage Month celebration—the dynamic presence of our colleague, Patsy Takemoto Mink. I would like to take this opportunity, therefore, to reprise the tribute to her that I delivered on this floor last October.

We were devastated by the sudden loss of this irreplaceable woman.

Patsy Mink was the first Asian American woman to serve in Congress. But she was much more than that. She was our friend and colleague. She was a true daughter of Hawaii. She was a person of enormous spirit and tenacity and inner strength. This House is much the poorer for her loss. We especially miss her wisdom, her energy, her readiness to fight for principle.

As evidence of the high esteem in which she was held in Hawaii, she was elected over and over by the voters of Hawaii, and she was re-elected posthumously after she passed away just before the 2002 election.

Patsy fought all her life for social and economic justice. Throughout nearly 50 years of public service, she championed America's most deeply held values: equality, fairness, and above all . . . honesty.

Her courage, her willingness to speak out and champion causes that others might shun resulted in tremendous contributions in the fields of civil rights and education.

She has earned an honored place in the history of the United States House of Representatives as the co-author of title IX, which guarantees equality for women in education programs.

Every single woman in this Nation who today access to equal opportunity in education, and by extension in virtually every other field of endeavor, owes a debt to Patsy Mink.

She was one of the pioneers who transformed Hawaii and transformed this Nation. Her legacy lives on in every campus in America and in the heart of every American woman who aspires to greatness. Most profoundly, it lives on in the spirit of hope, hope for the millions of lives that she touched. Patsy Mink knew first hand the power of hope, the power of perseverence, the power of dreams.

She was turned down for medical school, discriminated against because she was female, because she was Japanese American, because she came from an unknown territory out in the Pacific.

That is why she went to law school, fought her way into law school so that she could achieve a degree that would enable her to fight against the discrimination she had suffered. She was a champion then. We all recognized it. She was smart and she was tough and she was articulate and she would not quit. She was an inspiration then and now. Whenever any of us felt some sense of discouragement, whenever any of us felt some sense of despair or feeling that we could not succeed, it was only required for Patsy to come in the room to change the atmosphere.

Patsy Mink had the capacity to make dead air move. Patsy Mink, this little lady from Hawaii, was a giant in her heart and in her commitment.

With every breath that she took, she championed those who had no one to stand up and speak out for them. A little lady with a big heart, a lioness.

We will not see her like again.

Mr. FARR. Mr. Speaker, I rise today to celebrate Asian Pacific American Heritage Month, which honors Asian Pacific Americans throughout our history.

From the early reaches of our Nation's history to the present day, Asian Pacific Americans have played a crucial role in the development of the United States. Asian Pacific Americans have contributed to explorations of places as far away as the depths of outer space, and places as near as the inner vessels of the human body. They have served as generals in our military, builders of our great transcontinental railroads, and athletes without peer.

But I rise today not to merely tout the accomplishments of this storied group of people, but to speak specifically about the uplifting account of two amazing families, one Asian Pacific American and one Caucasian. I want to relate to my colleagues the amazing and unique friendship that developed between the Tanimura and Antle families over impossible odds.

George Tanimura, a second-generation Japanese American, grew up spending his weekends working on his father's lettuce farm in Castroville, California, in my congressional district. Both of George's parents died before he completed high school, so George, the oldest of 12 siblings, along with his brother Charlie, managed the farm. The family business was kept afloat during the troubled times of the Great Depression, only to be devastated by the forced internment of more than 120,000 Japanese Americans after the attack on Pearl Harbor. While brothers Charlie and John joined the U.S. Army, George and his other siblings were inhumanely forced into internment camps. By the time the Tanimura family was released after World War II, it had lost all its previous land holdings. Slowly and painstakingly the Tanimuras regained their agricultural footing, farming onions and lettuce on 20 acres of land.

The Antle family migrated west from the Oklahoma Dust Bowl in the late 1800s, arriving in Salinas, California, to find work in the iceberg lettuce industry. Bud Antle joined his father Lester as a lettuce packer in Salinas. In 1942, after years of hard work, Bud and Lester created their own lettuce-packing company, Bud Antle, Inc. The company grew quite rapidly, starting with 60 workers and quickly increasing to 300 workers.

The Tanimura family soon began growing lettuce only for Bud Antle, Inc. It was a natural marriage of lettuce growers and lettuce packers, and the Tanimuras and Antles soon became close friends. The Antles treated the Tanimura family as equals in a time rife with discrimination. In turn, Bud's son Bob worked closely with the Tanimura family and quickly learned the industry. In 1982, after years of trusted friendship, these two families formed Tanimura & Antle, one of the largest lettuce producers in the world.

The story of the Tanimuras and the Antles is one of uplift beyond all possible odds. Both families built their companies from the ground up, and with an understanding of and appreciation for human rights when such a concept was in short supply. I commend these two families for serving as a heartening reminder of all that is good about America. I can think of no finer time to recognize their mutual achievements than during this special Asian Pacific American Heritage Month.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in homage of Asian Pacific American Month to honor our nation's Asian Pacific American communiy. I am honored to share in the occasion of the 25th Anniversary of such a special month.

The beauty of our nation comes from the diversity of its colorful fabric, which includes the Asian Pacific American community. More than 12.5 million APAs make up one of the fastest growing segments of the United States population. I am certainly grateful for all of the countless contributions Asian Pacific Americans have made to our society.

Asian Pacific Americans have blazed trails in a myriad of professions including academics, science, business, music, technology, sports and, of course politics. Mr. Speaker, I would be remiss if I mentioned great Asian Pacific Americans and not mention my good friend former Representative Patsy Mink of Hawaii. Although she is no longer with us, her presence is still felt, here in the halls of Congress. Patsy was a knowledgeable, courageous woman—committed to people.

In April of 2002, with the help of my colleagues in the Congressional Asian Pacific, Black, and Hispanic caucuses, we established the Tri-Caucus, a collective caucus with the purpose of addressing issues of mutual concern. This group is dedicated to many issues that affect our diverse constituency. Specifically, the Tri-Caucus focuses on immigration, health care, education, and economic development issues. One year after the September 11th tragedy, the Tri-Caucus participated in the historic Commemorative Joint Session of Congress in New York City and held a Business Roundtable that assembled a host of leaders in the business community to explore economic development strategies. The Tri-Caucus also presented a joint statement on the affirmative action case at the University of Michigan.

Mr. Speaker, APAs have contributed to this nation since their first settlement was established in the bayous of Louisiana in 1763. In the midst of World War II, more than 12,000 Japanese Americans volunteered for an all-Japanese combat unit, many of them came from mainland concentration camps after President Franklin Roosevelt signed an Executive Order authorizing the forced relocation

and detention of 120,000 Japanese Americans, as well as Japanese Latin Americans. The Legendary 442nd Regimental Combat Team went down in history as one of our nation's most decorated military units. To date, there are more than 284,000 Asian American military veterans.

Mr. Speaker, in closing, I would like to encourage my colleagues in the House of Representatives and citizens around the nation to explore the rich culture, achievements and contributions of the Asian Pacific American community.

Ms. WOOLSEY. Mr. Speaker, I am pleased to join my colleagues tonight honoring the many contributions of Asian Pacific Americans. In particular, I wish to honor one of my greatest heroes and long time friend, former Congresswoman Patsy Mink.

Mr. Speaker, I am proud to stand here tonight and recognize the many contributions that Patsy Mink made to the people of this country, particularly to the girls and women of this country.

I was privileged to serve with Patsy while working with her on the House Education and the Workforce Committee since the beginning of my tenure in 1992. She served as a mentor and friend to me while I have worked in Congress and I miss her very much.

Besides being the first woman of color to serve in the House of Representatives, Patsy Mink helped craft landmark legislation for women across the country during her 24 years in Congress. In the early 1970s Patsy played the key role in the enactment of Title Nine, which prohibits gender discrimination by federally funded institutions.

When most people think of Title Nine, they think of women's sports and, the impact of Title Nine of women's sports can be clearly seen. Title Nine has increased the numbers of girls and women who participate in sports in high school and college.

Even beyond school, we can see the impact of Title Nine in the impressive accomplishments of American female athletes at the Olympics, and when we turn on the TV to watch professional women's basketball and soccer games.

But, we shouldn't forget that Title Nine has also been a major tool for increasing women's participation in other aspects of education, as well.

Even as we stand here on the floor today Title Nine is being used to make sure that girls have equal access to classes which teach the skills that lead to high-wage jobs that women need to support themselves and their families.

But, Title Nine was not Patsy's only contribution to the girls and women of America.

Patsy also authored the Women's Educational Equity Act, which is still the primary resource for teachers and parents seeking information on proven methods to ensure gender equity in their schools and communities.

The Women's Educational Equity Act represents the Federal commitment to ensuring that girls' future choices and successes are determined not by their gender, but by their own interests, aspirations and abilities.

There has been no stronger voice in Congress for girls, women, and minorities than Patsy's, and it will do Congress proud to remember and honor her not only for her heritage but also for the enormous impact she made while she was here in Congress.

Ms. WATSON. Mr. Speaker, I rise today to commemorate the Asian Pacific American Heritage Month and to celebrate the lives and accomplishments of Asian Pacific Americans in our history. In particular, I want to recognize the contributions of Korean Americans to my district and commend them for their tireless work in improving the city of Los Angeles.

Mr. Speaker, as you may know, Los Angeles is home to the largest concentration of Koreans outside of Korea, roughly 160,000. Located in my district, Koreatown is the hub of the Korean community and vital to our local economy. The rich and diverse history of Korean immigration is carefully documented by the Korean American Museum, from the first Korean arrival in the United States at the turn of the 20th century for agricultural production, to the most recent wave of Korean immigration marked by the passage of the 1965 Immigration Act.

Just a few weeks ago I had the opportunity to attend the Congressional Asian Pacific American Caucus kick-off event and hear from many of the Asian American leaders in my district and beyond who discussed their community development projects. I want to take this opportunity to recognize some of the groups I met that day and the contributions they continue to make to our communities: the Korean Resource Center, the Korean Youth & Community Center, the Korean Churches for Community Development, the Thai Community Development Center, and the Asian American Healthcare Venture. I want to reiterate one of the key concerns expressed to me by some of those community leaders at the forum, which is the need for community and economic development projects that are geared toward Asian Pacific Americans. The diversity of the APA population presents unique challenges for housing and community development systems, and we must look for ways to better allocate scarce resources to deliver linguistic and culturally appropriate services.

I strongly believe community development organizations must be sensitized to the history and experiences of the communities they serve in order to produce services that are linguistically and culturally appropriate. To that end Congress should look into federally designated funding for the APA community and economic development programs. We also need to look into better data collection and research at the national level to further understand the unique needs of the Asian American communities.

I want to thank Congressman WU and Congressman HONDA, Chair and Vice Chair of the Congressional Asian Pacific American Caucus, for organizing this special order. As we commemorate and celebrate the crucial role Asian Pacific Americans have played in the development of this Nation, we must also recognize the unique needs and challenges the 12.5 million Asian Pacific Americans in the U.S. face today and work towards improving their future and the future of our country.

MATTERS NOT YET FINISHED, ISSUES UNDONE

The SPEAKER pro tempore (Mr. COLE). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 60 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is a pleasure to have been able to celebrate with the gentleman from California (Mr. HONDA) the importance of Asian American and Asian Pacific Month.

I would like to add some additional points that I think are very important on this matter, and just add my thoughts regarding the information that we have shared this evening.

I would like to call this special order, Mr. Speaker, ''Matters Not Yet Finished, Issues Undone.''

I believe it is important to note, as we are facing challenges with respect to homeland security, that as we look to protect our Nation it is important to find the right kind of balance.

This morning I was able to join a number of my colleagues at the homeland security hearing held in the district of the gentlewoman from New York (Ms. SLAUGHTER). I thank her for her hospitality. It was a very important hearing. As we listened to the residents and Federal officials in the northern New York-Canadian area, the theme was, of course, that we should be effective and efficient and proficient, but also we need to balance the needs of that region as relates to the commerce of people and as well goods. So there should always be a balance.

That is why I think it is important to remind this Nation of the Japanese internment in the 1940s, done by a President, of course, that thought what he was doing was the correct thing. But in many instances the Japanese that were interred did not even speak the language, did not speak Japanese, may not have had any relationship to Japan, and certainly posed no threat to the United States. They lost their jobs, their property, their family.

So as we move through society and as we begin to look at these questions, I think it is extremely important that homeland security and the securing of this Nation be balanced with civil liberties and the refusal and rejection of racial profiling.

I might also want to add just a note as we are focusing on the Asian Pacific Month, it is just to pay tribute for a moment to our former colleague, our late colleague, Patsy Mink. We truly miss her. Certainly she was the first Asian Pacific woman to be elected to the United States Congress and the first minority woman. It is clear that her leadership was not a leadership that focused solely on the issues of her heritage. She focused on issues of social justice. She is known to be the Mother of Title IX, that opened the doors of opportunity for women athletes.

But I think it is very appropriate during this month to again compliment all of the Asian Pacific and Asian American elected officials throughout the Nation, our two Senators in the United States Senate, the many Members of this House of Representatives who serve us today. But certainly it would be remiss of all of us if we did not make mention of the fact that Patsy Mink served amongst us, and she was a dynamic and wonderful representative.

Also, Mr. Speaker, I believe that as we look at the issues confronting us there are many things that are left undone that I would like to make note of.

The first is that I would like to emphasize again a tribute to the 55 Texans that took it upon themselves to stand and be counted against a runaway legislature that wanted to do a number of legislative initiatives that were to undermine the representation of these members, 51 in Ardmore, and four others, a total of 55, a very unique and extraordinary procedure that was utilized.

I think the headline in the Washington Post on Tuesday, May 13, gave the right tone. ''GOP plan prompts a Texas exodus. Democrats stall State legislature's redistricting vote. Moving with exceptional stealth and tactical coordination, more than 50 Democratic State lawmakers in Texas packed their bags and quietly slipped out of the State under cover of darkness late Sunday and early today.''

Of course, it is alleged that the officials there dispatched various police officers and others to track them down. I do not think they reported, however, some of the abuses that occurred during that time; the fact that law enforcement, under the direction of State officials, went into hospitals, went into the homes of legislators whose children were home alone, tracked legislators' cars whose whereabouts were well-known because they were in Ardmore, simply, I believe, an inappropriate use of the legal authority of that State.

I would hope that there will be a great study of what occurred with these 55. I hope the Nation points sunlight on that political process so that the misrepresentation that they absconded or they left in the dark of night would not be the accurate characterization of what happened.

What happened was as important as those early settlers who threw, if you will, the tea into the Boston Harbor. It was an act of objection, defiance, in a democratic manner. It was a nonviolent defiance of a governmental process that was oppressive.

And what was the oppression? The refusal of the legislature to even allow amendments by the Democrats on any issues, amendments that would deal with the saving of children who had lost their health care, amendments dealing with fixing Medicaid, amendments dealing with fixing the pension problem with respect to teachers in Texas, amendments dealing with the fact that schools were firing teachers. There was absolutely no respect of the bipartisan process that Texans had grown used to and certainly no respect of the balance between majority and minority.

So the Democrats did not just walk out, Mr. Speaker, on the issue dealing with redistricting, though let me share with you the plan that was supposed to be a redistricting plan. Mind you, Mr. Speaker, that not in 50 years had there been this kind of interim redistricting request by any State. So it is unfortunate that we would have the majority leader of this body to interfere with the State process on the grounds that the State of Texas is a Republican State.

This is what we would have been subjected to if the redistricting plan would have existed.

First of all, District 25, that is now an existing district in the State of Texas, would have been extinguished, moving it some hundreds of miles away from its original base. That means an incumbent Member would have been totally eliminated. Not that the incumbent Member is the question. It is the question of the people having the right to select a person of their choosing and for communities of interest to be able to be together.

When I told constituents of the 25th that their district no longer existed, and these are individuals of different political persuasions, not only were they shocked, but they were outraged that they did not have the opportunity to have a hearing in their community to be able to address the question.

Mind you, Mr. Speaker, those of us from Texas wrote letters. The legislators there requested of that body, the State House, to allow for field hearings to occur. But, lo and behold, they were totally rejected. Not rejected as elected officials, but I would like to remind Speaker Craddick of the House of Representatives in Austin that he denied the people of the State of Texas.

But this plan would totally move the 18th Congressional District that I am now representing, again a district that belongs to the people, totally away from its historic communities of interest. It means the historic homes of Barbara Jordan and Mickey Leland would no longer be in the 18th Congressional District and that historic location in Houston, Texas, but would be connected hundreds of miles away to a district that would be in Beaumont, Texas, next to Louisiana. So a downtown community, downtown Houston, would be connected under this plan that the legislators saw fit to leave town on to Beaumont, Texas.

The real key is the rights of the people, and I believe that the rights of the people have been undermined and, maybe in some instances, abused. I believe it is important as a member of the Select Committee on Homeland Security that we clarify and make sure that in the rush to judgment of last week that no Federal resources were utilized.

So I would like to offer into the RECORD language from a letter that was sent by a number of Members of Congress dated today to request formally the audio tapes and transcripts of all conversations or transmissions pertaining to any aspect of the alleged attempts to use any Federal resources of any type with regard to any member of the Texas legislature. This request includes all communications of any type to and from employees and consultants, wherever they may be located.

I would like to offer this into the RECORD at the appropriate time, Mr. Speaker.

□ 2215

The letter is joined by a letter that was sent last week by myself and a number of Members of this body to insist that this was not a Federal question. There had been no criminal acts that had been perpetrated by the legislators, and their constitutional rights protected them from their expression of opposition to the process of the Texas legislature, and that no Federal resources or no Federal intervention should occur.

Apparently, we were ignored; and already at that time inquiries were made to the Department of Justice to utilize their resources. Also, it appears that homeland security resources were used at that time and that there were trackings, if you will, of legislators.

That is an abomination, Mr. Speaker, an outrage. I hope that, out of the sense of respect and dignity for this House and the Members of this body, an appropriate response will be coming forth from the Homeland Security Department. I think it is absolutely a necessity, Mr. Speaker, that we engage in doing that immediately. Without that, I think that we are barking up a very wrong tree.

As I said, Mr. Speaker, I am here to discuss issues left unstated and matters still to be done. I want to speak to the question of the news item of last week, and we do not know how long it will continue. I do so because I am a strong believer in the first amendment and the freedom of the press. It is certainly imperative and the responsibility of the press to be accurate; I do not disagree with that. Many of us who serve in elected office have seen many instances that we have challenged some of the accuracy of the reportings of the press.

At the same time, we hold very dear that privilege of the first amendment. In fact, the first amendment entitles us to the freedom of speech, the freedom of association and movement, and the freedom of religion, among others. So this is not a challenge, if you will, to the idea that we must protect the first amendment.

I recall working with a writer a year or two ago on the issue of ensuring that she had the right to hold her sources, a very sensitive issue. She was so convinced of this that she remained in jail for a period of months, almost a year, to protest against the grand jury demanding of her her sources. I sided with the privilege that she had to protect those sources of her particular articles that she had written and books that she was intending to write.

But this is about The New York Times and Jayson Blair. All of a sudden, it grew into a larger issue. Mr. Speaker, Jayson is an African American. The whereabouts of Jayson I do

not know if anyone knows at this point, but I would like to raise as a commentary an article by Bob Herbert written in The New York Times. It is seemingly May 19, late edition.

I believe this is an important commentary, because what we saw last week was an uproar about Mr. Blair's writings and the mea culpa of The New York Times, and the challenging of the editorial staff. I would like to support the editorial staff. I cannot support them personally in terms of their professional and management style, but certainly I believe that all heads should not roll because of an incident with an obviously unfortunate individual who has certainly deep and unfortunate problems.

But what began to happen is the trickle-up effect, that they wanted to throw the management out with the water. They also wanted to label Mr. Blair as a representative or a symbol of affirmative action. So I stand here today to take issue with all of the editorials and all of the commentary that will probably continue, that Mr. Jayson Blair's problems were because he was an African American hired on affirmative action and protected by affirmative action.

I would like to take from Mr. Herbert's commentary: ''I've seen drunks, incompetents and out-and-out lunatics in the newsrooms I've passed through over the years. I have seen plagiarizers, fiction writers and reporters who felt it was beneath them to show up for work.

''I remember a police captain who said of a columnist at the daily News, 'I didn't mind him making stuff up as long as I looked okay. But now he's starting to tick me off.'

''I was at NBC when some geniuses decided it was a good idea to attach incendiary devices to a few GM pick-up trucks to show the trucks had a propensity to burst into flames. That became a scandal that grew into a conflagration that took down the entire power structure at NBC News.''

Then he refers to the Jayson Blair scandal: ''For those who have been watching nothing but the Food Network for the past weeks, Mr. Blair was a Times reporter who resigned after it was learned that his work contained fabrications and plagiarized passages on a monumental scale. The truth and Jayson Blair inhabited separate universes. If there were a blizzard raging, Mr. Blair could tell you with the straightest and friendliest of faces that the weather outside was sunny and warm.

''Now, this story would be a juicy story under any circumstances. But Mr. Blair is black, so there is the additional spice of race, to which so many Americans are terminally addicted.

Listen up: the race issue in this case is as bogus as some of Jayson Blair's writing and reporting.'' A great comment and an important comment.

''The idea that blacks can get away with the journalistic equivalent of murder at The Times because they are black is preposterous.

''There's a real shortage of black reporters, editors and columnists at The Times. But the few who are here are doing fine and serious work day in and day out and don't deserve to be stigmatized by people who can see them only through the prism of a stereotype.

''The problem with American newsrooms is too little diversity, not too much. Blacks have always faced discrimination and maddening double standards in the newsroom, and they continue to do so. So do women, Latinos and many other groups that are not part of the traditional newsroom in-crowd''; and I might add, Asian Americans.

''So let's be real. Discrimination in the newsroom—in hiring, in the quality of assignments and promotions—is a much more pervasive problem than Jayson Blair's aberrant behavior. A black reporter told me angrily last week, 'After hundreds of years in America, we are still on probation.' ''

Mr. Speaker, that is why I think this is extremely important. Thank you, Mr. Herbert, for your commentary. How striking and how truthful, to be able to highlight the fact that what we really have a problem with is not enough African Americans on editorial boards and newspapers across the Nation, or African Americans behind the camera making editorial decisions in the electronic media, whether it be radio or television.

Jayson is not the problem; Mr. Blair is not the problem. We all hope and wish for him some sort of recuperative regrouping, and certainly whatever penalties will come to him personally. But his downfall at The New York Times should not be the downfall of all reporters all over the Nation. I would just simply ask my colleagues to make sure that we are not pointing to someone who clearly has his own severe problems.

I believe that we can get past this by working very hard together on establishing what should be the right kind of attitude about affirmative action. That is, of course, that it brings about the opportunity for diversity and it brings about the opportunity for improving the access of all Americans to the great workplaces and the talents that all of us deserve to see.

I wish all of those in newsrooms around America the reckoning and the respect for all who may be there. Certainly I hope that they will encourage diversity and reach out for diversity.

To all of those who happen to be African American, Hispanic, women, Asian American and others who are in the newsroom, they should do the right kind of job, stand up and be proud, and reflect upon the wonderment of their heritage, so that as readers are reading, they can see in actuality a different perspective reflected by their uniqueness, their talent, their intellect, and their ability to write.

Might I also make note of the fact that I am very proud of my young son, Jason Lee, who just recently won a writing contest. He is in the 11th grade. I would encourage all who are involved in training young people to encourage them to write. It is one of the most important skills that I think we can have, and I would hope that we would do so.

Mr. Speaker, I think that as we look at these issues, it is important as well to continue to look at civil justice and civil rights issues. I would like to again focus on a civil rights issue by focusing on the predicament of individuals in Tulia, Texas, where tens of individuals were locked up on the testimony of an errant police officer.

Now, I have the greatest respect for law enforcement. We work a lot together. I am a member of the Committee on the Judiciary. I want to salute much of the law enforcement in the State of Texas and Houston that I have had a chance to work with, so I do not broad brush. But I know that we have had our share of enormous difficulties and racial incidents that law enforcement personnel have, unfortunately, contributed to.

We have a large problem in this country regarding racial profiling, and we have yet to pass a serious racial profiling legislative initiative in this Congress. We have a problem that we have not passed a hate crimes bill, and we have difficulties in getting that bill even to be heard in the Committee on the Judiciary. I believe that we have a lot of work to do.

In this instance, in Tulia, Texas, and I want to applaud the gentleman from Michigan (Mr. CONYERS) and the gentleman from New York (Mr. RANGEL) for a briefing I joined them in, and as well to applaud the Committee on the Judiciary of the House, because we expect to have a hearing on this very point in the very near future.

I will be authoring a resolution to condemn what occurred in Tulia, Texas, and that is tens of African Americans not only arrested but convicted on bogus drug charges. They were individuals who were charged, and they were released after they could document that they were not even in the town at the time the incidents occurred. But it was so reckless and random, and the justice was so fleeting. In fact, there was no justice, because individuals were able to be indicted and convicted on the testimony of one law officer, or police person, who subsequently was then undermined and shown to be lacking in integrity and the truth.

It is time now to have those who are in prison released immediately. Might I applaud Senator John Whitmire for his courage and his legislation in the State senate of Texas indicating and requesting and demanding that these individuals be released.

It would be a shame if the legislature that tried to bombard a redistricting plan that had no sense and was obviously developed by a meat cutter, there would be a tragedy if there could not be some good after this incident. That would be to pass Senator Whitmire's

legislation on unanimous consent. Forgive me if I am suggesting a procedural point that is not allowed in the Texas senate.

But if it is to be considered in that manner, I would encourage my friends in Texas to take up Senator Whitmire's bill and to have those individuals released. If that is not the case, then what would be the best thing to occur? Mr. Governor, Governor Perry, why do you not do the right thing and why do you not, by executive order, ask that these individuals be pardoned and released from the prison, because it has been shown without a doubt that the sentences that they have been rendered are sentences that are inappropriate, and that they have been convicted on false charges, and that they should be released?

It is very important that we do so, and I hope that out of the work of Senator Whitmire, out of the hearing we will have in the Committee on the Judiciary, I hope that we will find an opportunity, if you will, to release these innocent persons.

I had the opportunity to meet the mother and another individual, I believe, that had been impacted, of some of the incarcerated persons. What a sad occasion that mothers were celebrating Mother's Day without their children. Some mothers had two and three and four children arrested, convicted, and jailed. What an outrage.

Then they found out that the actual basis of this case was on one single individual's testimony. That individual, upon further hearing, when they were brought to trial on the basis of the lawyers that had been retained or chosen to help these individuals that are incarcerated, they found that his case was made of nothing but a bag of air and a bucket of water with holes in it.

I think it is time now that we address the inequity. I would say it is time we free the Tulia incarcerated persons, free them now. I would ask the Governor to do the right thing, the Governor of the State of Texas to do the right thing and release these individuals. It is outrageous.

Mr. Speaker, I might say that this has gained a lot of support in the State of Texas. This is not an isolated and, if you will, covered-up circumstance. It is appropriate for the Governor to act. I would hope that he would do the right thing and the respectful thing and allow these individuals to go free.

I want to step aside from civil rights issues for a moment and just go into, again, as I said this is a litany of issues that I think is very important. I want to congratulate the gentleman from Florida (Mr. MEEK) in his work with Haitians. Preceding him was his mother, Congresswoman Carrie Meek.

I would join him in the resolution that he has filed today in celebration of Haitians, Haitian-Americans to acknowledge that there are 1.2 million Haitian-Americans in this country, 700,000 in the Florida area, and to also celebrate and commemorate with them Flag Day, May 18, and to salute the kind of friendship that Haiti has had with the United States and apologize to them for not keeping that friendship at the level it should be.

□ 2230

Frankly, I believe that we have done a disservice to our Haitian friends by not giving them parity as it relates to immigration laws and allowing them to have, because of the oppressive nature and the unfortunate economy in Haiti and over the years the oppressive nature of the government, we are now trying to work with the present government. I am not suggesting that the government is not trying, but I am saying that the Haitians live in abject poverty and there is a great need to respond to their immigration needs as they seek opportunity. Some of them are, if you will, in jeopardy of losing their lives because of the political viewpoint they take.

I would suggest that we look closely at the legislation many of us have offered over the sessions, and that is to allow Haitians who flee because of political oppression and also abject poverty, where there is no opportunity whatsoever for them to survive, I would suggest that we look closely at providing them the kind of status that the Cubans receive when they are able to reach the shores of the United States of America.

This will of course upset many, but we have always had a disjointed immigration policy in the United States, and I think we do ourselves a disservice by not understanding that we are not gaining by having an immigration policy.

I have heard my good friend on the floor of the House day after day after day, month after month after month. I do not disagree with those who believe that we have to find a way to stem the tide of illegal immigration. I certainly agree with that. I also agree that we must secure our borders, and it certainly would be hypocritical for me to be on the Select Committee on Homeland Security and not provide the resources of increased border patrol agents, of high technology, with the kind of radioactive equipment that can detect illegal goods and persons coming across the border. But we have to recognize as well that we are surrounded by nations whose economy is in shambles, and people look to the United States with great hope and inspiration. And, unfortunately, sometimes they have gotten a one-way ticket to death.

So as I mention the Haitians I think it is important to note that that country is in shambles. We are working with it. I hope the President of the country will be able to restore democracy and governmental procedures and law and order and the economy. That is not the case now, and so people seek opportunity. They do not come here just to do us harm. And as they do not come here to do us harm, I think it is important then that we find a sensible way to have the right kind of immigration policy, and some of the policies that my colleagues want to project, it just makes simply no sense.

You will absolutely never close the borders of the United States in totality. Why? Because the United States benefits economically from trade with Canada and trade with its friends in the southern hemisphere.

Today we were told that the largest amount of trade comes in through Canada. So you are not going to be able to just absolutely close our borders with no punitive measures coming towards you. It is just absolutely not going to happen. So what do we do?

Well, I have filed legislation called Earned Access to Legalization, a bill that saw one million petitioners in the last Congress petition so that we could find an intelligent, reasonable, compassionate, humanitarian way to deal with individuals who are already here. And these are undocumented aliens who are working, owning homes, paying taxes, maybe even have bank accounts but are still under what we call the radar screen because we are not allowing them to access legalization. Their children are not legal. Their extended family is not legal. What sense does that make, Mr. Speaker, when we could have these individuals documented or give them access to legalization?

My legislation does not say to bestow citizenship automatically without any other procedures in place. It does not say give them citizenship if they have a criminal record. What it says, Mr. Speaker, that if you have continuously been in the United States from 3 to 5 years we will allow you to access the process of becoming a citizen. We will pull the sheets off of those who are hiding. We will let the sunshine come down on those hard-working immigrants who are paying taxes and simply want to make good.

I want to pay tribute to a constituent of mine who owns the restaurant Hugo. He was highlighted in the Houston Chronicle. He came across the border illegally but yet today owns one of the fastest-growing restaurants, the most attractive restaurant. He did not come to do harm. He pulled himself up by the bootstraps.

I am sure this is not going to be a welcoming sound to those who may be listening. Hugo tried five times to come to the United States, and others who helped bring him did as well. And they came illegally, no, not to do harm but because they were living in abject poverty, but because their family needed the resources, because they were given the impression that there was a golden rainbow in the United States of America.

What are we going to do? Turn off all the televisions of those in the world who believe we live in a world of democracy, in a Nation that is rich and prosperous, and that the people have an opportunity to work? I do not believe that we are going to be able to

dispel the myth or the real story that we live in grandeur here in the United States, so we must find a way of balance.

Hugo should be celebrated for the fact that he did pull himself up by his bootstraps, and here he is providing and contributing to the economy of the United States, providing jobs to hard-working immigrants, people with legal status and working throughout the community to be someone who we are very proud of.

That is what we need to do in providing a balance with our immigration policy: Document those who are here and find a way to provide an economic engine in the countries that are to our southern border in order to ensure that people who live there have the right kind of economy, that they can live in their country in dignity.

President Vicente Fox had raised this discussion with President Bush, of course. It has been dropped like a hot potato, unfortunately. The tragedy of 9/11, of which we do not give any disrespect to, it is an enormous tragedy, and we are still working to overcome the pain of those families. We must now address again this question of immigration. We realize that the individuals who perpetrated that horrific tragedy, most of them came in on illegal visas. That is not immigration. That is a visitor's visa. And so we must tighten the requirements.

But we must be fair as well as it relates to countries around the world and not penalize one group of countries versus another, but we must ensure that we restrict and put in place the right kind of procedures dealing with those who are seeking visas.

As I visited Doha, Qatar I was able to sit in, in India I was able to sit in on the visa procedures in our embassies, and I must say I see a new and different approach, and certainly there are those who are turned away.

As I look at that process I want to turn back to the process of illegal immigrants or aliens and I want to say, Mr. Speaker, by putting our heads in the sand we will not have a cogent immigration policy that addresses the question of the individuals who want to come here and seek an opportunity. Might I say to you, Mr. Speaker, that we utilize these individuals.

In fact, there are many Members of Congress, and I know our committee will be holding a hearing, the Subcommittee on Immigration and Claims will be holding a hearing dealing with the guest worker program. We actually create vehicles for individuals to come in temporarily and work for industries that could not do without them.

So why are we trying to come to the floor of the House and bash immigrants when we know full well that this economy is churned by those who have come to work? What we must ensure, however, is that we do not eliminate the work opportunities for the many Americans who are unemployed, but we have got to get a handle around our immigration policy and make it have some sense.

For that reason, let me also bring up and raise and suggest that this past weekend Texas experienced an enormous tragedy again, Mr. Speaker, tied into the immigration issue. Individuals crossing the border, no matter what tragedies they have heard of before, what obstacles they have to overcome, what frightening experiences they have, they are still coming because they view the United States as a place of opportunity.

Well, there are ways of addressing this question; and tragically this weekend we saw this past week the deaths of 19 individuals being smuggled into the United States, including a father and son who had just been abandoned by the son's mother and were coming to the United States for a new opportunity, for a fresh look at life, and that 5-year-old boy died in that heated and horrible and horrific truck in the trailer part of the truck where people literally smothered to death, where there was no air. A more vicious death one could not expect.

Mr. Speaker, I think it impacted the Houston area more than we could ever imagine. Memorials were held this past Sunday because so many of those individuals had relatives that lived in the Houston area. My sympathy goes out to them. For those who look in mockery saying that this did not have to happen if they had not done it in the first place, you can continue to stick your head in the sand, but I can tell you this will continue to happen. But we must stamp out the illegal aspect of what is going on.

Mr. Speaker, I am authoring the Anti-Smuggling Prevention Act of 2003 because I believe that the participants of this terrible and horrific crime believed that this was easy money. The truck driver, I believe, thought that this was an easy deal. He did not live in the State of Texas. I understand it was a possible cash payment of upwards of $5,000. He thought that there was going to be no problem, just driving some folk over the border and into certain areas up to Houston, Texas, but not knowing the dastardly deed that was about to occur. Certainly was not a physician, was not a medical professional, was not a scientist and did not bother to worry about whether there was air in the trailer.

So who is now counting the dollars? The smuggling ring, and that is who we need to stamp out. I believe we need to enhance the penalties, not on the issue of death, because we already have penalties that are severe if death results. But we need to enhance the penalties just on the fact that you involved yourself in smuggling human beings. The fact that you are smuggling human beings is so horrific and tragedies can occur that you should realize that your jail time is going to be painful and long.

I think also that we should reward informants who actually bring out information that will result in a conviction, and the informants should be given cash rewards.

I also believe, Mr. Speaker, that we should look at on a humanitarian case-by-case situation for those individuals who are illegal aliens who are able to smash the smuggling ring, the big guys, the guys who are counting the dollars, they are money laundering, they are smuggling human beings, they are smuggling drugs, to smash those smuggling rings on a humanitarian basis. I believe it is important that those individuals be looked upon to be able to access legalization.

It is important to note, Mr. Speaker, that this was an enormous tragedy in Houston, and I want to share just some of the description. This is taken from an article out of USA Today on May 19, 2003:

''Temperatures in Texas already reach into the 90s and 100s daily. That raises the risk enormously for those hiding in 18 wheelers and railcars which have replaced panel trucks and vans as a preferred way to smuggle larger groups.

''A trailer is not a mode of transportation for human being, says Xavier Rios, a supervisor agent for the Border Patrol in Harlingen. Neither is a train or car.''

If I remind you, Mr. Speaker, that I mentioned Hugo who now owns a restaurant, that is how he first came to the United States, I believe, in a railcar.

Until the week before the 9/11 attacks, President Bush and Mexican President Vicente Fox were working on a safer way for Mexicans to travel back and forth. I think this should be broadened to all immigrants because we are certainly going to face this over and over again.

It is time for a change. I would commend my colleagues to look at the Earned Access to Legalization legislation. We can reform, if you will, our immigration policy. We need to understand that people are going to continue to come no matter how much we go to the floor of the House and preach otherwise and speak against the idea of immigration. The only way you are going to beat this is to have a rational immigration policy that keeps out the terrorists and the guys that want to do bad things and the criminals and others but allows a reasonable way to address the question of those who are simply begging to come to this country for greater opportunity.

The advocates clearly note that this was a tragedy, and this article also says, It is like a big splash of cold water on people's faces when they see and hear that a 7-year-old died because he could not get enough air and all he wanted to do, says Angela Kelley of the National Immigration Forum, but all he wanted to do was to simply be with his father and to be able to come to the United States. The victims near Victoria reportedly range from a 5-year-old boy to a man in his 90s.

So this is a question that should be addressed immediately, and I have asked the chairman of the Subcommittee on Immigration and Claims for us to have an immediate hearing so that we can address this larger question and also address the question of truckers who may think that this is easy money. I believe we have not done an effective job in getting to trucking companies and to truckers and to union halls about the tragedies that could occur.

□ 2245

And I believe also that after providing this outreach and informational campaign, that trucking companies which the trucks may belong to should lose their license along with the truck driver. This is not an attempt to penalize those persons who are simply seeking a livelihood. What it is, however, is an attempt to keep them from doing things that will harm them or to keep them from taking actions that will have them wind up in jail for a very long period of time. We failed in educating the public about how dastardly an act smuggling is, and I think it is high time to do so.

So I hope that my colleagues will join me on the Anti-Smuggling Prevention Act to toughen prison terms for these violators. And this is to do so on a preventive basis, so that if they know they are going to be incarcerated for a period of time, if they even think about doing smuggling for someone else, if they think about doing their bidding, then they will find out they will spend a lot of time in jail. I hope that we can begin to save lives.

This was such an enormous tragedy, Mr. Speaker, that we will probably not overcome that for a very long period of time.

In looking at the world from a different perspective, I think it is also important to come home a little bit and to look at what we have to do to fulfill the promise that was made to America as relates to the Iraqi war. First of all, I think we should just restate the fact that the war in Iraq did not solve the problem of terrorism.

We do need to acknowledge, as we move this week toward commemorating and honoring those who lost their lives, that they will be forever heroes in our minds, and as well to make note of those who have recently lost their lives in Iraq in a recent helicopter crash. We mourn their lives and, more importantly, we send our deepest sympathies to their families. We will never divide this Nation on the question of supporting our troops and honoring them and their families who lost loved ones during this period of time. That was an enormous tragedy.

But we must build on what was represented to be an effort to bring democracy to Iraq. I believe that we are not moving in the right direction. It is important that we work on the aftermath of Iraq and we do so in a way that clearly suggests to the world that the United States and Britain are still not trying to go it alone and that we draw into the understanding of the importance of rebuilding Iraq a collaborative effort.

We have to be sensitive about a U.N. resolution that only puts the names or only focuses on Spain, Britain, and the United States. We have to begin to collaborate with our long-standing allies, our European allies, allies like India. We have to recognize that it was Doha, Qatar, that allowed us to have the central command hosted there. So we must work with our other Arab allies, as well, as we seek to rebuild.

The reason is because we have a larger fight, as evidenced by the incidences that occurred in Morocco and Saudi Arabia last week, the loss of lives of Americans. We do not know when the next unfortunate terrorist act may occur. We do not stand here to promote hysteria, but reason and rationale. It is important the President realize we cannot go and do this alone. We cannot go it alone as the United States of America. It seems that we are attempting to do that.

We have to be able to draw in the United Nations and our NATO allies, and it is important that we begin to establish a stable currency that will be tied to not only the U.S. dollar but the Euros and other currency; to find an appropriate balance between debt forgiveness and debt repayment; to engage the WTO and IMF to ensure an international commitment to Iraqi success. But also, as we look to those possible support systems, we have to look to the NGOs, the nongovernmental organizations around the world, including those smaller ones that may be located in Los Angeles; Houston, Texas; New York; Jackson, Mississippi; Paris, France; or London, England.

We must begin to formulate an NGO advisory committee. We know the Red Cross is there. The American Red Cross has done an outstanding job. But I believe it is important to draw on NGOs from around the world that may have a commonality with the people of Iraq, either by way of the faith that they are professing or the understanding of their culture, and begin to have that coalition work in collaboration to put in democratic structures in Iraq.

We can already see that there is massive disorder, lack of law and order; that there is confusion; that systems are not working. And even as Ambassador Bremer attempts to work very hard to do so, it is important to note that we cannot do it alone. I would encourage the work of Ambassador Bremer to be inclusive and to work alongside nongovernmental organizations. And, in fact, I am proposing a Marshall Plan, alongside the plan that we need to rebuild America. We want to make sure that we have a somewhat similar focus that we had after World War II, and it worked, and we did so with our allies. I believe that is extremely important, and I hope we will pay heed to that.

Let me say also that I intend this week to denounce, if you will, the lack of urgency and speed that the administration has utilized in reaching out to small, medium-sized, minority, and women-owned businesses in helping to rebuild Iraq. One of the things that I gleaned from visiting in Doha, Qatar, is that part of the success of diplomacy is relationships, relationships with Members of Congress, relationships with members of government, of the administration. We are losing relationships in the Arab world, with our Arab allies. I believe to ensure that we regain those relationships, it is extremely important that we include small, medium-sized, and minority-owned businesses to be able to not only do the work in helping to rebuild Iraq but to develop relationships with the people in the Arab countries and to develop relationships with the people in Iraq.

It is interesting and confusing, though certainly some of these are Texas companies, that we have these major companies, huge multiconglomerates, if you will, and large contracts with the Department of Defense; and they cannot find the opportunities for other sized companies who have the same or equal expertise, just smaller, to collaborate with or do joint ventures with. I think the Defense Department needs to respond immediately on the processes used to select Halliburton and Bechtel; and I believe that these companies should work immediately with minority-owned businesses, medium-sized businesses, and small businesses.

I am informed that USAID has about $2.5 billion, and we are looking forward to working with USAID in using smaller minority-owned companies and women-owned businesses; but the Department of Defense has the largest share, and there seems to be some doubt that we can find minority, small, and medium-sized and women-owned businesses that can collaborate and do the engineering work, the technological work, the oil and gas work, the protecting of the oil well. But I am here to tell you I am from Texas, and that is not true.

It is extremely important, and I encourage these small, medium-sized, minority-owned, women-owned businesses to begin to seek information from the Department of Defense. And those of us who are interested in this topic will continue to pursue that closely.

Let me quickly move, Mr. Speaker, to two very important items that have been disturbing me and have been misrepresented, I think, to the American public. First, let me say that I have the greatest respect for NASA, as a member of the House Committee on Science. The greatest respect. And I am honored to have been able to serve on the House Committee on Science since 1995, and particularly on the Subcommittee on Space and Aeronautics. I am delighted to serve there with very esteemed colleagues, the ranking member of the committee, the chairman of

the committee, the ranking member of the Subcommittee on Space and Aeronautics, and the chairman. I know, in particular, that the ranking member of the subcommittee has been extremely vocal on expressing the need for a review by this Congress of Columbia VII.

Frankly, Mr. Speaker, even though the investigatory body is still proceeding, I sense an urgency that they do their job and do it well but that the Congress and the House in particular begins to have hearings. And let me suggest to you why, as I read to you some very disturbing testimony and commentary in an article from the Houston Chronicle dated May 17, 2003. And, Mr. Speaker, might I say that we have been speaking about the issues of safety now for at least 6 to 8 years, the question of whether NASA has spent enough money.

This is not a question of Republicans and Democrats, not a question of a Democratic administration or a Republican administration. It is a question of me being outraged that time after time in putting the question on the record: What about safety? Are we funding safety? Do we have enough money for safety? Have we looked at an escape module? Even before this terrible tragedy. There are those of us from Texas who lived through the Challenger tragedy. I watched the Challenger as it exploded, and I know the family members. I know the family members that are living through this now. If we do anything to give them homage or to pay tribute to their loved ones, it is to insist that NASA begin to address through funding needs as well by design a safety program that can make this the right kind of program.

I am an avid supporter of human space flight, Mr. Speaker. An avid supporter. And I want to see humans in space and the Shuttle reinvigorated, as well as the work we have done, the cargo we have taken, the research, the discoveries regarding diabetes, the discoveries regarding HIV/AIDS, as well as stroke and heart disease. Miracles have occurred. But here is a commentary from Admiral Gehman:

''The safety organization sits right beside the person making the decision, but behind the safety organization there is nothing there, no people, money, engineering, expertise, analysis,'' said Gehman. ''The engineers sit right to the other side, but the engineering department is not independently funded. The engineers all have to obtain funding from the space flight program. So their allegiance is to the program. The system is so flawed that even sweeping changes in leadership would be ineffective,'' Gehman argued. ''We find the safety organization on paper is perfect, but when you bore down a little deeper, you don't find anything there,'' he said. ''You will get the same wrong answers no matter how many times you convene the boards. It doesn't make any difference who the chairman is.''

Mr. Speaker, this is indicting. Safety is there on paper, but there is nothing there? And year after year, no matter what kind of administration we had, Mr. Speaker, they kept saying over and over again, oh yes, we are funding safety. It's safe. They are well trained.

Now, I am not here, Mr. Speaker, to call any names or to castigate any unfortunate soul who happened to have been part of that launch and who will ultimately have to answer to those who will raise the questions. I am here, Mr. Speaker, to save lives and to remind my good friends at NASA that we have repeatedly questioned you about safety factors and you have repeatedly, administrator after administrator, two that I have known, said the same thing. How in the world can we do this to the brave men and women that we challenge to go into space not for themselves but because of us?

So I am demanding, Mr. Speaker, immediate hearings to be held in the United States House of Representatives on the question of safety and the potential of an escape module, and I believe it is imperative that all of the documents that relate to this issue be presented to this body immediately. I think we fail in our job, we abdicate our responsibility if we, the Members of the House of Representatives, cannot join in having a full hearing on this matter and as well to move through the appropriations process and actually put in a mark that has the word NASA, and then under it, safety; shuttle, and under it, safety, and a line item of funding. This is an abomination and it must stop now.

Let me, Mr. Speaker, mention, if we are talking about money, and to sort of come to a reasonable conclusion, that we look at where we are and why we have so many difficulties as relates to our funding. And that is, of course, the $550 billion tax cut that is now making its way through the United States Congress. And of course for those of us who vigorously opposed this tax cut, it seems that we are continually trying to defend ourselves.

□ 2300

Let me provide Members with a very simple explanation why I am opposed to it: because we have the largest unemployment that we have had I believe in the last 2 decades; because I believe Chairman Greenspan is hesitant about moving this Nation towards this huge tax cut; because the war on terrorism requires us to invest deeply, if you will, in homeland security and to promote terrorism as our number one issue of trying to thwart.

So utilizing this money to give the top 1 percent of our population a tax cut is not an engine that will boost the economy. Using this $550 billion to give $40 billion to those making $374,000 is not going to gain any number of jobs, nor is the cut in dividends going to infuse the economy with any great amount of activity.

In fact, those corporations say that a dividend tax cut is not going to do anything but cause them to escrow their money and those who get a tax cut on the dividends I imagine are simply going to put it in their savings accounts.

But out of the $550 billion, the number of jobs you will create are 1 million. That means it will take $550,000 to create 1 million jobs, so one job will cost $550,000. So when you spend $1 million under the President's plan, you only get two jobs. If you were to take the plan that the Democrats are offering and invest $1 million into transportation, for example, you get 13 jobs. If you invested $1 million into local passenger rail, you get 15 jobs. If you invested it into State and local health care programs where States are seeing their health budgets implode, Medicaid going down the tube and people being thrown off Medicaid every day, 26 jobs would be created.

If we did it in public education, where in the State of Texas they are firing teachers, you would create 28 jobs. And if you invested it in fire and police, my good friends in Texas but also all over the Nation, the first responders who are still waiting for their homeland security money, they would get 27 jobs. Under the President's plan, a $550 billion tax cut, the number of jobs that it proposes to create are 1 million that cost $550,000 per job; and out of a million dollars, out of this plan, you only get two jobs per $1 million.

Down here, and I am saying it again because it is so shocking: transportation, 13 jobs; local passenger rail, 15 jobs; State and local health care, 26; public education, 28; and, of course, police and fire, 27.

Mr. Speaker, we can do better in this Congress. I can show that the tax cuts do little for my constituents. Those average tax cuts get $136, and those who are the high income get $13,000. I am going to get a $136 check for most of my constituents, and a few will get $13,000.

Mr. Speaker, this has been an attempt to remind this Congress that we have come here not to work for ourselves but to work for our constituents. There are many grievances that we are facing around the Nation; and, unfortunately, these issues have not been solved.

Mr. Speaker, I thank you for allowing me to have this opportunity to present these issues, and I hope that my colleagues will continue to roll up their sleeves and address the grievances of America and realize that we have come here to represent all of America and fight for those who cannot fight for themselves.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CASE (at the request of Ms. PELOSI) for today and before 4:00 p.m. on May 20 on account of official business in the district.

Mr. JEFFERSON (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. KANJORSKI (at the request of Ms. PELOSI) for today and before noon on May 20 on account of official business in the district.

Mr. STUPAK (at the request of Ms. PELOSI) for today on account of official business in the district.

Ms. WATERS (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. ENGLISH (at the request of Mr. DELAY) for today on account of attending a funeral.

Mr. EVERETT (at the request of Mr. DELAY) for today on account of being unavoidably detained.

Mr. GARY G. MILLER of California (at the request of Mr. DELAY) for today on account of illness.

Mr. TAYLOR of North Carolina (at the request of Mr. DELAY) for today on account of attending a funeral.

Mr. TIAHRT (at the request of Mr. DELAY) for today on account of official business.

Mr. TOOMEY (at the request of Mr. DELAY) for today on account of official 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 Ms. EDDIE BERNICE JOHNSON of Texas) to revise and extend their remarks and include extraneous material:)

Mr. MEEK of Florida, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. SANDLIN, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. STENHOLM, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. KLINE) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. KENNEDY of Minnesota, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, today.

Mr. CULBERSON, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, May 20.

Mr. ROHRABACHER, for 5 minutes, today.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, May 20.

Mr. BURGESS, 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. 459. An act to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits; to the Committee on the Judiciary.

S. 535. An act to provide Capitol-flown flags to the families of law enforcement officers and firefighters killed in the line of duty, to the Committee on House Administration.

ADJOURNMENT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 20, 2003, at 9 a.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-authorized official travel during the third quarter of 2002 and the first quarter of 2003, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Johnny Isakson (to participate in CODEL Dreier).	7/28	8/1	Moscow/St. Petersburg, Russia		1,402.00		(3)				1,402.00
	8/1	8/2	Tallinn, Estonia		202.00		(3)				202.00
	8/2	8/4	Tbilisi, Georgia		536.00		(3)				536.00
	8/4	8/6	Larnaca, Cyprus		516.00		(3)				516.00
	8/6	8/7	Reykjavik, Iceland		321.00		(3)				321.00
Hon. Patrick Tiberi	7/14	7/14	Guantanamo Bay, Cuba				(3)				
Hon. George Miller	8/28	9/4	Johannesburg, South Africa		1,751.73		6,402.49				8,154.22
Stephen Moody	8/26	9/4	Johannesburg, South Africa		2,005.73		6,402.49				8,408.22
Committee total					6,734.46		12,804.98				19,539.44

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[2] Military air transportation.

JOHN A. BOEHNER, Chairman, Apr. 28, 2003.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ann Witt	2/23	3/1	Switzerland		2,130.00		6,392.39				
Hon. Christopher Shays	1/17	1/19	Sweden		313.00		2,071.02				
Vincent Chase	1/17	1/19	Sweden		313.00		2,071.02				
Lawrence Halloran	1/17	1/19	Sweden		313.00		2,071.02				
Hon. Mark Souder	1/31	2/1	Belgium		238.00		7,153.42				
	2/1	2/3	France		948.00		110.40				
	2/3	2/5	Germany		306.00		450.00				
Christopher Donesa	1/31	2/1	Belgium		238.00		7,153.42				
	2/1	2/3	France		948.00		110.40				
	2/3	2/5	Germany		306.00		450.00				
Thomas Costa	2/17	2/19	Austria		528.00		6,602.47				

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	2/19	2/21	Croatia		482.00						
	2/21	2/24	Germany		966.00						
David Rapallo	2/17	2/19	Austria		528.00		6,602.47				
	2/19	2/21	Croatia		482.00						
	2/21	2/24	Germany		966.00						
Peter Sirh	2/17	2/19	Austria		528.00		6,602.47				
	2/19	2/21	Croatia		482.00						
	2/21	2/24	Germany		966.00						
Jason Chung	2/17	2/19	Austria		528.00		6,602.47				
	2/19	2/21	Croatia		482.00						
	2/21	2/24	Germany		966.00						
Hon. Tom Davis	2/18	2/20	Colombia		450.00						
Hon. Mark Souder	2/18	2/20	Colombia		450.00						
Hon. James Moran	2/18	2/20	Colombia		450.00						
Christopher Donesa	2/18	2/20	Colombia		450.00						
Todd Russell Platts	2/15	2/19	Israel		1,812.00		5,566.09		4,635.38		
Committee total					17,569.00		69,009.06		4,635.38		82,213.44

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM DAVIS, Chairman, Apr. 30, 2003.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Gary Ackerman	2/16	2/20	Israel		1,810.00		5,600.40				7,410.40
Hon. Cass Ballenger	2/14	2/16	Venezuela		352.00		2,718.17				3,070.17
Patrick Brennan	2/14	2/16	Venezuela		680.00		2,535.17				3,215.17
Hon. Steve Chabot	2/15	2/20	Israel		1,448.00		3,645.00				5,093.00
Malik Chaka	2/15	2/22	Democratic Rep. of Congo		1,776.00		6,583.48				8,359.48
Joan Condon	2/15	2/22	Democratic Rep. of Congo		1,776.00		6,583.48				8,359.48
Hon. William Delahunt	2/14	2/16	Venezuela		352.00		2,940.17				3,292.17
Kristen Gilley	1/13	1/16	France		798.00		6,020.69				6,818.69
Matthew Gobush	2/14	2/20	Russia		1,720.00						1,720.00
	2/20	2/21	Germany		335.00						335.00
	2/21	2/24	Hungary		1,016.00						1,016.00
	2/24	2/25	United Kingdom		211.55		4,643.27				4,854.82
Hon. Mark Green	12/25	1/1	Kenya		1,386.00		8,098.17				9,484.17
Hon. Henry Hyde	1/18	1/21	United Kingdom		1,538.00		6,542.74				8,080.74
Hon. William Janklow	2/15	2/20	Israel		1,448.00		3,645.90				5,093.90
Jonathan Katz	3/5	3/8	Turkey		546.00		6,023.20				6,569.20
David Killion	1/9	1/10	Switzerland		294.00						294.00
	1/10	1/16	France		1,596.00		6,280.48				7,876.48
	2/19	2/22	Austria		927.57		5,400.60				6,328.17
Robert King	2/15	2/20	Russia		1,720.00						1,720.00
	2/20	2/21	Germany		335.00						335.00
	2/21	2/25	Hungary		1,016.00		6,276.75				7,292.75
Hon. Tom Lantos	2/15	2/20	Russia		2,270.00						2,270.00
	2/20	2/21	Germany		335.00						335.00
	2/21	2/25	Hungary		432.00		6,276.75				6,708.75
Alan Makovsky	2/15	2/20	Israel		1,237.00		3,645.90				4,882.90
	3/6	3/9	Turkey		736.00		5,273.34				6,009.34
Tanya Mazin	2/16	2/19	Russia		1,032.00						1,032.00
	2/19	2/20	United Kingdom		399.00		4,716.26				5,115.26
Caleb McCarry	1/3	1/6	Haiti		525.00		1,142.70				1,667.70
	2/14	2/16	Venezuela		680.00		2,535.17				3,215.17
Hon. Gregory Meeks	2/14	2/16	Venezuela		352.00		2,528.17				2,880.17
Paul Oostburg-Sanz	2/14	2/16	Venezuela		680.00		2,535.17				3,215.17
Yleem Poblete	1/9	1/10	Switzerland		294.00						294.00
	1/10	1/16	France		1,596.00		6,379.48				7,975.48
	2/15	2/20	Israel		1,448.00		3,645.90				5,093.90
Francis Record	1/13	1/16	France		748.00		6,021.00				6,769.00
Walker Roberts	1/17	1/21	United Kingdom		1,949.00		5,822.74				7,771.74
Hon. Ileana Ros-Lehtinen	2/15	2/19	Israel		1,448.00		3,517.90		25,498.00		30,463.90
Hon. Edward Royce	1/10	1/12	Namibia		337.00						337.00
	1/12	1/13	Madagascar		218.00						218.00
	1/13	1/16	Mauritius		765.00						765.00
	1/16	1/18	South Africa		603.00		(3)				603.00
Doug Seay	1/17	1/21	United Kingdom		1,949.00		5,822.74				7,771.74
Thomas Sheehy	1/10	1/12	Namibia		337.00						337.00
	1/12	1/13	Madagascar		218.00						218.00
	1/13	1/16	Mauritius		765.00						765.00
	1/16	1/18	South Africa		603.00		(3)				603.00
Sam Stratman	1/17	1/21	United Kingdom		1,949.00		5,822.74				7,771.74
Hillel Weinberg	3/5	3/9	Turkey		819.00		5,273.34				6,092.34
Hon. Robert Wexler	3/5	3/8	Turkey		546.00		6,023.20				6,569.20
Judy Wolverton	1/18	1/21	United Kingdom		1,538.00		6,542.74				8,080.74
Peter Yeo	1/18	1/18	China				1,888.50				1,888.50
Matthew Zweig	2/15	2/20	Israel		1,448.00		3,645.90				5,093.90
John Mackey	1/20	1/25	Colombia		875.00		1,852.90				2,727.90
Committee total					52,212.12		174,450.21				252,160.33

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HENRY J. HYDE, Chairman, May 1, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Richard E. Efford	1/16	1/17	Australia		225.00						225.00
	1/17	1/22	New Zealand		980.00						980.00
	1/21	1/24	USA (Hawaii)		680.00						680.00
Commercial airfare							8,527.74				8,527.74
Hon. Harold R. Rogers	1/10	1/12	USA (Hawaii)		138.00						138.00
	1/13	1/17	Australia		900.00						900.00
	1/17	1/22	New Zealand		980.00						980.00
	1/21	1/24	USA (Hawaii)		744.00						744.00
Stephanie K. Gupta	1/10	1/11	USA (Hawaii)		177.00						177.00
	1/13	1/17	Australia		900.00						900.00
	1/17	1/18	New Zealand		196.00						196.00
									99.41	99.41	
							8,210.20				8,210.20
Leigha Shaw	1/10	1/12	USA (Hawaii)		286.00						286.00
	1/12	1/17	Australia		1,125.00						1,125.00
	1/17	1/21	New Zealand		900.00						900.00
	1/20	1/24	USA (Hawaii)		928.00						928.00
Commercial airfare							8,075.94				8,075.94
Beverly Pheto	1/13	1/17	Australia		900.00						900.00
	1/17	1/20	New Zealand		615.00						615.00
Commercial airfare							8,914.11				8,914.11
Hon. Martin Sabo	1/10	1/12	USA		138.00						138.00
	1/13	1/17	Australia		900.00						900.00
	1/17	1/22	New Zealand		980.00						980.00
	1/21	1/24	USA (Hawaii)		744.00						744.00
Hon. Jim Kolbe	1/3	1/6	Haiti		575.00						575.00
Commercial airfare							1,142.70				1,142.70
Charles Flickner	1/3	1/6	Haiti		575.00						575.00
Commercial airfare							1,142.70				1,142.70
Hon. Frank Wolf	12/31	12/31	Eritrea		184.00						184.00
	12/31	1/3	Ethiopia		840.00						840.00
Commercial airfare							7,216.81				7,216.81
Hon. Jim Kolbe	1/22	1/24	Switzerland		588.00						588.00
Hon. John P. Murtha	1/20	1/21	Austria		148.00						148.00
	1/21	1/22	Belgium		352.00						352.00
Gregory R. Dahlberg	1/20	1/21	Austria		148.00						148.00
	1/21	1/22	Belgium		352.00						352.00
Hon. C.W. Bill Young	1/13	1/15	Crete		332.55						332.55
	1/15	1/16	Austria		355.56						355.56
	1/16	1/17	Belgium		358.21						358.21
Hon. Joe Knollenberg	1/13	1/15	Crete		332.55						355.55
	1/15	1/16	Austria		355.56						355.56
	1/16	1/17	Belgium		358.21						358.21
David Jolly	1/13	1/15	Crete		332.55						332.55
	1/15	1/16	Austria		355.56						355.56
	1/16	1/17	Belgium		358.21						358.21
Douglas Gregory	1/13	1/15	Crete		332.55						332.55
	1/15	1/16	Austria		355.56						355.56
	1/16	1/17	Belgium		358.21						358.21
Hon. Ander Crenshaw	1/13	1/15	Crete		332.55						332.55
	1/15	1/16	Austria		355.56						355.56
	1/16	1/17	Belgium		358.21						358.21
Hon. Jim Moran	2/18	2/20	Colombia		350.00						350.00
									100.00		100.00
Hon. Jerry Lewis	2/21	2/22	Bahrain		642.00						642.00
	2/23	2/24	Jordan		238.00						238.00
	2/24	2/25	Belgium		298.00						298.00
Hon. Norm Dicks	2/21	2/22	Bahrain		642.00						642.00
	2/23	2/24	Jordan		238.00						238.00
	2/24	2/25	Belgium		298.00						298.00
Douglas Gregory	2/21	2/22	Bahrain		642.00						642.00
	2/23	2/24	Jordan		238.00						238.00
	2/24	2/25	Belgium		298.00						298.00
Kevin Roper	2/21	2/22	Bahrain		642.00						642.00
	2/23	2/24	Jordan		238.00						238.00
	2/24	2/25	Belgium		298.00						298.00
Hon. John P. Murtha	2/28	3/1	Turkey		135.00						135.00
	3/1	3/1	Qatar								
	3/1	3/2	Kuwait		389.00						389.00
	3/2	3/3	Germany		337.00						337.00
Committee total					28,352.60		43,230.20		199.41		71,782.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL YOUNG, Chairman, Apr. 23, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Travel to Saudi Arabia, Bahrain and Kuwait, December 30, 2002–January 4, 2003:											
Hon. Ellen O. Tauscher	12/30	12/31	Saudi Arabia		225.00						225.00
	12/31	1/3	Bahrain		417.00						417.00
	1/3	1/4	Kuwait		778.00						778.00
Commercial airfare							6,125.40				6,125.40
Ms. Erin C. Conaton	12/30	12/31	Saudi Arabia		225.00						225.00
	12/31	1/3	Bahrain		417.00						417.00
	1/3	1/4	Kuwait		778.00						778.00
Commercial airfare							6,125.40				6,125.40
Travel to Russia and Austria, January 9–18, 2003:											
Hon. Curt Weldon	1/9	1/13	Russia		1,376.00						1,376.00
	1/16	1/18	Austria		204.00				3,547.75		3,751.75
Commercial airfare							5,040.68				5,040.68
Travel to Colombia, Brazil, Chile and Peru, January 15–25, 2003:											
Hon. Loretta Sanchez	1/15	1/19	Colombia		629.00						629.00
	1/19	1/21	Brazil		558.00						558.00
	1/21	1/23	Chile		548.00						548.00
	1/23	1/25	Peru		490.00						490.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial airfare							5,035.74				5,035.74
Travel to Germany, Italy and France, January 16–24, 2003:											
Hon. John M. McHugh	1/16	1/19	Germany		870.00						870.00
	1/19	1/23	Italy		1,184.00						1,184.00
	1/23	1/24	France		236.00						236.00
Hon. Robin Hayes	1/16	1/19	Germany		870.00						870.00
	1/19	1/23	Italy		1,184.00						1,184.00
	1/23	1/24	France		236.00						236.00
Hon. Mike McIntyre	1/16	1/19	Germany		870.00						870.00
	1/19	1/23	Italy		1,184.00						1,184.00
	1/23	1/24	France		236.00						236.00
Hon. Jeff Miller	1/16	1/19	Germany		870.00						870.00
	1/19	1/23	Italy		1,184.00						1,184.00
	1/23	1/24	France		236.00						236.00
Mr. John D. Chapla	1/16	1/19	Germany		870.00						870.00
	1/19	1/23	Italy		1,184.00						1,184.00
	1/23	1/24	France		236.00						236.00
Ms. Debra Wada	1/16	1/19	Germany		870.00						870.00
	1/19	1/23	Italy		1,184.00						1,184.00
	1/23	1/24	France		236.00						236.00
Delegation expenses	1/23	1/24	France						58.64		58.64
Travel to Germany, Belgium and the United Kingdom:											
Hon. Ike Skelton	1/16	1/17	Germany		706.00						706.00
	1/17	1/18	Belgium		309.00						309.00
	1/18	1/20	Germany		353.00						353.00
	1/20	1/21	United Kingdom		386.00						386.00
Mr. John J. Pollard	1/16	1/17	Germany		706.00						706.00
	1/17	1/18	Belgium		309.00						309.00
	1/18	1/20	Germany		353.00						353.00
	1/20	1/21	United Kingdom		386.00						386.00
Commercial airfare							2,731.84				2,731.84
Travel to the United Kingdom, January 19–20, 2003:											
Hon. Ellen O. Tauscher	1/19	1/20	United Kingdom		386.00						386.00
Commercial airfare							3,517.56				3,517.56
Travel to Colombia, January 19–22, 2003:											
Ms. Erin C. Conaton	1/19	1/22	Colombia		675.00						675.00
Commercial airfare							1,528.90				1,528.90
Travel to Colombia and El Salvador, January 19–22, 2003:											
Hon. Gene Taylor	1/19	1/21	Colombia		450.00						450.00
	1/21	1/22	El Salvador		213.00						213.00
Mr. William H. Natter	1/19	1/21	Colombia		450.00						450.00
	1/21	1/22	El Salvador		213.00						213.00
Travel to Ukraine, February 16–19, 2003:											
Hon. Curt Weldon	2/17	2/19	Ukraine		624.00						624.00
Commercial airfare							2,640.88				2,640.88
Committee total					26,904.00		32,746.40		3,606.39		63,256.79

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN HUNTER, Chairman, Apr. 30, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mario Diaz-Balart	2/16	2/19	Israel		1,086.00		3,517.90				4,603.90
Committee total					1,086.00		3,517.90				4,603.90

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM NUSSLE, Chairman, April 29, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ruben Hinojosa (to participate in CODEL Manzullo).	1/12	1/19	China		1,773.00		[3] 273.00				2,046.00
Committee total					1,773.00		273.90				2,046.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JOHN BOEHNER, Chairman, Apr. 30, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31. 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ed Whitfield	3/7	3/9	Turkey		546.00		5,281.73				5,827.73
Hon. Vito Fossella	1/14	1/18	France	(3)	187.24		6,328.19	(4)	388.48		6,903.91
Hon. Darrell Issa	1/17	1/20	Israel		624.00		8,986.55				9,610.55
	1/20	1/22	Lebanon		250.00						
Hon. Mike Rogers	3/7	3/9	Turkey		683.00		5,273.34				5,956.34
Hon. Rick Boucher	2/15	2/18	England		1,197.00		5,613.4				6,810.04
	2/18	2/23	Belgium/Spain		1,532.00						1,532.00
Committee total					5,019.24		31,482.85		388.48		36,890.57

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] 174 Ecu.
[4] 352.28 Euc.

BILLY TAUZIN, Chairman, Apr. 29, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bernard Sanders	1/12	1/19	China		[3] 1,773.00		[4] 273.00				2,046.00
Hon. Barney Frank	3/9	3/11	Greece		314.00		4,640.04				4,954.04
Committee total					2,087.00		4,913.04				7,000.04

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Ground.
[4] Military air transportation.

MICHAEL G. OXLEY, Chairman, Apr. 25, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 24, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. F. James Sensenbrenner	2/16	2/24	India		2,525.00		5,861.75				8,386.75
Philip J. Kiko	2/16	2/24	India		2,525.00		5,861.75				8,386.75
Committee total					5,050.00		11,723.50				16,773.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, Jr., Chairman, Apr. 24, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Linder	1/10	1/12	Hawaii, USA		138.00		(3)				138.00
	1/13	1/17	Australia		900.00		(3)				900.00
	1/18	1/22	New Zealand		980.00		(3)				980.00
	1/21	1/24	Hawaii, USA		744.00		(3)				744.00
Committee total					2,762.00						2,762.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DAVID DREIER, Chairman, May 5, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Duncan	1/13	1/17	Australia		960.00		(3)				2,080.00
	1/17	1/22	New Zealand		1,025.00		(3)				1,025.00
	1/21	1/22	Hawaii		0.00		446.70				1,248.00
Committee total					1,985.00		446.70				4,353.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DON YOUNG, Chairman, Apr. 30, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. J.D. Hayworth	1/13	1/16	Australia		900.00		(3)				900.00
	1/17	1/21	New Zealand		980.00		(3)				980.00
	1/13	1/16	Australia		900.00		(3)				900.00
Hon. Ron Lewis	1/17	1/21	New Zealand		980.00		(3)				980.00
Ms. Angela Ellard	1/10	1/12	Nambia		337.00		(3)				337.00
	1/10	1/12	Nambia				665.64				665.64
	1/12	1/13	Madagascar		218.00		(3)				218.00
	1/13	1/16	Mauritius		764.70		(3)				764.70
	1/16	1/18	South Africa		603.00		(3)				603.00
Ms. Allison Giles	1/10	1/12	Nambia		337.00		(3)				337.00
	1/10	1/12	Nambia				665.64				665.64
	1/01	1/13	Madagascar		218.00		(3)				218.00
	1/13	1/16	Mauritius		764.70		(3)				764.70
	1/16	1/18	South Africa		603.00		(3)				603.00
Mr. Robert Winters	1/10	1/12	Nambia		337.00		(3)				337.00
	1/10	1/12	Nambia				665.64				665.64
	1/12	1/13	Madagascar		218.00		(3)				218.00
	1/13	1/16	Mauritius		764.70		(3)				764.70
	1/16	1/18	South Africa		603.00		(3)				603.00
Mr. David Kavanaugh	1/10	1/12	Nambia		337.00		(3)				337.00
	1/10	1/12	Nambia				665.64				665.64
	1/12	1/13	Madagascar		218.00		(3)				218.00
	1/13	1/16	Mauritius		764.70		(3)				764.00
	1/16	1/18	South Africa		603.00		(3)				603.00
Ms. Meredith Broadbent	1/10	1/12	Nambia		337.00		(3)				337.00
	1/10	1/12	Nambia				665.64				665.64
	1/12	1/13	Madagascar		218.00		(3)				218.00
	1/13	1/16	Mauritius		764.70		(3)				764.70
	1/16	1/18	South Africa		603.00		(3)				603.00
Hon. Bill Thomas	1/10	1/12	Nambia		337.00		(3)				337.00
	1/10	1/12	Nambia				665.64				665.64
	1/12	1/13	Madagascar		218.00		(3)				218.00
	1/13	1/16	Mauritius		764.70		(3)				764.70
	1/16	1/18	South Africa		603.00		(3)				603.00
Hon. Jim Nussle	1/10	1/12	Nambia		337.00		(3)				337.00
	1/10	1/12	Nambia				665.64				665.64
	1/12	1/13	Madagascar		218.00		(3)				218.00
	1/13	1/16	Mauritius		764.70		(3)				764.70
	1/16	1/18	South Africa		603.00		(3)				603.00
Hon. Phil English	1/10	1/12	Nambia		337.00		(3)				337.00
	1/10	1/12	Nambia				665.64				665.64
	1/12	1/13	Madagascar		218.00		(3)				218.00
	1/13	1/16	Mauritius		764.70		(3)				764.70
	1/16	1/18	South Africa		603.00		(3)				603.00
Hon. Jim McDermott	1/10	1/12	Nambia		337.00		(3)				337.00
	1/10	1/12	Nambia				665.64				665.64
	1/12	1/13	Madagascar		218.00		(3)				218.00
	1/13	1/18	Mauritius		1,274.50		(3)				1,274.50
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL THOMAS, Chairman, Apr. 30, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Chadwick Gore		1/11	USA				6,020.00				6,020.00
	1/12	1/23	Turkey		2,309.00						2,309.00
Knox Thames		1/11	USA				5,645.00				5,645.00
	1/12	1/19	Turkey		1,204.00						1,204.00
Janice Helwig		1/10	USA				5,387.00				5,387.00
	1/11	4/15	Austria		14,000.00						14,000.00
Maureen Walsh		2/14	USA				3,732.00				3,732.00
	2/15	2/21	Greece		1,059.00						1,059.00
Michael Ochs		2/14	USA				6,506.00				6,506.00
	2/15	2/21	Armenia		1,044.00		120.00				1,164.00
	2/21	2/23	Georgia		408.00						408.00
Dorothy Taft		2/28	USA				2,099.00				2,099.00
	3/1	3/8	Turkey		889.00						889.00
Donald Kursch		2/18	USA				5,400.00				5,400.00
	2/19	2/22	Austria		823.00						823.00
Marlene Kaufmann		2/18	USA				5,400.00				5,400.00
	2/19	2/22	Austria		738.00						738.00
Chadwick Gore		2/18	USA				5,400.00				5,400.00
	2/19	2/22	Austria		802.00						802.00
Hon. Benjamin Cardin		2/19	USA				5,390.00				5,390.00
	2/20	2/22	Austria		584.00						584.00
Hon. Alcee Hastings		2/18	USA				5,660.00				5,660.00
	2/19	2/22	Austria		876.00						876.00
Hon. Chris Smith		2/18	USA				2,653.00				2,653.00
	2/19	2/21	Austria		592.00		4,542.00				5,134.00
	2/21	2/22	United Kingdom		278.00						278.00
Hon. Steny Hoyer		2/18	USA				5,400.00				5,400.00
	2/19	2/22	Austria		888.00						888.00
Dorothy Taft		2/18	USA				2,653.00				2,653.00
	2/19	2/21	Austria		641.00		4,543.00				5,184.00
	2/21	2/22	United Kingdom		220.00						
Delegation Expenses		2/18	USA								
	2/19	2/22	Austria						17,088.00		17,088.00
Committee total					27,355.00		76,550.00		17,088.00		120,993.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRIS SMITH, Apr. 30, 2003.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2258. A letter from the Under Secretary, Department of Defense, transmitting a report on the retirement of Lieutenant General Robert C. Hinson, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2259. A letter from the Under Secretary, Department of Defense, transmitting a report entitled, ''Capabilities of the Test and Evaluation Workforce of the Department of Defense''; to the Committee on Armed Services.

2260. A letter from the Deputy Congressional Liaison, Department of the Treasury, transmitting the Department's final rule — Customer Identification Programs for Banks, Savings Associations, Credit Unions and Certain Non-Federally Regulated Banks (RIN: 1506-AA31) received May 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2261. A letter from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule — Electronic Storage of Broker-Dealer Records [Release No. 34-47806] received May 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2262. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the 2002 Annual Report of the Federal Energy Regulatory Commission, pursuant to 16 U.S.C. 797(d); to the Committee on Energy and Commerce.

2263. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule — Metal-Cored Candlewicks Containing Lead and Candles with Such Wickes — received May 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2264. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Exemption From Premarket Notification; Class II Devices; Optical Impression Systems for Computer Assisted D4sign and Manufacturing [Docket No. 02P-0494] received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2265. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2266. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act; to the Committee on International Relations.

2267. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report required by Section 1212 of the Foreign Relations Authorization Act, FY 2003; to the Committee on International Relations.

2268. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Stolen Property under Treaty with Mexico — received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2269. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the Board's Annual Report for Fiscal Year 2002, pursuant to D.C. Code section 1—732 and 1—734(a)(1)(A); to the Committee on Government Reform.

2270. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2271. A letter from the Director, Employment Service, Office of Personnel Management, transmitting the Office's final rule — Excepted Service-Temporary Organizations (RIN: 3206-AJ70) received May 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2272. A letter from the Assistant Secretary, Department of the Interior, transmitting a copy of the Final Engineering Report for the Fort Peck Assiniboine and Sioux Water Supply System and the Dry Prairie Water System, pursuant to Public Law 106—382, section 4(g)(2) (114 Stat. 1453); to the Committee on Resources.

2273. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Oil and Gas and Sulfur Operations in the Outer Continental Shelf (OCS), Document Incorporated by Reference for Fixed Platforms (RIN: 1010-AD03) received May 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2274. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended — Victims of Severe Forms of Trafficking in Persons (RIN: 1400-AB23) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2275. A letter from the Director, Federal Judicial Center, transmitting the Federal Judicial Center's Annual Report for 2002, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

2276. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Definitions (RIN: 2700-AC33) received May 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2277. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Offshore Entities Investing in Hedge Funds [Notice 2003-34] received May 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2278. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Supervisory Goodwill [Uil No. 597.01-00] received May 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2279. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Organizations exempt under section 501(c)(15) [Notice 2003-35] received May 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2280. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Percentage of Completion Timing of Cost Recognition [Uil No. 460.03-09] received May 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2281. A letter from the General Counsel, Department of Defense, transmitting the Department's bill entitled, ''The Defense Transformation for the 21st Century Act''; jointly to the Committees on Armed Services, Government Reform, Resources, Education and the Workforce, and Energy and Commerce.

2282. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's March 2003 ''Treasury Bulletin,'' pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means, Energy and Commerce, Transportation and Infrastructure, Resources, Education and the Workforce, and Agriculture.

2283. A letter from the Director, Executive Office of the President, transmitting a bill to reauthorize the Office of National Drug Control Policy; jointly to the Committees on Government Reform, the Judiciary, Energy and Commerce, Intelligence (Permanent Select), Agriculture, Resources, Armed Services, and International Relations.

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:

[The following action occurred on May 16, 2003]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1904. A bill to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes (Rept. 108–96, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUNTER. Committee on Armed Services. H.R. 1588. A bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes; with an amendment (Rept. 108–106). Referred to the Committee of the Whole House on the State of the Union.

[Submitted May 19, 2003]

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1257. A bill to amend title 38, United States Code, to make permanent the authority for qualifying members of the Selected Reserve to have access to home loans guaranteed by the Secretary of Veterans Affairs and to provide for uniformity in fees charged qualifying members of the Selected Reserve and active duty veterans for such home loans (Rept. 108–107). 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. 1683. A bill to increase, effective as of December 1, 2003, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes (Rept. 108–108). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 239. Resolution providing for consideration of the bill (H.R. 1904) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildlife, to enhance

efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes (Rept. 108–109). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1529. A bill to amend title 11 of the United States Code with respect to the dismissal of certain involuntary cases (Rept. No. 108–110). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1954. A bill to revise the provisions of the Immigration and Nationality Act relating to naturalization through service in the Armed Forces, and for other purposes; with an amendment (Rept. No. 108–111). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. S. 330. An act to further the protection and recognition of veterans' memorials, and for other purposes (Rept. No. 108–112, Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. Senate Joint Resolution 8. An act expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month (Rept. No. 108–113). Referred to the House Calendar.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1911. A bill to amend title 38, United States Code, to enhance cooperation and the sharing of resources between the Department of Veterans Affairs and the Department of Defense (Rept. 108–115 Pt. 1). Ordered to be printed.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 1836. A bill to make changes to certain areas of the Federal civil service in order to improve the flexibility and competitiveness of Federal human resources management; with an amendment (Rept. 108–116 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration. H.R. 1911 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration. S. 330 referred to the Committee on the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Pursuant to the order of the House on May 15, 2003 the following report was filed on May 16, 2003]

Mr. HYDE: Committee on International Relations. H.R. 1950. A bill to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes; with an amendment; referred to the Committees on Armed Services, Energy and Commerce, and the Judiciary for a period ending not later than June 13, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1 of rule X (Rept. No. 108–105, Pt. I).

[Submitted May 19, 2003]

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1562. A bill to amend title 38, United States Code, to enhance the authority of the Department of Veterans Affairs to recover costs of medical care furnished to veterans and other persons by the Department from third parties that provide health insurance coverage to such veterans and other persons, with amendments; referred to the Committee on Ways and Means for a period ending not later than May 23, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X (Rept. No. 108–114, Pt. 1).

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 1837. A bill to improve the Federal acquisition workforce and the process for the acquisition of services by the Federal Government, and for other purposes, with an amendment; referred to the Committee on Judiciary for a period ending not later than May 20, 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 (Rept. No. 108–117, Pt. 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

[The following action occurred on May 16, 2003]

H.R. 21. Referral to the Committee on the Judiciary extended for a period ending not later than June 2, 2003.

[Submitted May 19, 2003]

H.R. 1836. Referral to the Committee on Armed Services extended for a period ending not later than May 20, 2003. Referral to the Committee on Science extended for a period ending not later than July 25, 2003.

H.R. 1837. Referral to the Committee on Armed Services extended for a period ending not later than May 20, 2003.

H.R. 1911. Referral to the Committee on Armed Services extended for a period ending not later than May 19, 2003.

S. 330. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than May 19, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BACHUS (for himself, Mr. OXLEY, and Ms. HOOLEY of Oregon):

H.R. 2143. A bill to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes; to the Committee on Financial Services.

By Mr. YOUNG of Alaska (for himself, Mr. MICA, Mr. OBERSTAR, and Mr. DEFAZIO):

H.R. 2144. A bill to amend title 49, United States Code, to make technical corrections and improvements relating to aviation security, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 2145. A bill to condition the minimum-wage-exempt status of organized camps under the Fair Labor Standards Act of 1938 on compliance with certain safety standards, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2146. A bill to amend the National Labor Relations Act to ensure that certain orders of the National Labor Relations Board are enforced to protect the rights of employees; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2147. A bill to amend the Elementary and Secondary Education Act of 1965 to require States, in awarding subgrants under the State charter school grant program, to give priority to charter schools that will provide a racially integrated educational experience; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2148. A bill to amend title 23, United States Code, to require the allocation of surface transportation program funds for the purchase of recycled materials; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 2149. A bill to authorize the Secretary of Transportation to require the use of recycled materials in the construction of Federal-aid highway projects; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 2150. A bill to amend the Internal Revenue Code of 1986 to make the Hope and Lifetime Learning Credits refundable, and to allow taxpayers to obtain short-term student loans by using the future refund of such credits as collateral for the loans; to the Committee on Ways and Means.

By Mr. BURGESS (for himself, Mr. SESSIONS, and Mr. GREEN of Texas):

H.R. 2151. A bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the Medicare Program to all individuals at clinical risk for osteoporosis; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 2152. A bill to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program; to the Committee on the Judiciary.

By Mr. GEPHARDT (for himself, Mr. MEEKS of New York, Mr. RANGEL, Mr. MARKEY, Mr. SHERMAN, Mr. SANDERS, Mr. BROWN of Ohio, Mr. UDALL of Colorado, Mr. FROST, Mr. WAXMAN, Mr. FILNER, Mrs. MALONEY, Mr. HOEFFEL, Mr. ISRAEL, Mr. SCOTT of Virginia, Mr. STUPAK, Ms. DELAURO, and Mr. KENNEDY of Rhode Island):

H.R. 2153. A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies; to the Committee on Government Reform, and in addition to the Committees on Ways and Means, Rules, and the Budget, 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. MICA:

H.R. 2154. A bill to amend the Immigration and Nationality Act to prevent an employer from placing a nonimmigrant who is an intracompany transferee with another employer; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois (for himself, Mr. BONILLA, Mr. BILIRAKIS, and Mr. CAPUANO):

H. Res. 240. A resolution expressing the sense of the House of Representatives that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless

health centers, and for other purposes; to the Committee on Government Reform.

By Mr. MEEK of Florida (for himself, Ms. JACKSON-LEE of Texas, Mr. PAYNE, and Mr. DEUTSCH):

H. Res. 241. A resolution expressing the sense of the House of Representatives that there should be established a ''Haitian-American Heritage Month''; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. MORAN of Kansas, Mr. BROWN of South Carolina, Mr. FEENEY, and Mr. EMANUEL.

H.R. 23: Mr. WELDON of Florida.

H.R. 49: Mr. GIBBONS.

H.R. 102: Mr. HINCHEY, Mr. WAXMAN, and Mr. WEXLER.

H.R. 133: Mr. THORNBERRY.

H.R. 151: Mr. BLUMENAUER.

H.R. 167: Mr. PORTER and Mr. ANDREWS.

H.R. 173: Mr. OLVER.

H.R. 199: Mr. DAVIS of Alabama.

H.R. 218: Mrs. MILLER of Michigan and Ms. PRYCE of Ohio.

H.R. 288: Mr. MILLER of North Carolina.

H.R. 296: Mr. ACEVEDO-VILA and Ms. SLAUGHTER.

H.R. 303: Ms. ROYBAL-ALLARD and Mr. DINGELL.

H.R. 401: Mr. SMITH of New Jersey and Mrs. JO ANN DAVIS of Virginia.

H.R. 466: Mr. GILCHREST and Mr. BOYD.

H.R. 527: Mr. ISRAEL, Mr. COLE, Mr. ROSS, and Mrs. JONES of Ohio.

H.R. 528: Mr. RYAN of Wisconsin.

H.R. 568: Mr. CANTOR.

H.R. 594: Mrs. JO ANN DAVIS of Virginia and Ms. VELAZQUEZ.

H.R. 627: Ms. ROYBAL-ALLARD.

H.R. 643: Ms. CARSON of Indiana.

H.R. 713: Ms. JACKSON-LEE of Texas.

H.R. 717: Mr. VAN HOLLEN, Mr. EMANUEL, and Mr. FATTAH.

H.R. 721: Mr. PRICE of North Carolina.

H.R. 731: Mr. BALLANCE and Mrs. MALONEY.

H.R. 785: Mr. UPTON, Mr. DEMINT, Mr. BLUMENAUER, and Mr. WU.

H.R. 786: Mr. GARRETT of New Jersey.

H.R. 816: Mrs. TAUSCHER and Mr. LARSON of Connecticut.

H.R. 817: Mr. GRIJALVA, Mr. BALLENGER, Mr. DOYLE, Mr. ROSS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. VAN HOLLEN.

H.R. 832: Mr. MEEKS of New York and Mr. LANGEVIN.

H.R. 833: Mr. THOMPSON of Mississippi.

H.R. 857: Mr. DOYLE and Mr. HAYWORTH.

H.R. 872: Mr. BOOZMAN and Mr. TERRY.

H.R. 876: Mr. MCINTYRE, Mr. TANNER, Mr. SHAW, Mr. SIMPSON, Mr. PENCE, and Mr. MENENDEZ.

H.R. 898: Ms. WATSON, Mr. DAVIS of Alabama, Mr. BERMAN, Mr. HUNTER, and Ms. JACKSON-LEE of Texas.

H.R. 919: Mr. ISAKSON, Mr. NETHERCUTT, Mr. SKELTON, Mr. BOYD, Mr. DAVIS of Alabama, Mr. MARSHALL, Mr. CLYBURN, Mr. LANTOS, Mrs. TAUSCHER, Ms. HARMAN, Ms. ESHOO, Mr. CARDOZA, and Mr. PAYNE.

H.R. 953: Mr. ALEXANDER.

H.R. 965: Mr. MCDERMOTT.

H.R. 980: Mr. SHAW.

H.R. 997: Mr. RAMSTAD and Mr. TIBERI.

H.R. 1068: Mr. VAN HOLLEN, Mr. GALLEGLY, Mr. CALVERT, and Mr. HASTINGS of Washington.

H.R. 1115: Mr. BAKER and Mr. FEENEY.

H.R. 1117: Mr. EHLERS, Mr. FRANKS of Arizona, and Mr. SESSIONS.

H.R. 1155: Mr. SHIMKUS, Mr. MORAN of Virginia, Mr. QUINN, Mr. BAIRD, Mr. ISRAEL, Mr. FATTAH, Mr. SWEENEY, Mr. KIRK, and Mr. GARRETT of New Jersey.

H.R. 1157: Mrs. MCCARTHY of New York, Mr. MATSUI, Mr. PAYNE, and Mr. WATT.

H.R. 1168: Mr. BERMAN.

H.R. 1170: Mr. GOODLATTE.

H.R. 1179: Mr. BOSWELL and Mr. GRAVES.

H.R. 1191: Mr. FARR.

H.R. 1209: Mr. HOLT, Ms. MCCOLLUM, and Mr. SCOTT of Virginia.

H.R. 1245: Ms. LINDA T. SANCHEZ of California.

H.R. 1259: Mr. GIBBONS, Ms. GINNY BROWN-WAITE of Florida, Mr. CHABOT, Mr. PEARCE, Mrs. MYRICK, and Mr. TERRY.

H.R. 1260: Mr. TERRY and Mr. BOUCHER.

H.R. 1294: Ms. LINDA T. SANCHEZ of California.

H.R. 1348: Mr. OWENS.

H.R. 1377: Mr. GREEN of Texas, Ms. ESHOO, Mr. BONILLA, Mr. DOGGETT, Mr. SANDLIN, Mr. NETHERCUTT, Ms. NORTON, Mr. SERRANO, Mr. TURNER of Texas, Mr. SCHIFF, Mr. SHAW, Mr. SAXTON, Ms. VELAZQUEZ, and Mrs. NORTHUP.

H.R. 1385: Mr. KIRK, Mr. MURPHY, Mr. FILNER, Mr. PLATTS, Mr. OWENS, Mr. NEAL of Massachusetts, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Ms. KILPATRICK, Mr. BELL, Mr. LANTOS, Mr. RUPPERSBERGER, and Mr. DAVIS of Alabama.

H.R. 1418: Mr. PLATTS, Mr. MARSHALL, and Mr. OWENS.

H.R. 1421: Mr. KILDEE, Mr. FROST, Mr. NEY, and Mr. SOUDER.

H.R. 1472: Mr. WAMP, Mr. MENENDEZ, and Mr. ENGLISH.

H.R. 1499: Mr. FROST.

H.R. 1519: Mr. CALVERT.

H.R. 1532: Mr. SHAYS, Mr. LEACH, Mr. HOEFFEL, Mrs. JONES of Ohio, Mr. TERRY, and Mr. MENENDEZ.

H.R. 1536: Mr. SANDLIN.

H.R. 1643: Mr. HOLT, Mr. EMANUEL, and Mr. ROSS.

H.R. 1652: Mr. ALLEN, Mr. HOEFFEL, Mr. ABERCROMBIE, Mr. MARKEY, Mr. MOORE, Mr. HOLT, Mr. MORAN of Virginia, Mr. SCOTT of Georgia, Ms. WATSON, Mr. WEINER, Mr. HASTINGS of Florida, Mr. LANGEVIN, Mr. CUMMINGS, Mr. KENNEDY of Rhode Island, Ms. WATERS, Mr. INSLEE, Mr. BECERRA, Mr. REYES, Mr. WEXLER, Mr. LYNCH, and Mr. NADLER.

H.R. 1676: Ms. LOFGREN.

H.R. 1683: Mr. LEWIS of California, and Mrs. JO ANN DAVIS of Virginia.

H.R. 1685: Mr. OWENS.

H.R. 1687: Mr. JONES of North Carolina.

H.R. 1708: Ms. DEGETTE, Mr. BAKER, Mr. SCOTT of Georgia, and Mr. SPRATT.

H.R. 1709: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ABERCROMBIE, and Mr. HINCHEY.

H.R. 1749: Mr. TERRY, Mrs. NORTHUP, Ms. LEE, and Mr. GRIJALVA.

H.R. 1769: Mr. PRICE of North Carolina, Mr. BURR, Mr. TAYLOR of North Carolina, Mr. OWENS, Ms. DELAURO, and Mr. CAPUANO.

H.R. 1771: Mr. ISAKSON.

H.R. 1775: Mr. SAXTON.

H.R. 1778: Mr. GOODE and Mr. PAUL.

H.R. 1787: Mr. ROGERS of Kentucky and Mr. BROWN of South Carolina.

H.R. 1812: Mr. ENGEL, Mr. ACKERMAN, Mr. BERMAN, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Mr. MCGOVERN, Mr. HOLT, Mr. FILNER, Ms. HARMAN, Mr. OWENS, Ms. LOFGREN, and Mrs. KELLY.

H.R. 1814: Mr. KUCINICH, Mr. GREEN of Texas, Mr. OWENS, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, and Ms. SCHAKOWSKY.

H.R. 1868: Mr. DOYLE.

H.R. 1894: Ms. CARSON of Indiana, Ms. SCHAKOWSKY, and Mr. GUTIERREZ.

H.R. 1901: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1913: Mr. PAUL.

H.R. 1935: Mr. KUCINICH.

H.R. 1944: Mr. GOODE.

H.R. 1954: Mr. LEWIS of California and Mr. GREEN of Texas.

H.R. 1981: Mr. SCOTT of Georgia and Mr. FATTAH.

H.R. 1999: Ms. LEE, Ms. WATERS, Mr. WAXMAN, Mr. FRANK of Massachusetts, Ms. SCHAKOWSKY, and Ms. ESHOO.

H.R. 2009: Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mrs. DAVIS of California, Mr. MARKEY, Mr. WEXLER, Ms. LEE, and Mr. MCINNIS.

H.R. 2028: Mr. RAMSTAD, Mr. SHAW, Mr. CRENSHAW, and Mr. ISAKSON.

H.R. 2032: Ms. NORTON, Mr. FORD, Mr. HOLT, Mr. LANGEVIN, and Mr. LANTOS.

H.R. 2038: Mr. MEEKS of New York, Mrs. CAPPS, Mr. DEUTSCH, Mr. KUCINICH, and Mr. GEORGE MILLER of California.

H.R. 2050: Mr. SHERMAN.

H.R. 2095: Mr. WEXLER.

H.R. 2101: Mr. CARDIN, Mr. RANGEL, Mr. CONYERS, Mr. MATSUI, Mr. POMEROY, and Mr. ANDREWS.

H.R. 2108: Ms. KAPTUR and Mr. STRICKLAND.

H.R. 2119: Mr. ETHERIDGE, Mr. JONES of North Carolina, Mr. PRICE of North Carolina, Mr. BURR, Mr. COBLE, Mr. MCINTYRE, Mr. HAYES, Mrs. MYRICK, Mr. BALLENGER**, Mr.** TAYLOR of North Carolina, Mr. WATT, and Mr. MILLER of North Carolina.

H.R. 2120: Mr. HINOJOSA.

H.R. 2122: Mr. BURR and Mr. HALL.

H.J. Res. 4: Mr. FROST, Mr. FEENEY, Mr. LAMPSON, and Mr. OSBORNE.

H. Con. Res. 78: Mr. BALLANCE and Mr. LEWIS of Georgia.

H. Con. Res. 93: Mr. DUNCAN, Mr. DEAL of Georgia, Mr. SCHIFF, Mr. CALVERT, and Mr. CUNNINGHAM.

H. Con. Res. 116: Mr. HERGER and Mr. PEARCE.

H. Con. Res. 155: Mr. MCNULTY and Ms. MCCARTHY of Missouri.

H. Con. Res. 164: Mr. TERRY.

H. Res. 38: Mr. HOLT.

H. Res. 136: Mrs. DAVIS of California and Mr. DOOLITTLE.

H. Res. 167: Mr. CONYERS, Mr. BLUMENAUER, MR. MCNULTY, Mr. WOLF, and Ms. NORTON.

H. Res. 198: Mr. PITTS.

H. Res. 233: Mr. WELDON of Florida, Mr. BACHUS, Mr. WILSON of South Carolina, Mr. BURGESS, Mr. LIPINSKI, Mr. FORBES, Mr. AKIN, Mr. GARRETT of New Jersey, and Ms. HART.

H. Res. 234: Mr. MCDERMOTT, Mr. MORAN of Virgina, Mr. KILDEE, and Ms. JACKSON-LEE of Texas.

H. Res. 237: Ms. CORRINE BROWN of Florida, Mr. DAVIS of Illinois, Mr. RUSH, Mr. TOWNS, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Ms. CARSON of Indiana, Mrs. JONES of Ohio, and Mrs. CHRISTENSEN.

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Senate

The Senate met at 2 p.m. and was called to order by the Honorable CHUCK HAGEL, a Senator from the State of Nebraska.

The PRESIDING OFFICER. Our guest Chaplain, Rabbi Arnold E. Resnicoff, will lead us in prayer.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

O Lord, who hears our prayers as this session now begins and before the leaders here debate the issues they confront and with which our country and our people struggle, we begin united, united with a prayer, a reminder that even as we disagree on one course of action or the next, we do so in pursuit of common prayers, common dreams—liberty, dignity, and freedom—that unite us all. We sometimes call this starting prayer an invocation, but it is not Your presence we invoke, for You are always with us. No matter where we are or where we go, as we soar on eagle's wings toward heaven, as we search the deepest reaches of the sea, or as we seek to balance right and responsibility through the actions taken here in the Halls of Congress, we know we find Your hand. Instead, it is awareness of Your presence that we call forth, that we invoke a reminder of a plan or dream in which we might play a part, a promise of a better world, better time, a time of peace and justice that we might help to build. May Your presence touch our lives, and even shape our words, so that we might find the wisdom and the courage to do our part to keep our dreams and prayers alive and help make those dreams and prayers come true. And may we say, Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 19, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. VOINOVICH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

ORDER OF PROCEDURE

Mr. FRIST. This afternoon, the Senate will be in a period of morning business until 2:30 p.m. At 2:30 the Senate will begin consideration of the Department of Defense authorization bill. Under the order, amendments will not be in order to the bill until 5:30 today. Under the previous order, our first rollcall vote is scheduled for 5:30 this afternoon, but due to a number of meetings, I ask unanimous consent that the vote on the confirmation of the nomination of S. Maurice Hicks, Jr., to be a United States District Judge for the Western District of Louisiana be moved until 5 p.m. today.

Mr. REID. Reserving the right to object, we have a number of speakers here now: Senator CONRAD wants to speak for 15 minutes, Senator DORGAN for 15 minutes, and Senator HAGEL is in the Chamber and wishes to speak for 5 minutes. Could we extend morning business for 15 minutes equally divided?

Mr. FRIST. Mr. President, I am happy to extend it for 15 minutes. I have very few remarks to make, and then we will have the Senator go first.

Mr. REID. That should cover the time.

I ask that Senator CONRAD be recognized for 15 minutes, Senator DORGAN for 10 minutes, and Senator HAGEL for 5 minutes; you go first, then Senator CONRAD, and then Senator HAGEL.

Mr. FRIST. My remarks are going to be for 3 minutes; if I could have Senator HAGEL go first and then follow with——

Mr. REID. If he is speaking a short time, that will be fair.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Is there objection to moving the time for a vote?

Without objection, it is so ordered.

Mr. FRIST. Let me clarify, or add to that, because we are moving the time up. I understand a lot of people will be coming back this afternoon. Since we initially scheduled it for 5:30, we will extend that voting to, say, 6 p.m. So we will begin voting at 5 p.m. today, and the vote will be held open until 6 p.m. today since this is a change from Friday.

Following that vote, Members may offer amendments to the DOD authorization bill. The two managers will be encouraging any Senator who intends to offer an amendment to stay around after the vote to offer and debate their amendment. Any votes ordered on amendments that are debated this evening will be postponed to begin tomorrow morning. It is my hope that we will be able to complete Senate action on this bill early this week.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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This week, the Senate will also consider the debt limit extension legislation. We have an agreement for a limitation of amendments to that bill, although it is still my hope that the list of amendments can be pared down and we can pass that bill in a quick period of time.

Finally, I add that last week the Senate passed the jobs and economic growth package. At this point, it is unclear at what time the Houses can complete working out the differences. It is my hope to complete that prior to the Memorial Day recess. People have been meeting over the weekend, today, and will be meeting tonight. I will keep my colleagues posted. My intent is to complete that package before the Memorial Day recess. The language has to be worked out between both Houses. We will be talking about that as we go forward.

Mr. REID. Mr. President, before the majority leader leaves the floor, regarding the debt limit, we have entered into an agreement in good faith with the majority. However, I think we should expect this will take a day. I worked with Senator MCCONNELL last week. We had it down to a finite number of amendments. That did not work out. We have a Memorial Day recess with people giving graduation speeches and Memorial Day speeches, and we are going to get jammed toward the end of this week, as we do before a recess period. We are happy to work, but I don't think we can plan on finishing this bill in a couple of hours.

Mr. FRIST. Mr. President, I appreciate the comments of the assistant minority leader. I am hopeful we can pare down the number of amendments, but I understand from their perspective it will take more than a couple of hours. In that regard, the exact timing will be discussed as to when we actually bring that to the floor. It will be completed this week.

In a few moments I will talk about bioshield, as well, that I would like to complete this week. But absolutely for sure, DOD we are looking to complete, we will address the debt ceiling this week—we have to address it this week—and we will address, hopefully, the jobs and economic growth package in its final form as well as bioshield.

Putting that together will be, again, a very long week. People absolutely must plan to be here on Friday, voting on Friday before we begin the recess.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business with the time equally divided between the Democratic leader and the Senator from Nebraska.

PROJECT BIOSHIELD

Mr. FRIST. Mr. President, I am going to make just a few comments on bioshield and then will yield to the Senator from Nebraska. The comments I want to make are really a continuation of the statement of my intentions of a few minutes ago, and that is that the bioshield legislation must be addressed as soon as possible. I believe it has ramifications for the security of this Nation.

Today, Israel was rocked by a fifth suicide bombing in 4 days—5 dead, 14 or 15 injured in a blast outside a shopping mall. Just last Friday we had a suicide attack in Morocco claiming 42 lives. In Saudi Arabia last week: 3 simultaneous attacks, 34 people murdered including 7 Americans. Meanwhile, 15 European tourists are being held hostage in a bunker in Algeria.

This weekend, the Wall Street Journal reported that U.N. Weapons Inspector Hans Blix warns that:

> Chemical and biological weapons might be within the reach of terrorists—whether these are groups or individuals.

He goes on to say:

> Full guarantees against research and development are hardly attainable, and possible hidden stores of biological and chemical weapons may also be very hard to discover.

The threat is real. Biological and other dangerous agents every day get closer and closer and closer to being within the grasp of those who wish to do us or peoples around the world mortal harm. We have made tremendous progress in treating many serious naturally occurring diseases, but we still lag far behind where we should be in developing the medical treatments and responses against biological or potential biological and chemical attacks.

President Bush, in his State of the Union Message, proposed Project Bioshield, which is a comprehensive effort to develop and make available modern, up-to-date, effective countermeasures against such biological and chemical agents. It is a major cooperative effort which will be a joint activity of the new Department of Homeland Security and the Department of Health and Human Services.

We look, in this legislation, at the next generation of countermeasures. Over the next 10 years, the administration estimates that about $6 billion will be available to purchase new countermeasures for conditions and illnesses and microbes like smallpox or anthrax or botulinum toxin or Ebola or plague.

Project Bioshield also expands research and development into medical treatments as well as making these promising treatments available, very quickly, rapidly, in response to an emergency.

My colleague, the Senator from New Hampshire, Mr. GREGG, introduced a comprehensive measure which incorporated the President's bioshield initiative into S. 15, the Biodefense Improvement and Treatment for America Act. That bill was introduced on March 11. Portions of that legislation incorporating the President's bioshield initiative passed the Senate Health, Education, Labor and Pensions Committee on March 25. A slightly modified version passed the committee with the support of the ranking Democrat member, Senator KENNEDY, as well as the support of all Republicans and all Democrats on the committee. The bill was placed on the Senate calendar on March 25, but now it is 2 months later and despite repeated attempts to pass the legislation, the minority, the Democrats, have objected to passing the bill by unanimous consent or even to debating the bill under a time agreement.

We simply cannot continue to wait. Every day we wait is a day too long. We cannot forget the terrible video footage of the potential of these terrorist agents being used against us or other people.

I hope the Senate will be able to meet Democratic objections and move this legislation this week before the Memorial Day recess. As I said in my opening comments earlier, none of us here doubts the potential danger that is out there. We need bioshield passed, and we need it passed as soon as possible.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. HAGEL. I thank the Chair.

(The remarks of Mr. HAGEL pertaining to the introduction of S. 1076 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

TAX LEGISLATION

Mr. CONRAD. Mr. President, last week the Senate and House passed tax measures. I want to take a moment to comment on those tax measures. My personal belief is that they are fundamentally flawed, that they are ineffective as stimulus, irresponsible as tax policy, and ultimately unfair. In terms of stimulus, the plan that passed the Senate last week will provide $45 billion of stimulus the first year; the House plan, $48 billion—that in an economy that is $10.5 trillion in size.

Most economists say that small a measure will do virtually nothing to give a lift to the economy. The proposal by Senator DASCHLE, which provided $125 billion of stimulus, is the minimum size most economists say is necessary to give any serious lift to a $10.5 trillion economy.

But the bigger flaw is in the long-term cost of the proposals advanced by our colleagues in both the Senate and the House. In the Senate, the 10-year cost of the plan is $350 billion; in the House, $550 billion. But that substantially understates the true cost of these measures.

We can look at the Wall Street Journal, which did an analysis. They concluded: "Caution: Tax Cuts Are Bigger Than They Appear In The Budget." That is because of this phony sunset

that has been adopted in both the House and the Senate to substantially understate the cost.

If the sunsets were not present, what we find is that the House bill, which is advertised to cost $550 billion, would actually cost $1.1 trillion. So when they say they have a tax measure that costs $550 billion, the true cost, without sunsets, is $1.1 trillion on the House side. In the Senate, they say they have a package that costs $350 billion. The true cost, without the sunset gimmick, is $660 billion.

Some will say: Well, a sunset may be a valid thing. They may actually end that tax cut at the end of the time. Well, let's just look back 2 years ago. Two years ago, they passed tax measures filled with sunsets, and now what are they saying? Now they are saying: If you allow them to sunset, it will be a tax increase. So they are saying, oh, no, they can't be sunset, they have to be continued.

You know, fool me once, shame on you. Fool me twice, shame on me. Look, how can any of us be fooled about what is to come? It is very clear what they are going to do. They are going to insist on eliminating these sunsets and the costs will explode. Well, what difference does that make? The difference it makes, of course, is that we are already in record deficit. With these additional tax cuts, and with the increased spending provided for in the President's budget, we are headed for deficits that are utterly unsustainable.

Not only that, this policy of sunsetting means you have a come-and-go tax policy that is bewildering and will have an adverse effect on the economy. As the chart says: ''Sunset and Phase-in Gimmicks Produce Bad Tax Policy.'' Here is just one example. The marriage penalty comes and goes, and it comes again under the policy adopted in the Senate just last week. It is really quite stunning what they have done.

For couples who incur a marriage penalty because of the standard deduction, that marriage penalty would be eliminated when the standard deduction equals $9,500 for the year 2003. Under the plan passed last week in the Senate—and using constant 2003 dollars—we will have $9,267 this year, $9,500 next year, and then it goes down to $8,265 the year after that. That will mean a tax increase on married couples. And then it goes up to $8,740, $8,883—all of these standard deduction amounts over the 4 years after 2004 are below the amount necessary to address the marriage penalty. It is really a giant hoax on the American people. But look what happens in 2011 and 2012 and 2013. Then it goes down to less than $8,000—a significant tax increase on married couples.

This is consistent, unfortunately, throughout the package passed last week. It is true of the dividend tax measure. What a bizarre thing that is. It is phased in with a 50 percent exclusion the first year, then it goes up to 100 percent for a few years, and then it is eliminated. One prominent Republican analyst, an economist who has testified repeatedly before Congress, called it the most patently absurd tax policy offered ever. I don't know if it is the most absurd offered ever, but it is pretty farfetched. And he is not alone in that view. Here is what he said:

> Administration sources admit that dividends will likely decline relative to today under this plan between now and 2005. How can that be a harmless event given that increases in dividend payments are viewed to be so wonderful? Clearly, this proposal is one of the most patently absurd tax policies ever proposed.

As I say, he is not alone in that analysis. Here are two economists who say the Senate GOP dividend tax plan will not help the economy:

> [Mr.] Timothy M. Koller and Susan Nolen Foushee, consultants at McKinsey & Co., noted in a recent report that as of last year owners of 61 percent of all common stock were not subject to tax, so markets are driven by investors who are not concerned with tax treatment of dividends. Thus, ''the proposed tax cut'' on dividends ''seems unlikely to have a significant or lasting effect on U.S. share prices,'' [they] said.

That is from the Washington Post.

What is even more bizarre is the President went around this country and told people this policy was to eliminate double taxation. His argument was that corporate profits are first taxed at the corporate level and then taxed again when they are paid out into dividends.

So his initial proposal included a corporate accounting provision that guaranteed that taxes on profits were paid at the corporate level before those profits could be paid out to shareholders on a tax-free basis. Do you know what? Here in the Senate they took that provision out. So now you can have a circumstance where the money is not taxed either at the corporate level or when it is paid out as dividends. That is not a matter of eliminating double taxation, that is a matter of eliminating all taxation on corporate earnings.

Now, if that isn't an utterly preposterous outcome, I don't know what is. That is what this Senate passed last week. I expect a lot of Members who voted for it did not even know that provision was taken out. I expect they did not know you are going to have a circumstance in which corporations do not pay taxes at the corporate level and then get to pay the dividends out completely tax free—well, at least for a few years until it is all restored and we face a massive tax increase on dividends that would do real damage to the economy of this country.

As shown on this chart, here is a Republican tax analyst who ridicules the Senate GOP dividend tax plan:

> ''I can understand the political reasons why they put it in that way, but it's such an incredibly bad idea,'' said Norbert Michel, a tax policy analyst at the Heritage Foundation, a conservative research group in Washington.

That is from the New York Times.

I think Mr. Michel had it right.

This next chart shows that economists say the Senate GOP dividend tax plan makes little sense:

> Many economists say a temporary reduction of the dividend tax makes little economic sense, blunting the goal of boosting companies' stock prices and leaving them more money to invest. ''Phasing something in but letting it go away doesn't have a very large economic impact,'' said Christopher Wiegand, economist for Citigroup Inc.

This is according to the Associated Press.

The evidence is mounting that what was passed here last week makes no earthly sense. It does not make economic sense. It makes no fiscal sense because the deficits of this country are already at a record level. This year some have said it would be a small deficit. Let the American people make the judgment if they think it is small.

The deficit this year, on an operating basis, is going to be between $500 and $600 billion on a budget of $2.2 trillion.

Some say that is a small deficit. What would they call a large deficit? A $500 to $600 billion deficit on an operating basis on a $12.2 trillion budget, and you know that is just the beginning. Once the President's plan is put in place, that increase is spent. That cuts revenue, and when we already have record deficits, you can only have one result; that is, deficits that multiply. It will also occur at the worst possible time because these deficits are coming at us right before the baby boomers retire.

When I talk about a tax plan that makes no sense, it is not just people on our side of the aisle saying that. You have Republicans saying what was passed in the Senate makes no sense. Here is another lawmaker who says he considers the bill a bad idea. It is the Speaker of the House, DENNIS HASTERT, who described the plan as an ''all of a sudden you see it, and now you don't'' idea. He went on to say:

> If the dividend tax is 50 percent and then nothing, and all of a sudden it is back to 100 percent or whatever it is, my feeling is that it does not solve the problem.

But he did not mention that his Chamber's bill also sunsets a half-dozen major provisions.

Rarely have we seen tax bills so riddled with gimmicks and false assumptions.

This is what the Joint Committee on Taxation found when they did a ''dynamic analysis'' of the bill passed in the House of Representatives. They concluded that the increased deficits that will be created will eventually outweigh the benefits of tax cuts.

This is what a number of us have been saying repeatedly. These are not tax cuts offset by spending reductions; these are offsets paid for by borrowing money from the Social Security trust fund. In fact, virtually every penny of Social Security trust fund surpluses over the entire next decade are being taken to pay for these tax cuts. And people think that is a good idea.

The President says this is the people's money. He is exactly right about that. This is the people's money. But do you know what? It is also the people's debt. It is also the people's Social Security. It is also the people's Medicare. All of those are the people's. The policy he has fashioned is taking Social Security trust fund surpluses from the people in order to pay for a tax cut; taking from a circumstance in which people are paying payroll taxes—by the way, 80 percent of American taxpayers pay more in payroll tax than they pay in income tax—it is going to take from their trust fund surpluses and use it to give an income tax cut that flows overwhelmingly to the wealthiest among us. You talk about Robin Hood in reverse, this is it. It is not good economic policy, it is not good tax policy, it is not good fiscal policy, and it is going to put us in a deeper and deeper hole.

The Joint Committee on Taxation said this about the plan:

> This stimulus is reduced over time because the consumption, labor, and investment incentives are temporary, and because the positive business investment incentives arising from the tax policy are eventually likely to be outweighted by the reduction in national savings due to increased Federal Government deficits.

That is exactly what is wrong with this plan. It is not the economic growth plan, it is a plan to borrow from the future and to take Social Security trust fund surpluses and give a big tax cut to those who are the wealthiest among us.

This plan also flunks the fairness test. The plan benefits the wealthiest in a way that is truly stunning. Taxpayers with income over $1 million will get a benefit of $73,790 in this tax year alone. The typical taxpayers—those in the middle income in this country, the 20 percent of taxpayers who are in the middle of the income distribution—will have an average benefit of $245.

Let me conclude by saying I hope my colleagues will take a second look at what was passed. I think it is going to prove to be a serious mistake for our fiscal future.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, am I recognized for 10 minutes?

The ACTING PRESIDENT pro tempore. The Senator is recognized for 10 minutes.

GLOBAL AIDS

Mr. DORGAN. Mr. President, last Thursday and early Friday morning, the Senate was in session for I believe 17 hours, and it took 36 rollcall votes. Many of us arrived at our homes at 1:30 or 2 in the morning. I had trouble sleeping despite the hour because of what happened on that day. I want to describe something that has bothered me all weekend.

In the middle of discussing the tax vote that came to us from the Finance Committee, the majority leader brought up the global AIDS bill. I guess it was about 10 o'clock at night. Those of us who prepared to offer amendments were told by the majority leader twice on the floor of the Senate that we would be able to offer our amendments and they would defeat them. Understand that this is a global AIDS bill that was done in committee, and none of us who do not serve on that committee had an opportunity to deal with that subject.

Yet we were told in the Senate we would be able to offer our amendments and they would defeat them. This was about 10 o'clock at night. We were, by the way, at that moment debating a $430 billion or $450 billion tax cut. And I proposed an amendment to the global AIDS bill to spend $250 million—one-fourth of a billion dollars—to address a famine, particularly in central and sub-Saharan Africa, that threatens 11 million people. But before we had a debate about the substance of that, we were told: Your amendments will be defeated. Why? Because they are not a priority.

We had already passed the level of food aid that was proposed in my amendment previously. That $250 million was already passed by the Senate in the omnibus bill and taken out by the House of Representatives in conference. But we were told we didn't have the capability in the Senate to do it last Thursday. So we had a record vote. I lost 49 to 51.

Just so we understand this is not about some abstract theory, let me read Nicholas Kristof's piece in the New York Times of May 13.

> Ladawi is a 16-month-old girl with twigs for limbs, blotched skin, labored breathing, eyes that roll back and skin stretched tautly over shoulder blades that look as if they belong to a survivor of Auschwitz. She is so malnourished that she cannot brush away the files that land on her eyes, and she does not react when a medical trainee injects drugs into her hip in a race to save her life.
>
> ''She's concerned only with trying to breathe,'' says the trainee, the closest thing to a doctor at a remote medical center here in southern Ethiopia. ''Most likely she will not survive.''

I don't understand this. I just do not understand. We have people dying, children dying, and we have substantial food in this country and the most productive farmers in the world. They are told at the grain elevator that food has no value. If you produce it in such abundance, it has no value. And then a young girl in Boricha, Ethiopia, lies on her bed dying because she doesn't have food.

I served on the Hunger Committee when I served in the House. I have traveled to many spots in the world to refugee camps. I have seen desperate hunger. I have held in my arms children who were dying because they didn't have enough to eat. We live in a world of plenty—at least here in the United States. Obesity is a major problem. A substantial part of our country is on a diet. Our farmers can't make a living because they are told their food has no value. Yet we have 11 million people at risk. This Senate says no to the food aid that needs to go to those kids, to help those kids. I just do not understand it.

Let me read further from the Nicholas Kristof piece:

> We've all been distracted by Iraq, but an incipient famine in the Horn of Africa has been drastically worsening just in the last few weeks. It has garnered almost no attention in the West, partly because it's not generally realized that people are already dying here in significant numbers. But they are. And unless the West mobilizes further assistance immediately to Ethiopia, Eritrea and Somalia, the toll could be catastrophic. . . .
>
> ''We've been overwhelmed by this, especially in the last three weeks,'' said Tigist Esatu, a nurse at the Yirba Health Center, crowded with mothers carrying starving children. ''Some families come and say, 'We've lost two children already, three children already, so you must save this one.'''

He continues:

> Since weapons of mass destruction haven't turned up so far in Iraq, there's been a revisionist suggestion that the American invasion was worthwhile because of humanitarian gains for the liberated Iraqi people. Fair enough. But as long as we're willing to send hundreds of thousands of troops to help Iraqis, what about offering much more modest assistance to save the children dying here?
>
> ''How is it that we routinely accept a level of suffering and hopelessness in Africa that we would never accept in any other part of the world?'' asks James Morris, the executive director of the World Food Program. . . .
>
> Fair enough. But as long as we're willing to send hundreds of thousands of troops to help Iraqis, what about offering much more modest assistance to save the children dying here?

Later in the article he quotes a mother:

> ''Now I worry about my other children,'' said Tadilech Yuburo, a young woman who lost one child last month and has three left. In her village, Duressa, population 300, five children have died in the last month. In nearby Falamu, population 400, six children have died. This famine has not yet registered on the world's conscience.

I offered an amendment to provide some food aid which we have in abundance. We have plenty of food aid to give. I offered an amendment at 10, 11 at night. We didn't have the time to do that, didn't have the willingness to do that. We didn't have the votes to do that. We were way too busy providing tax cuts, the majority of which will go to upper income Americans.

I had a friend who died of a car crash in 1981. He was a wonderful man, a singer, named Harry Chapin, who dedicated most of his life to fighting rural hunger. Harry wrote a song I want to read that describes why I feel so passionately about this. The song is called ''The Shortest Story.''

> I am born today. The sun burns its promise in my eyes. Momma strikes me and I draw a breath to cry. Far above a cloud tumbles softly through the sky. It is now my seventh day. I taste the hunger and I cry. Brother and sister cling to momma's side. She squeezes her breast, but it has nothing to provide. Someone weeps. I fall asleep. It is 20

days today. Momma does not hold me anymore. I open my mouth but I am too weak to cry. Far above a bird slowly crawls across the sky. Why is there nothing left to do but die?

Those were lyrics by the late Harry Chapin. Harry was a terrific friend. He dedicated the proceeds from one-half of his concerts every year to fight world hunger. He used to say, if one night 45,000 people died of hunger in New Jersey, it would make headlines around the world, giant headlines in every paper in the world. But the winds of hunger blow every day, every hour, every minute, and 45,000 people, mostly children, die every day, and it doesn't make the newspaper.

Now we have a gripping famine in a part of the world that some of us believe we have a moral responsibility to address in a much more aggressive way than we have been willing to address previously. Yet a relatively small amendment I offered on Thursday was defeated by two votes, and I was told before I offered it: Go ahead and offer your amendment. We will defeat it. And this was before they knew what the amendment was about.

That is not the kind of priority you would expect from the Senate. I regret very much that we passed this global AIDS bill and did not attach the $250 million in food aid to which the Senate had previously agreed. We don't have much time if we care about world hunger. If we care about saving these children, if we care about doing what we need to do, what our responsibility would call us to do at this moment, then we must regroup and pass legislation of the type I offered Thursday night.

Again, it was hard to sleep, and this weekend I thought a lot about that, wondering why was the Senate so much more interested in providing tax cuts than it was in providing assistance to those starving in other parts of the world.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

CONCLUSION OF MORNING BUSINESS

Mr. WARNER. Parliamentary inquiry: Would the Chair advise the Senate with regard to the time remaining in morning business?

The ACTING PRESIDENT pro tempore. There are 9 minutes remaining to the majority in morning business.

Mr. WARNER. I judge no time remaining for the minority.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. WARNER. On behalf of the majority leader, I ask now that all time be yielded back on behalf of the majority.

The ACTING PRESIDENT pro tempore. The time is yielded back. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to consideration of S. 1050, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1050) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Mr. WARNER. Mr. President, I ask unanimous consent that William Buhrow, a legislative fellow in the office of Senator GEORGE ALLEN, be granted the privilege of the floor during consideration of S. 1050.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that Jason Hamm, of the staff of the Committee on Foreign Relations, be granted the privilege of the floor for the duration of the debate on the fiscal year 2004 defense authorization.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that the staff members of the Committee on Armed Services, majority and minority, appearing on the list I send to the desk be granted the privilege of the floor during consideration of S. 1050.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The list is as follows:

Judith A. Ansley; Richard D. DeBobes; Charles W. Alsup; Kenneth Barbee; Michael N. Berger; June M. Borawski; Leah C. Brewer; Jennifer D. Cave; L. David Cherington; Christine E. Cowart; Daniel J. Cox, Jr.; Madelyn R. Creedon; Kenneth M. Crosswait; Marie Fabrizio Dickinson; Gabriella Eisen; Evelyn N. Farkas.

Richard W. Fieldhouse; Andrew W. Florell; Brian R. Green; Creighton Greene; William C. Greenwalt; Carolyn M. Hanna; Mary Alice A. Hayward; Jeremy L. Hekhuis; Ambrose R. Hock; Gary J. Howard; R. Andrew Kent; Jennifer Key; Gregory T. Kiley; Maren R. Leed; Gerald J. Leeling; Peter K. Levine.

Patricia L. Lewis; Thomas L. MacKenzie; Sara R. Mareno; Ann M. Mittermeyer; Lucian L. Niemeyer; Cindy Pearson; Paula J. Philbin; Lynn F. Rusten; Arun A. Seraphin; Joseph T. Sixeas; Christina D. Still; Scott W. Stucky; Mary Louise Wagner; Richard F. Walsh; Nicholas W. West; Bridget M. Whalan; Pendred K. Wilson.

Mr. WARNER. Mr. President, I ask unanimous consent that Senator MCCAIN's legislative fellow, Navy Commander Edward Cowan, be granted privilege of the floor during consideration of S. 1050.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I see the distinguished Senator from Michigan on the floor. I advise my good friend and partner on this venture that I will proceed for some 10 minutes and then yield the floor, on the assumption that he will proceed, and then I will resume with the remainder of my statement.

On behalf of the Armed Services Committee, I am pleased and honored to bring the National Defense Authorization Act for Fiscal Year 2004 to the Senate for consideration. The bill was reported out of the committee with overwhelming bipartisan support. I may say, as a tribute to excellent staff work and excellent work by the chairman and ranking members of the subcommittees and, indeed, by the full cooperation of my distinguished colleague, the ranking member, we achieved this markup in what is regarded to be record time. I didn't keep the time, but I certainly recognize that we did it in a very brief period; basically over a 2-day period, where many times heretofore it has been 3, 4, and 5 days for markup.

I think the committee, both members and staff, were aware of the tremendous support across this Nation by the people for the men and women of the Armed Forces today and a recognition of the responsibilities of the Congress of the United States—in this case the Senate—to provide for those men and women of the Armed Forces.

Having said that, I believe that contributed to the swift action we had on our bill in committee markup, and I anticipate—I say this respectfully—in the Chamber a number of amendments will come forth, but I believe we will be able to complete this bill in a relatively short period of time, owing again to the support in the Chamber for the men and women of the Armed Forces and the desire to have a strong bill in place to go to conference with the House.

As we stand here beginning the debate on this bill today, over 300,000 soldiers, sailors, airmen and marines, Active Guard and Reserve, and countless civilians who support them, are serving bravely in not just the Persian Gulf region but Afghanistan.

It is remarkable. I want to mention the civilians. I recently said to the Secretary of Defense, Mr. Rumsfeld, when we talked about the total force concept, I remembered so well that that concept was originated when Melvin Laird was Secretary of Defense and I was privileged to serve as the Secretary of the Navy during the Vietnam war. I said to Mr. Rumsfeld recently that we really ought to broaden the term ''total force'' now to incorporate the many civilians who quite often are in positions of personal risk and other situations not unlike those of the men and women of the Armed Forces, right up on the point of the spear of military action.

In my judgment, they are just as much a part of the total force as the uniformed contingent, and I think the uniformed contingent would want me

to state that. This total force is there to secure peace and freedom for the people, specifically of Afghanistan and Iraq. Other men and women in the Armed Forces, as we all fully recognize, are serving in outposts and at sea across this world. How proud we are of our forces who are deployed throughout the world. Some of those personnel are assuming personal risks as great as those who have been fighting in Afghanistan and in the Persian Gulf. All Americans are proud of the Armed Forces of the United States.

We also want to pay recognition to the various nations that have joined us in these military operations in Afghanistan and Iraq and around the world and that stand guard with us to enforce the principles of freedom throughout this globe.

We are engaged in an international war on terrorism. The principal battlefronts are Afghanistan and Iraq, but indeed there is no less of a challenge in many other parts of the world away. Therefore, we are very thankful to all those who make possible this total force in the cause of not only combating terrorism but other military objectives we have to fulfill in the cause of freedom throughout the world.

I will pause now a moment to reflect on perhaps the most serious consequence of military life. I went back in history and gathered a few statistics. We will, throughout the course of this deliberation in the Senate, as we go about our daily responsibilities, have in mind those who paid the ultimate sacrifice with their loss of life and those who were wounded in the course of serving the cause of freedom in Afghanistan, Iraq, and other places in the world. I went back in history, and I would like to recite the following figures:

The total casualties in the Iraq campaign thus far have been approximately 612, of whom 117 were killed in direct combat and 495 were wounded. A total of 151 have lost their lives as part of operation Iraqi Freedom. In Afghanistan: Total casualties, 252, of whom 31 lost their lives and 221 suffered wounds. I think it is important to bear those casualty figures in mind as we think with reference to previous engagements. Vietnam: 211,000 casualties, 58,000 killed, 153,000 wounded. Korea: 139,000 total casualties, 36,000 killed, 103,000 wounded. World War II: 1,077,000 casualties, 405,000 killed, 671,000 wounded. We still have missing. I know the Korean conflict alone has some 8,000 American individuals who remain unaccounted for.

Whatever we do, we all join in mourning their loss and resolve to forever remember their service. We care for their families as best we can. We are blessed truly as a nation to have this new generation of great Americans, those who have recently suffered as casualties in the Afghanistan and Iraq operations, and indeed many others throughout the world in other actions. This new generation of great Americans is so committed to the traditions, mindful of the sacrifices of their forebears, and they have performed their services in exemplary fashion in keeping with the tradition of the military men and women who have gone before them—indeed, their values and their ideals and likewise the suffering of the families.

I will bet all of us here in the last few days have attended graduations and spoken at them. I have been privileged to do them myself. Each time I look at these young graduates, I say the casualties in Afghanistan and Iraq and elsewhere around the world are young men and young women of the same age basically—from the years 18 through 24. Some are older, but basically those generations graduating today, looking upon the joys of their college or university careers, should pause for a moment to reflect on those who are elsewhere in the world enabling them to achieve their goals and their respective graduations.

The stunning and very swift military success we had in Operation Iraqi Freedom, achieving the military goals laid out in the plan devised by the Commander, U.S. Central Command, General Tommy Franks and the Joint Chiefs of Staff, in consultation with the joint staffs of the coalition nations, and in approval with that of the President and the Secretary of Defense primarily, and I expect to some extent the Secretary of State—those achievements are a testament to the dedication and professionalism of the men and women in the Armed Forces. The precision and the skill with which recent operations have been conducted are a tribute not only to their bravery and commitment, and indeed their sacrifice, but also to the industrial base of America, which is providing the weaponry, providing the means by which they pass through each day, and the requirements for human existence and human protection. So we pay tribute to that industrial base today, for the American technology and ingenuity, which has made a definite contribution to the welfare and the survival of the men and women in the Armed Forces.

Those statistics I gave about earlier military engagements—obviously high in contrast to the current losses—tell a story of how high-tech weaponry can save lives—not just the smart bombs and smart ordnance but indeed the very uniforms and protection devices the Armed Forces wear today. We had, in the course of our update briefings, a visit by several soldiers who came in and showed us the armored vests, the night vision, the special scopes on their weapons. It is far different from what this humble person witnessed in Korea, in World War II, and in training commands. Today's weapons bear little resemblance to the basic weapons that fought through the battles of World War II and Korea and, to a lesser extent, Vietnam, because we had a transition of the basic weapon in Vietnam. This is a magnificent tribute to the industrial base of this country that has provided this weaponry. That is what this bill is about: the need to have ever-changing technology to afford even greater protection to the men and women of the Armed Forces as we face the uncertain, unchartered, and unknown threats that face us in this century.

Military strategists and historians will study the Afghanistan and Iraqi military campaigns for years to come and will recognize them as a total new chapter in military history in many ways. Without a doubt, the U.S. military is the most capable military force in the world today, a model of excellence and the standard by which others are measured.

Senator LEVIN and I visited Afghanistan on Thanksgiving almost two years ago, as those operations were just beginning to get underway. We witnessed how small units, anywhere from 15 to 25 individuals, would get in their helicopters and go in to the darkness of night, all enlisted, save one officer, and perform extraordinary feats of heroism and professional courage in achieving their objectives.

We witnessed it again, just weeks before the start of military operations in Iraq, in its full measure, when we both visited Qatar and Kuwait in February of this year.

It is precisely for this reason we must send a strong message of support to our men and women in uniform by passing this important bill this week. This bill contains much deserved pay raises and benefits for our military personnel, for their families, needed increases in family housing and quality of life projects on military installations, as well as prudent investments in the equipment and technology our military needs to deal with the future in uncertain and ever-changing threats.

I urge my colleagues to participate in the debate of this bill to the fullest measure desired, to come forward with such amendments that they may have to improve and strengthen this bill, and hopefully to gather together and support the final and swift passage of this bill.

The President's budget request for defense for fiscal year 2004 continues the momentum of recent years in making real increases in defense spending to sustain readiness and enhance the quality of life for our military personnel and their families, and to modernize and transform the U.S. Armed Forces to meet current and future threats.

The bill before us would provide $400.5 billion for defense, an increase of $17.9 billion, or 3.2 percent in real terms, over the amount appropriated for fiscal year 2003.

Since the beginning of the 108th Congress, the Armed Services Committee has conducted 44 hearings and received numerous policy and operational briefings on the President's budget request for fiscal year 2004 and related defense

issues. As a result of these deliberations, we identified six priorities to guide our work on the National Defense Authorization Act for Fiscal Year 2004.

First, to enhance the ability of the Department of Defense to fulfill its homeland defense responsibilities by providing the resources and the authorities necessary for the department to assist in protecting this Nation against all current and anticipated forms of attack, primarily terrorist attacks, at home.

I mention at home, and I will repeat it several times because it is so important, because our President has quite wisely put as his top priority homeland defense. The Congress, and most particularly the Senate, went through long debates about the creation of the Department of Homeland Security which is now up and running.

Homeland defense, however, in my humble judgment, does not start here at home. It starts on the farflung outposts of the world on land and at sea where the men and women of the Armed Forces are serving. To the extent they can deter, interdict, and defeat imminent threats to the U.S., especially terrorist operations, it lessens the chances of that operation finding its way to homeland USA—right here at home.

That is my definition of homeland defense, and this bill is constructed to do everything we can to equip and protect those men and women of the Armed Forces in their role of homeland defense beyond our shores and, indeed, their role in homeland defense, those who are stationed in the continental limits of the United States, Hawaii, and Alaska.

Second, to continue our committee's commitment to improving the quality of life for the men and women of the Armed Forces—Active, Reserve, Guard, Retired—and their families.

Third, to provide the men and women in uniform with the resources, training, technology, and equipment they need to safely and successfully perform their missions both now and in the future.

Fourth, to sustain the readiness of our Armed Forces to conduct the full spectrum of military operations against all current and anticipated threats.

Fifth, to support the Department of Defense efforts to build the innovative capabilities necessary to continue the transformation of the Armed Forces to enable them to successfully confront future threats, particularly by enhancing technological advances in areas such as unmanned systems. That is an initiative on which this committee has placed great emphasis for some several years now.

Sixth, and final, to improve the efficiency of the Department's programs and operations to reduce the cost and time required to develop and acquire the new capabilities and needed services in the entirety of this bill.

I will yield the floor. This is a suitable point at which I can return to my opening remarks. I assume my colleague from Michigan will seek recognition.

I thank my colleague, Mr. President, for all his hard work, not only on this bill but for the now quarter of a century we have been together working on this committee. How many times we have been on the floor together on our respective bills.

Mr. LEVIN. Mr. President, I look forward to many more times.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I congratulate Senator WARNER for shepherding the Defense authorization bill to the floor again. I do not know how many times he has led the effort—I lost count—but each time he has handled the very difficult duties with great fairness and, I think, timely, perhaps with record dispatch. He is always efficient and, it seems to me—and I agree with Senator WARNER—this may set a record in the committee, for many of the reasons our chairman mentioned, including the determination that we be together totally as a body in support of the men and women in the Armed Forces who are in so many dangerous places in the world as we speak.

I also join Chairman WARNER in commending all of the committee members for their hard work; our staffs, for the long hours they put in to produce this bill. As always, it is a complicated bill, a detailed bill and, more than ever perhaps, a critically important bill.

As we begin the consideration of this bill this afternoon, our men and women of the U.S. Armed Forces, both Active and Reserve who are deployed in harm's way in many areas of the globe, are being subjected almost daily to armed attack in Afghanistan and Iraq.

Our Armed Forces have demonstrated extraordinary military prowess. Their success is a tribute first and foremost to their own skill, dedication, and professionalism, and to the skill of their leaders. It is also the result of the investments in national defense that many administrations and Congresses have made over the years.

Our success on the battlefields of the future will depend on the investments we make today to prepare, train, and equip our military. The bill provides our Armed Forces with the means they need to meet today's challenges and it makes the investments that will be needed to respond to the challenges of this century.

It also continues the increases in compensation and quality of life for our service men and women and their families.

Chairman WARNER has described in some detail what is contained in the bill, and I will not attempt to duplicate his summary, but I would like to make a few general comments and point out a couple of matters where there is a divergence of view within the committee.

This is a good bill. It is a balanced bill. It is balanced for many reasons. It equips the Armed Forces to deal with today's threats and it makes the investments necessary to transform our forces to meet the threats of the future. It is balanced in that it does not prematurely seek to apply lessons some may believe have been learned from Iraq even before the Department of Defense has had an opportunity to study and analyze that conflict and to report to us on what lessons they believe have been learned.

In his briefing of Senators in S–407 on May 8, General Franks specifically noted that it would take some time to identify the lessons learned from Operation Iraqi Freedom, and we could do harm to our national defense if we sought to apply the wrong lessons from those operations or if we too speedily determined what, in fact, were the lessons learned.

The bill is also balanced in that it seeks to incorporate those provisions of the Department of Defense's transformation proposals that provide appropriate flexibility for the operation of the Department in a manner that preserves congressional oversight responsibilities. For example, the bill contains provisions that would repeal dozens of reporting requirements, establishes a new defense modernization account to fund life cycle cost reduction initiatives. It authorizes a pilot program to test new procedures for conducting public/private competitions. It provides the Department with special pay authority to help it fill critical positions.

It is also balanced because of the provisions it does not include. The bill before us does not include provisions that would undermine the ability of the uniformed military to provide independent advice to the civilian chain of command, and to the Congress. It does not include provisions which would undermine congressional oversight by repealing the requirement that the Department of Defense provide us with basic information on the costs, schedule, and performance of major weapons programs.

The bill before us does not authorize the reorganization of the Department of Defense without regard to statutory requirements or establish a foreign military assistance program to be conducted by the Department of Defense rather than by the Department of State. The bill does not authorize the Department to move money from one program to another without congressional authorization.

Perhaps the most pointed evidence of the balanced nature of this bill is that it was reported out of committee with the unanimous support of all of the members of the Senate Armed Services Committee, a tribute to the balance of the bill but also to the leadership of our chairman.

That does not mean there are not any provisions in the bill on which there is disagreement, because there are. There are a number of areas that are troublesome and on which I expect there will

be significant debate this week. For example, there are provisions in report language that move us in the direction of developing new nuclear weapons and modifications of current nuclear weapons. Current U.S. law bans research and development of new nuclear weapons that could lead to their production. The specific weapons covered by the ban are so-called low yield nuclear weapons which have a nuclear explosive yield of 5 kilotons or less. Five kilotons is roughly a third the size of the nuclear bomb that was used at Hiroshima which immediately killed an estimated 140,000 people and left many more injured. The administration has asked this ban be repealed. If the ban is repealed, the purpose is to make nuclear weapons more usable.

As stated by Linton Brooks, the administrator of the National Nuclear Security Administration, in testimony before the Subcommittee on Strategic Forces of the Senate Armed Services Committee:

> I have a bias in favor of the lowest usable yield because I have the bias in favor of something that is the minimum destruction. . . . I have a bias in favor of things that might be usable.

The language approved by the majority of the Armed Services Committee would repeal the ban on the development of low yield nuclear weapons. Without this ban, there is no impediment in law to research, development, testing, production, or deployment of new low yield nuclear weapons.

The bill also provides the National Nuclear Security Administration with funds the administration requested to continue work on a robust nuclear earth penetrator. This effort would modify one of two existing high yield nuclear weapons to create a nuclear weapon that will penetrate rock. Both weapons being looked at for possible modification are high yield nuclear weapons with yields approximating 30 and 70 times the nuclear explosive power of the Hiroshima bomb.

Without a requirement that that nuclear earth penetrator weapon be authorized by Congress, there is no legal impediment to its development, testing, production, or deployment.

At a time when the United States is trying to dissuade other countries from going forward with nuclear weapons development, when we strongly oppose North Korea pulling out of the nuclear nonproliferation treaty, and when we suggest that indeed we may use military force to prevent North Korea from acquiring nuclear weapons, when we are spending billions of dollars to prevent the spread of nuclear weapons, materials, and technology, these proposed actions by the administration would send the opposite message we are trying to give to the world. We are telling others not to go down the road to nuclear weapons, but instead of being a leader in the effort to prevent the proliferation of nuclear weapons, we are recklessly driving down that same road.

The United States should not follow a policy that we do not tolerate in others.

In the area of ballistic missile defense, one of the problems lies in what is not in the bill rather than what is in the bill. The missile defense program continues to move along, spending billions of dollars without performance criteria. Moreover, the Department of Defense has cancelled plans for 9 of the 20 ground-based midcourse interceptors that have been planned from 2003 to 2007. Surely we have an obligation to test the limited ballistic missile defense and to understand the extent to which it will or will not work. Yet one of the key tests the Department proposed to cancel is the most significant test. It was scheduled before the end of the fiscal year 2004. We restored that funding in committee.

If we want a missile defense system that actually works, rather than one that sits on the ground and soaks up money, we should not be cancelling tests. The administration actually requested that operational testing not be required on a limited missile defense system. We refused that request and we struck the language the administration had proposed. Again, thankfully, our bill restores an intercept test with a missile defense program in 2004. More needs to be done to assure that this system is tested adequately and proven to really work. The rest of the canceled tests should be restored. There will be debate on these and other areas relating to the Department of Defense authorization bill.

I conclude by stating, again, the bill the committee has reported out under the leadership of Chairman WARNER is a good bill. His leadership made it happen. I commend him.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Michigan for his very fine statement, for his kind reference to the chairman.

The committee's first priority was to enhance the Department of Defense to fulfill its homeland defense responsibilities to combat terrorism both at home and abroad. In these areas, this bill authorized an increase of $400 million over the budget request, including $88.4 million for 12 additional civil support teams. Now, these are the teams that join with the first responders should we have the misfortune of a weapon of mass destruction, be it chemical, biological, or fissionable, utilized in the United States. That is a very important initiative that this committee has taken over several years now and the inclusion of this in the budget represents our strong unequivocal support of this program particularly by adding 12 additional teams, to get us closer to the goal of a team in every State and territory.

Likewise, we added $181 million for the development and fielding of chemical and biological agent detection and protection technology. In addition, the committee supports the President's request of $9.1 billion for missile defense, a key component of homeland defense.

As we all know, our most valuable military asset is our people. We will always fulfill our commitment to improve the quality of life of the men and women in uniform and their families. This bill authorizes a 3.7-percent across-the-board pay increase for all uniformed service personnel as well as a targeted pay raise of up to 6.25 percent for certain senior noncommissioned officers and midcareer personnel. Those provisions are necessary in order for the Armed Forces to compete with the pay scales and the job opportunities in the private sector.

This bill also contains several key provisions to recognize unique sacrifices of the members of the Armed Forces and their families, including increases in the family separation allowance and hostile fire pay, designation of assignment incentive pay for those stationed in Korea, and approval of a ''high tempo'' allowance for those service members deployed away from home for extended periods of time. We have experienced this, particularly in the Navy.

I hope these provisions are acceptable to the Department of Defense. We are still working our way through that at this particular time.

The services all try very hard to limit the time of deployment away from home, particularly unaccompanied tours, for our service members, but there are isolated cases where you simply go beyond those times. One was recent, with a carrier setting one of the longest records in contemporary history for the away-from-home deployment of a carrier and its crew.

The administration requested $9 billion for military construction and family housing due to pending realignments of overseas bases. This bill contains adjustments to the administration program which resulted in increased investment in installations in the United States and a reduced but prudent investment in overseas locations that will be of long-term value to the United States.

This bill contains an overall increase of approximately $400 million in military construction, including increases of over $200 million in quality-of-life projects such as barracks, family housing, and child development centers.

Over the past several years, my colleagues and I have encouraged the Department to increase procurement spending to a level that could sustain the timely recapitalization, modernization, and transformation of the Armed Forces. This year, the bill before the Senate authorizes $75.6 billion in procurement funding, a $1.1 billion increase over the budget request. Key procurement items include over $12 billion in shipbuilding and conversions which will fund seven new ships just for the year 2004. That is in keeping with the Chief of Naval Operations's commitment to this body last year

that he, in conjunction with the whole Navy Secretariat, would increase the number of ships—not a very large number, but it is an increase over the past.

Further, we have the continued investment in aircraft programs, such as $3.5 billion for 20 F/A–22 Raptor aircraft and over $2 billion for 11 additional C–17 lift aircraft; and over $1 billion for the Army's lighter, high-mobility stryker combat vehicle.

Additionally, it is critical we invest in future capability. This bill authorizes $63.2 billion for research and development, test and evaluation, activities, an increase of over $1.3 billion over the President's budget request. Key R&D funding items include $1.7 billion for the future combat system, the Army's centerpiece of transformation, $5.8 billion for development of various tactical aircraft, including $4.4 billion for the continued development of the joint strike fighter, and $10.7 billion for advanced science and technology initiatives, an increase of over $500 million over the budget request.

This committee has strongly encouraged the Department to invest in unmanned systems. This bill fully funds the budget request of $1.7 billion for major unmanned aerial vehicle programs and adds $130 billion to enhance unmanned technologies.

Together, the investments in procurement necessary to sustain current capabilities and research and development needed to transform to a more capable force would give the men and women of the Armed Forces the equipment they need to deter threats, and if deterrence fails, to prevail across the full spectrum of military operations both now and in the future.

The sustained readiness of the Armed Forces is what protects America. The success of recent military operations represents the real return on added investments made by the Congress in recent years in training, munitions, maintenance, and spare parts. As the force reconstitutes after operations in Afghanistan and Iraq, we must closely monitor whether additional funds are needed for those items not covered by supplemental funding to pay for these operations and to ensure the overall readiness of the Armed Forces.

Readiness accounts funds were increased to address currently identified shortfalls such as equipment maintenance and testing, depot maintenance, technical assistance, corrosion control, and systems testing as well as additional funding for Active and Reserve Forces to accelerate fielding and replacing personal and field equipment.

Transformation of the Department of Defense will depend on effective management and stewardship of DOD resources. This bill contains numerous legislative provisions to improve the management of the Department. Some of these provisions will streamline the acquisition process, provide for greater personnel flexibility to manage the acquisition workforce, and ensure that joint requirements can be more rapidly achieved. Acquisition authorities to facilitate the war on terrorism, and support contingency operations were extended, and proposed new authorities will give State and local governments rapid access to antiterrorism technologies and services available to the Department. Again, that is another very important contribution to homeland defense.

The Department of Defense and the Congress have been and must continue to be good stewards of the environment. Military readiness and prudent conservation can and must be complementary principles. This bill assures access to military training ranges in a way that safeguards the protection of endangered species and contributes to the readiness of the Armed Forces.

Some will argue we have not covered all the subjects that were brought before the committee. Indeed, the committee did delete a number of items from the President's request, but that is the judgment that the committee must render. We are an independent but coequal branch of the Federal Government. While we have great respect for the President's budget, some of those provisions were deleted from his budget and not incorporated in this bill.

While I am proud of this legislation and the remarkable spirit of bipartisanship that enabled our committee to move this bill to the floor, we did have areas of disagreement within the committee, which will be revisited during the floor debate.

With our Armed Forces poised on distant battlefields and countless others standing watch at home, we are committed to providing the resources needed for the men and women of the armed forces, and their families. The Congress's past support for increased defense spending has proven to be a wise investment. There is no greater evidence than the successes witnessed on the battlefield of Iraq.

I strongly believe that this National Defense Authorization Act for Fiscal Year 2004 builds on the advances made in recent years. I urge my colleagues to join me in sending a strong message of bipartisan support for our troops at home and abroad: we honor your service, and we stand with you now, and in the future.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. I know the Senator from Massachusetts wished to speak. Is Senator COLLINS ready to go? Perhaps the Chair could recognize whoever is ready to go.

Ms. COLLINS. I was trying to defer to my more senior colleague but, of course, I would be delighted to have the opportunity to proceed.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Maine.

Ms. COLLINS. Madam President, I thank the Senator from Massachusetts, who, as always, is extremely gracious, and the Senator from Michigan, for allowing me to proceed, and the chairman of our distinguished committee.

Madam President, I rise today in support of the Fiscal Year 2004 National Defense Authorization Act. As a member of the Senate Armed Services Committee, I would like to begin by expressing my appreciation to the chairman and the ranking member for their extraordinary efforts in producing this bill. The mark-up of this legislation was conducted in a true spirit of cooperation. While certain portions of this bill engendered spirited debate, the points of controversy are relatively few. It is tribute to both Senator WARNER and Senator LEVIN that we completed our mark-up in a remarkably short period of time.

This legislation includes authorization for the vital resources that the young men and women in our military require in defending our Nation. With terrorist attacks continuing across the globe, and our troops helping the Iraqi people to rebuild their country, this legislation will ensure that our military has the tools necessary to fight, and ultimately win, the war against terrorism.

Since joining the Armed Services Committee, I have been a member of the Personnel Subcommittee, which has jurisdiction over military pay, housing, and health care. In recent years, we have made tremendous progress in improving the quality of life not just for our soldiers, sailors, airmen, and marines, but also for their families. That is important. The old saying goes: we recruit the soldier but we retain the family. When our troops deploy, it's important that they have the peace of mind that comes from the knowledge that their families have good housing, quality health care, and a support network to help address any problems.

I am proud that the legislation before us builds on the efforts that we have made in previous years to ensure that our troops are the best paid, best housed, and best equipped in the world. It includes a 3.7 percent across-the-board pay raise for all uniformed personnel, and incorporates a targeted pay raise ranging from 5.25 percent to 6.25 percent for mid-career service members. We want to make an extra effort to retain their expertise. It also authorizes a significant increase in the rate of family separation allowance, from $100 per month to $250 per month.

There are two provisions affecting pay and benefits that I believe are particularly important. Last month, along with the majority leader and a number of my colleagues, I traveled to South Korea to meet with our troops at Osan Air Force Base and in the Demilitarized Zone. I was privileged to speak with two of my constituents, SS Jennifer Meuth of Thomaston and MS Jay Mason of China. As I always do when I meet with our troops, I asked if there was anything that the Congress could do to support them. Without hesitation, both of them asked me to support the establishment of Assignment

Pay for troops stationed in Korea. Our troops endure many hardships as part of their service in Korea. Most are separated from their families, the housing is often substandard, and they live under the constant threat of North Korean aggression.

I am proud to say that the legislation before us mandates the payment of $100 per month in assignment incentive pay to the brave men and women serving our Nation in Korea. It is a tribute to the leadership of Senator SAXBY CHAMBLISS and Senator BEN NELSON, who lead the Personnel Subcommittee. Most of all, I want to thank Sergeants Meuth and Mason for bringing this important issue to my attention.

The second provision that I want to highlight is a bill that I introduced this year calling for an increase in what is called the military death gratuity. Currently, when a servicemember is killed while on active duty, his or her family receives a payment of $6,000, usually within days after the death. While other long-term financial assistance is provided to support the family, this payment helps the survivors cover any short term expenses.

The bill I introduced earlier this year, S. 704, would increase this amount to $12,000 and make it retroactive to September 11, 2001. So the families of those troops killed in Afghanistan will receive this additional benefit. The last time the Congress raised the death gratuity was during that last gulf war over a decade ago. Recognizing the importance of this issue, the Senate moved very quickly earlier this year to pass my legislation as a free-standing bill. The House, however, has not yet acted upon it. I am grateful to the Chairman of the Personnel Subcommittee, Senator CHAMBLISS, for incorporating this increase in the death gratuity in the Defense Authorization bill.

I would also like to express my congratulations to Senator TALENT, the new Chairman of the Seapower Subcommittee. The shipbuilding portion of this year's Defense Authorization represents a significant turning point. In previous years, the budget for ship construction proposed by the Department of Defense has been inadequate to sustain a large enough fleet to meet our Nation's requirements. The legislation before us today recognizes the challenge, and provides critically needed increases in shipbuilding funds.

It authorizes the construction of seven new ships, including three DDG–51 destroyers. I am pleased to report that two of those destroyers will be built at the world famous Bath Iron Works in my home State of Maine. Certainly, it will take more than 1 year's progress to address years of funding shortfalls. But this bill surely represents significant progress.

The committee also recognized the importance of modernizing the DDG–51 destroyers currently in the fleet. At my request, $20 million has been allocated for a DDG–51 modernization program. This funding will be used to examine ways to improve the effectiveness of these ships, while at the same time reducing their manpower requirements. That in turn will lead to lifetime savings for these ships. It will allow the Bath Iron Works to explore initiatives aimed at ensuring that these destroyers continue to be the backbone of our surface combatant fleet.

The seapower portion of the bill also includes $248 million for the refueling and overhaul of the USS *Jacksonville*, a nuclear submarine that had been scheduled to be decommissioned by the Navy. If this were allowed to occur, the problem is that our submarine force would fall below the levels recommended by the 2001 Quadrennial Defense Review. Today, the requirements for submarines is increasing, especially given the growing role that they play in intelligence gathering. This refueling, which will take place at the Kittery-Portsmouth Naval Shipyard, will add years of useful life to the *Jacksonville*. It is good news for the Navy, and it is good news for the skilled workers at the shipyard.

Without question, some aspects of the bill reported from the Armed Services Committee are somewhat controversial, and I expect that they will be debated fully here on the Senate floor. But the overwhelming majority of this bill is the product of bipartisan consensus. There is an agreement that we should spare no resources in ensuring that the brave young men and women who proudly wear the uniform have the highest quality training available, the most advanced equipment in the world, and receive the best benefits we can offer. I am proud to say this bill accomplishes those goals.

Again, I express my appreciation to our chairman and our ranking member for their hard work and for their dedicated leadership. I am very proud to serve with them.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, on behalf of the whole committee, I express appreciation to our colleague from Maine. She no longer will be subcommittee chairman on our committee because she is the full chairman now of one of the major subcommittees of the Senate as a whole, but she is very active.

I wonder if I might ask the distinguished Senator from Maine, the issue of transformation by the Secretary of Defense was addressed in the House and to some extent addressed by our committee. But basically, the committee over which the distinguished Senator from Maine is chairman has the primary oversight responsibilities. In the course of the debate on the floor, I hope—if not now at some point—she will give some guidance to me as to how this committee can address such amendments as may be brought up in the context of responsibilities of our committee. If she could find some time to consult with me on that, I would be very appreciative, as will the Senator from Michigan.

Ms. COLLINS. Madam President, if I could respond to the inquiry of the distinguished chairman of the committee, during the past several weeks, since the Secretary sent his plan to the Hill, my staff, in close cooperation with other staff members on the Committee on Governmental Affairs, including Senator LEVIN's committee staff and others, have been working to see if we could reach consensus on a proposal. Frankly, I believe the Secretary's initial proposal goes too far. It is overreaching.

But there are certain authorities that would be extremely helpful to the Secretary as he attempts to make sure we can reward civilian employees with higher pay and streamline the personnel process. We came up with a proposal. We are still assessing the import that the proposal might have. In addition, there may be some procedural barriers in our ability to bring forward the amendments. So we are continuing to work closely to see if we can come up with a consensus. I hope to have an answer shortly for the chairman.

Mr. WARNER. Madam President, I thank our colleague on this point. But bear in mind that there are some in the House bill. We will have to deal with them in conference.

To the extent we can have any interlocking on this bill with those provisions of the House bill, which the Senator's committee and our committee and the Senate as a whole feels should be incorporated into the bill, it would be helpful to do that.

I think in general the Secretary of Defense is on the right track in the sense that when you stop to think, today's military is so different than it was 2 or 3 years or even a decade ago.

As I mentioned earlier, before the Senator from Maine joined us on the floor, the total force today is not only the uniformed men and women of the Armed Forces, they are very much part of the civilian force. There are thousands of civilians over in the Iraqi situation and in Afghanistan right now taking risks commensurate with those of uniformed personnel and performing services to give infrastructure to the military to do their missions.

The Secretary of Defense has to have some flexibility in how he assigns and reassigns civilian personnel. I hope we could achieve some measure commensurate with what the wisdom of the Congress enabled the Secretary of Homeland Defense to have. It seems to me that is sort of the bar at which we ought to look.

Might I inquire, does the Senator share views similar to the Senator from Virginia?

Ms. COLLINS. I do. The Senator from Virginia has put it very well, and I am eager to craft legislation—and believe we have done so—that would give the Secretary the flexibility he needs for the Department to have an efficient,

effective, and fair personnel system for the civilian employees. I note, however, that the Department has some 700,000 civilian employees. So we need to make sure we are doing this in an appropriate manner. Some of the provisions submitted by the Secretary go far beyond the authority that we gave to the new Secretary of Homeland Security.

So we are looking at it, and we have come up with draft legislation language that we are sharing and have been sharing with the staff of the Senator from Virginia and with other interested parties. My hope—it may be a vague hope—is that we could have a consensus document that would provide bipartisan support and the support of some of the employee organizations. I don't know whether that is going to be the case. But that certainly is my hope.

If I might make one other point, I simply point out the obvious to all of us—that this legislation is the train moving through at this point in time. The probability of its passage by the Chamber is quite high. These provisions, as the Senator says, are of great concern to those groups, whether they are union or other groups, that act on behalf of the very courageous and wonderful cadre of civilians without which we couldn't have a defense.

The likelihood of a separate bill moving forward at a later point in this session has a question mark, which is obvious to my colleague from Maine and my colleague from Michigan. To the extent we can reach some consensus and attach it to this bill is the extent to which maybe we can make some progress at this point in a timely likelihood of making progress at this point in time.

I yield the floor.

Mr. LEVIN. Madam President, will the Senator yield before yielding the floor just for a question?

First of all, I join my good friend from Virginia in commending the Senator from Maine for her great work in both our committee and also as chair of the Governmental Affairs Committee where she is doing an absolutely superb job. Part of that job is to take a look at proposals that are as far-reaching as the one that was very suddenly dropped upon us by the Department of Defense.

This is a far-reaching proposal. We have had very little time, as these matters go, to look at it. This Senate is a body which deliberates over these kinds of changes. I would hope that we would, No. 1, try to fashion a draft for consideration which would give greater flexibility—and I know Senator COLLINS is working extremely hard to do just that—but I also commend her for her caution, it seems to me, in saying that we are going to put together a draft and then we are going to propose it. Because there are some procedures which really should be followed here to protect the men and women in our civilian force, just the way we have those procedures for our uniformed forces.

The quality of life, which we talk about all the time and we try to protect, is important, surely, for our uniformed men and women, but it is also important for the civilians, and they are entitled to have a proposal which they can look at, which they can comment on, and not one which is just suddenly sprung upon them by the Congress, whether it is the House, which acted very quickly on this far-ranging proposal, or by the Senate.

So I want to just suggest that we try to arrive at something which does give greater flexibility, but we do so in a way which shows the kind of deliberation and the kind of consideration which this body has been renowned for and which I know both my colleagues have been very supportive of throughout their careers.

Mr. WARNER. Mr. President, I thank both my colleagues. But before we conclude this very valuable and important colloquy, I ask the Senator from Maine, who speaks with such conviction if we are going try to do something on this bill or is the thought that it is just not achievable? Because we have an issue with the House right now.

And the question is, are we going to address that issue in part—maybe not all, but in part—in such a way that we can do constructive advancements in this field to assist the Secretary and the administration in this enormous Department with a diversity of responsibilities? Can we conclude we are going to give it a try, and that would move it along pretty quickly? Because hopefully this bill will be voted on early this week.

Ms. COLLINS. Mr. President, if I could respond to the Senator from Virginia, the chairman of the committee, we have been working for many weeks. We do have a draft. We have had come forth from the other side of the aisle some additional suggestions we are looking at and eager to incorporate. I personally think it would be good to add something to this bill because I think it would be good for the Senate to go on record with its own version which differs from what was done in the House.

So I think it strengthens the position of the Senate in conference for us to put forth our own proposal since, as the Senator points out, this issue is going to arise in conference given the House provisions. So it is not as if it is going to be left to another day. We have legislative language drafted. We have been meeting extensively during the last few weeks. On Friday we received some additional suggestions which we are looking at right now. I cannot predict for certain—I realize time is short—whether there will be bipartisan support for the final version, but there will be a version I am happy with. I do not know if that will be sufficient, however.

Mr. WARNER. I will have one more word, but I yield—not necessarily yield—to my colleague from Michigan if he wishes to reply to the Senator from Maine.

Mr. LEVIN. I think one of the important words in the question asked by the Senator from Virginia is the word ''constructively.'' I would just add the word ''fairly.'' So if we can do something that is constructive and fair for the people impacted——

Mr. WARNER. Right.

Mr. LEVIN. It seems to me we ought to give it a try. Those are important conditions, in my book.

Mr. WARNER. Do you think the provisions the Congress provided for in the Department of Homeland Security offer certain precedents we should achieve in this legislation?

Mr. LEVIN. There were precedents of many varieties, some good, some not so good.

Mr. WARNER. Well, as both my colleagues recognize, this will be, for the distinguished Senator from Michigan and myself, our 25th conference, and we know full well at this stage of deliberations on this bill we cannot predict what is going to come out of conference, nor can we take a stance that not one single one of these provisions which are in the House bill will not survive the conference. So having said that, time is of the essence, I hope, in the reconciliation of views.

Ms. COLLINS. I thank the chairman. And again I thank the Senator from Massachusetts.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I listened carefully to the comments in the exchange between the Senator from Maine and our chairman and ranking member. I have heard through the outreaches of the Senator from Maine there has been a good-faith effort to try to deal with this issue. I am not carefully briefed on the various proposals, but at least there has been an outreach by the Senator from Maine to try to develop some common ground in this area. So I think this is important.

I think the seriousness with which she is addressing this issue, as well as the chairman and the ranking member, is, of course, of enormous importance because basically we are talking about the 650,000 to 700,000 civilians who work in the Defense Department. The basic concept was the development of the civil service so that we were going to have highly skilled, highly motivated, highly trained individuals who were going to work for all Americans and not be working for political parties, so to speak, not finding out, every time there is a change in administration, there could be a change in the way they are compensated for their work.

This is enormously important work. We are finding individuals who are going to be involved in the selection of various weapons systems in the whole areas of the development of command and control, communication, and intelligence. The jobs of many of these civilians are enormously important in terms of the security interests of this country.

So the caution which has been expressed by our chairman and ranking member, as well as by the Senator from Maine, is entirely appropriate. It is certainly reasonable to always try to find ways of strengthening and improving the system. But we do come back to the question that this was developed initially with all the kinds of challenges it is facing now, with the concept that we would have highly motivated, highly trained individuals, who would serve whatever administration was going to be successful at the polls. I think that basic and fundamental view is still a commendable one.

But I just want to indicate to the Senator, my friend from Maine, that she has approached this as she does all issues, with an openness and commitment and determination to try to make a very constructive contribution, and she has certainly been reaching out to the Members. So I am thankful for those efforts.

I am also concerned about contracting out, and that we are going to find those with the best lobbying opportunities are going to be able to get these contracts that are important and require high-quality work.

Mr. President, as we begin considering the fiscal year 2004 defense authorization bill, I, too, congratulate Chairman WARNER and Senator LEVIN for their skillful leadership in preparing this bill. It does reflect a thoughtful response to the ongoing and changing needs of our military in these difficult years for our country, and it clearly provides a strong national defense.

I also thank and commend Senator TALENT for his leadership on the seapower portions of the bill in his first year as the chairman of the Seapower Subcommittee. It is a privilege to work with him on that subcommittee, and I look forward to continuing that work in the years ahead to make sure we are going to keep our Navy strong, and, of course, the Marines strong as well.

In particular, this legislation contains numerous provisions to give additional support to the men and women who serve the Nation so well in the Armed Forces. Without their courage and their commitment, we could never achieve the brilliant military successes of the war in Iraq.

First, and most important, this bill is intended to improve the quality-of-life programs our soldiers and sailors and marines and members of the Air Force deserve in the areas of pay and allowance. It recognizes the special sacrifice military service often requires from the service members and their families.

For service members who are repeatedly deployed to assignments far from their home bases, including Reservists and Guard personnel, the bill authorizes a high deployment allowance, up to $1,000 a month in additional compensation for the hardships imposed on them and their families. The bill also continues support for the significant progress made in the past 4 years in reducing out-of-pocket housing expenses by improving the basic allowance for housing, and the bill also provides for strong national defense in the years ahead by investing in transformational technologies while ensuring that our military capabilities do not suffer any gap during the needed modernization that must take place in our forces.

My principal concern with this legislation involves the provisions that authorize the fateful change of course in our longstanding policy on nuclear weapons. Of all challenges our country has faced over the past half century, the prevention of nuclear war is by far the most important. It is no accident that in all the years and the half century since World War II, no nuclear weapon has ever been used in any of the conflicts that have taken place anywhere on Earth. Few in 1945 would have predicted that extraordinary success, and few today would disagree that the effective world leadership of the United States under Presidents of both political parties on nuclear arms control throughout those years has been primarily responsible for that success.

The danger today is that with the passing of the World War II generation in our own country and nations throughout the world, a new generation of leaders has been rising to power who did not live through the dawn of the nuclear age themselves and for whom the mushroom clouds over Hiroshima and Nagasaki are images from history, not vivid recollections from their own lives. Greater vigilance is clearly needed to continue the success of our nuclear arms control policy since 1945 and ensure that nuclear weapons are not used by any nation in the future.

Preventing the proliferation of nuclear weapons and other nuclear materials to other nations and to terrorists is the most urgent aspect of that challenge today. We all pray the Bush administration will be successful in the current negotiations with North Korea and that the tenuous progress made in recent weeks will improve so a successful conclusion can be achieved.

Many of us are increasingly concerned, however, that with Congress and the Nation preoccupied over the past year with the war against terrorism and the war in Iraq that the administration has been quietly laying the groundwork for a far-reaching and highly dangerous U turn in our longstanding policy against the first use of nuclear weapons.

Because of their unique and massive destructive power, nuclear weapons have always been kept separate from other weapons as part of our strong commitment to do all we can to see they are never used again. The Bush administration's proposal to veer away from that commitment should have been a wake-up call for Congress and the Nation many months ago.

In the decade after the first two nuclear bombs were used in World War II and the nuclear arms race began with the Soviet Union, nations and peoples throughout the world began to realize both the danger posed by the use of nuclear weapons and the danger from the testing of nuclear weapons. To deal with those dangers, a remarkable series of international treaties was proposed, negotiated, and approved that had broad support in the world community, restrained the nuclear arms race between the United States and the Soviet Union, and dramatically reduced the spread of nuclear weapons to other nations.

An excellent chronology of the many significant events in the history of nuclear weapons, beginning with the discovery of radioactivity in 1896, is available on the Web sites of the Global Security Institute which was founded by our former colleague Senator Alan Cranston to enhance our understanding of these issues. I urge Members of the Senate to consult with it.

One of the landmark achievements in reducing the spread of nuclear weapons was the Nuclear Nonproliferation Treaty which came into effect in 1968 and under which nuclear and nonnuclear nations alike agreed to halt the development of these weapons. Currently 185 nations have signed the extension of the NPT. The reason the Nuclear Nonproliferation Treaty has been so successful is the presumption that nuclear weapons will not be used by the principal nuclear powers except in the most extreme circumstances. For 25 years Republican and Democratic administrations alike have emphasized our commitment not to use nuclear weapons against nonnuclear nations. This assurance to other nations that nuclear weapons will not be used against them has been a major factor in avoiding nuclear war, slowing the nuclear arms race, and preventing the proliferation of these weapons to other countries and to terrorists.

Control of current nuclear stockpiles is especially critical. The danger is very real that terrorists may be able to acquire nuclear material or even nuclear warheads. Even before 9/11, Congress and the administration had recognized this significant threat and, under the leadership of our former colleague Senator Nunn and our colleague Senator LUGAR, we enacted a threat reduction program in 1991 to safeguard and reduce the nuclear arsenals of Russia and other former Soviet states. The Nunn-Lugar program has been effective in deactivating or destroying literally thousands of nuclear warheads and intercontinental ballistic missiles and hundreds of tons of fissionable material. Nevertheless, we have done far from enough to prevent the proliferation of these weapons.

Shortly before President Bush's inauguration, a task force reported that the most urgent national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen, sold to terrorists, or

hostile nation states, and used against American troops abroad or citizens at home. The 9/11 terrorists clearly demonstrated their willingness and ability to cause catastrophic damage to America. Yet the Bush administration continues to spend less on the Nunn-Lugar program than we did before 2001.

In January of 2002, the administration released a nuclear posture review that could take us in a new and far more dangerous direction. The review blurs the line between conventional and nuclear weapons. It suggests that certain events might compel the United States to use nuclear weapons first, even against nonnuclear nations. It also relies much more heavily on a nuclear threat by America in dealing with the difficult challenges we face in the world. The administration has even indicated it might use nuclear weapons in response to a chemical or biological attack. There is no justification for that kind of escalation. Our conventional weapons are more than adequate to deal with that threat. We gain no greater deterrence by threatening to go nuclear. It makes no sense to break down the firewall we have always maintained between nuclear weapons and other weapons and that has succeeded so well for so long in preventing nuclear war. Other nations have complied with this basic principle, too. A nuclear weapon is not just another item in our arsenal, and it is wrong to treat it as if it were. In fact, the Nuclear Posture Review specifically discusses circumstances in which the United States might engage in the first use of nuclear weapons, such as a North Korean attack on South Korea, or a military confrontation over the status of Taiwan.

The administration also appeared to be considering the use of nuclear weapons against Libya, Syria, Iraq, and Iran. We reap what we sow. If we brandish our own nuclear weapons, we only encourage other nations to do all they can to develop their own.

It is ominous as well that the administration is asking the Nation's weapons laboratories to consider the possibility of resuming nuclear testing in order to protect our current stockpile and meet new requirements in the future. They want funds in the budget to be used to prepare for testing new nuclear weapons and to cut in half the time needed to do so. They have asked the Department to consider global strike capabilities with new nuclear weapons, which would have to be tested as well. It makes no sense to abandon our moratorium on nuclear testing. That moratorium has stood for over a decade, and it has served us well.

The pending bill continues this dangerous shift in other ways as well. Last year, the administration received $15 billion. The current bill proposes another $15 billion this year to study the feasibility of modifying existing warheads to create what they call a robust nuclear earth penetrator, a bunker buster, with 10 times the size of the Hiroshima blast, to be used to destroy hardened enemy targets buried deeply underground. It is difficult to believe that any administration in its right mind would propose such a weapon. A nuclear explosion in a bunker could spew tons of radioactive waste into the atmosphere, with a devastating plume that could poison huge areas in its path. Surely, if there is any need for such a weapon, we can develop a conventional weapon to achieve the purpose of the bunker buster.

In yet another far-out nuclear proposal, the Bush administration has proposed to lift the current statutory ban on low-yield nuclear weapons, which now prevents the development of weapons with yields under 5 kilotons—about half the size of the Hiroshima blast. The precision-guided conventional munitions and standoff weapons we have today make these many nukes unnecessary. They would be no more effective than conventional munitions and would be far more dangerous to our troops and to our planet.

In the debate in recent weeks on tax policy, President Bush has criticized the Senate and come out strongly against what he called ''iddy-biddy'' tax cuts. What we should be really against is iddy-biddy nukes.

The hardliners in the Bush administration seem to believe that the longstanding firewall between nuclear and conventional weapons is obsolete and is making us more vulnerable to nuclear blackmail. They claim that lowering the threshold for using nuclear weapons will make our own nuclear threat a stronger and more credible deterrent. That is the last thing we need.

The clear and present danger of the administration's change in nuclear policy is that it will encourage other nations to develop nuclear deterrents of their own. The entire world will be at greater risk that these weapons will be used—and used against us.

Unfortunately, the real debate on these all-important issues of nuclear policy is only just beginning. Certainly, these issues demand far more attention than Congress and the country have been giving them. They have been eclipsed for too long by the war on terrorism and the war against Iraq. We can ignore them no longer. We have an obligation to our Nation and our people, and to all nations and all peoples, to see that nuclear weapons are never used again.

In the debate in the coming days, I intend to offer an amendment to maintain the firewall between conventional and nuclear weapons. It strikes the provision repealing the prohibition on low-yield nuclear weapons that was put in place in the 1994 National Defense Authorization Act. That act prohibits research, testing, and development on low-yield nuclear weapons, and there is no reason to weaken it.

Some suggest we should compromise and allow at least a little research. I say to the Senate, don't let the administration even start down that road. Don't feed the nuclear addiction. It is essential to continue to prohibit even the research on any such weapons. We do not want our descendents, surveying a devastated planet, to say that in this legislation the United States breached this firewall and took the decisive, shameful step that led to nuclear war.

UNANIMOUS CONSENT REQUEST S. 923

Mr. President, our men and women in uniform are committed to protecting the security of our Nation. They work hard and make sacrifices every day. And they are willing to give their lives for the country.

As many begin to return from Iraq and other places abroad, we owe it to them to protect their economic security and the economic security of our Nation.

These heroes are coming home to a failing economy—and for too many a loss of jobs. Today, more than 18,000 veterans are out of work. These are our Nation's fighting men and women, returning from Iraq, or who fought in the last gulf war. We owe it to them to protect them and their families' livelihood.

President Bush claims that tax cuts for the rich will create the jobs these former service men and women need. But we tried the Bush administration's approach in 2001, and we lost 2.5 million jobs. Surely, we can do better for our returning troops who are now trying to rejoin civilian life. We can do better for all Americans who are without jobs in this recession.

Today, nearly 9 million Americans are unemployed—2.8 million more than when President Bush first took office. This widespread unemployment has touched so many American lives, and it often seems the biggest in the face of those who have served their Nation in the Armed Forces.

There is good news for some. The law requires employers to take back reservists after their deployments. Many of the men and women currently in or returning from Iraq will continue their service in our Armed Forces. But too many recently discharged service members are facing the same fate as millions of other Americans—they just cannot find jobs.

We have an opportunity to extend the benefits for these brave Americans. We have an opportunity to make sure those ex-service members who still cannot find work after 9 months—the long-suffering and long-term unemployed—are not left without a safety net. They put years of their lives into serving their country. Now unemployed after only 9 months, we are going to say: Sorry, you have been out of work too long. We are going to stop your unemployment checks.

We must not, and we cannot, do that to these workers. We must ensure that those long-term unemployed continue to receive unemployment checks so they can meet their mortgages, put food on the table, and take care of their children.

The American people understand fairness. They understand that with

one hand we are providing billions of dollars to the wealthiest individuals in this country, and we ought to extend the other hand to our hard-working men and women who played by the rules, worked all their lives, and paid into the unemployment compensation fund. They need that assistance now.

For 80,000 workers a week, unemployment checks will stop coming at the end of this month if we take no action whatsoever—80,000 who have paid into the unemployment compensation fund, which currently has in it over $20 billion.

Unemployment benefits are a lifeline available for millions of hard-working Americans. I urge my colleagues to put aside partisan politics and join to assist the unemployed—just as we have during recession for the past 50 years. We know the extension of unemployment compensation has been supported by President Reagan, President Nixon, President Eisenhower, as well as President Kennedy, President Clinton, President Bush, and President Ford—all of them. In the 5 years in the 1990s when we extended it, it had strong bipartisan support. Four of those votes were in excess of 90 votes. We want to take that same kind of action. We want to take it this evening before we go off for a Memorial Day recess.

Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 923, a bill to provide for a 6-month extension of unemployment compensation, including 13 weeks of benefits for the long-term unemployed—exhaustees—and that the Senate then proceed to its immediate consideration; that the amendment that is at the desk to remove the temporary enhanced regular unemployment compensation provisions be considered and agreed to; that the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object. We have only had a few moments to consider this Mr. President. We did not know the request was going to be offered. I register an objection.

The PRESIDING OFFICER. Objection is heard. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hear the objection on the other side. Action is needed in these several days. Some 80,000 of our fellow citizens starting next week will begin to lose all of their coverage, for which they have paid into the fund.

This is a deplorable situation certainly for those Americans, and I think for all Americans. We are going to continue this battle throughout this week and beyond. I have heard an objection voiced.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Chair and look forward to making some comments on the Defense bill. In previous years, I have been honored to work with Senator KENNEDY on the Seapower Subcommittee when he was chairman, and when I was able to chair the subcommittee. I will admit, he remained on message. We are on the Defense bill and somehow we segued into unemployment benefits. I think we would do well to stay on this Defense bill.

Briefly, Mr. President, we did talk about the nuclear posture of the United States. President Bush has proposed a reduction in nuclear weapons that is, in fact, reducing American nuclear weapons by one-half. That is a good direction.

Oddly, we remain the only nuclear power in the world that does not have the capacity at this point to build another nuclear weapon. Other nations are either building nuclear weapons or have the capability and have not eliminated it. First of all it would be unwise, in my view, to freeze ourselves at a low number and never be able to increase it, which simply sets out a target that any nation in the world, if they could reach that number, would then be a nuclear power on parity with the United States. We do not need to do that.

I think the President is wise to not renounce unequivocally that he would never use a nuclear weapon before it has been used on us, particularly when people have the ability to threaten us with biological and chemical weapons that could cause even more loss of life than a single nuclear weapon. We need to keep our poise here. The President is reducing nuclear weapons. He is not expanding our number of nuclear weapons. The Defense Department and the President have not allowed the politically correct crowd or other groups to pressure him into saying we would never use a weapon before it is used on us.

I believe this is a very good Defense bill. I remember when I came to the Senate a little over 6 years ago, the defense budget was somewhere around $290 billion. In 1991, our defense budget was $329 billion. We went from $329 billion to $278 billion in the mid-nineties, a huge reduction. We edged up only slightly in the last few years of the last decade of the century. We were not where we needed to be.

I remember when we passed a budget a few years ago that topped $329 billion, the first time we had exceeded the defense budget in the early 1990s. During that period, we did two dramatic things; We reduced personnel in the Department of Defense by 40 percent and delayed confronting the bow wave of unmet recapitalization needs for our ships, aging aircraft, and other equipment. We delayed doing that, as we paired down our budget after the fall of the wall. It probably went too far. Not probably, we did go too far. Had we maintained just a few percentage points more of spending, we could have carried on the recapitalization program that would have left us in a lot better position than we are today.

One of President Clinton's Service Secretaries used that phrase, ''a bow wave of unmet needs,'' needs that we were pushing off, which we knew we had to address and we should have been addressing along the way but which is building in front of us. Now we have to address those needs, and I believe we are making progress.

This bill authorizes an expenditure of $400.5 billion in defense spending. It is $17.9 billion more than last year. That is in real terms, adjusted terms, a 3.2 percent increase. It is not a huge increase, but it is a significant increase, and I think it has been planned for and being managed by the Defense Department pretty well.

It includes some badly needed benefits for our service men and women. The family separation allowance is up. Incentive pay for places such as Korea are going to be up. Frankly, we did not do enough on Korea. It is a special case that is unfairly impacting the finances, the careers, and the lives of families when a person gets an assignment to Korea. We can do better, and we need to do better. I am continuing to look at that issue along with other Members such as Senator DAYTON and others in this body.

There is an increase in hostile fire pay. We increase the death benefit for all personnel. We double it to $12,000. We should, and I will be offering legislation to do a much better job of providing a death benefit for the soldiers who represent the United States of America in a hostile environment and who lose their lives in combat. We have seen those who were victims of terrorist attacks receive a million or more dollars in benefits. It is embarrassing how little the families of our soldiers who answer the call to go into harm's way, who put their lives at risk for our freedoms, get in benefits from the Federal Government. The situation is better as far as the money.

We have demonstrated in the last conflicts in Iraq and Afghanistan that our military has modernized itself and is capable of innovation and creatively utilizing advanced technologies to apply the maximum pressure on our enemy, minimizing the risk to our own forces and minimizing the risk to civilians and to the basic infrastructure of the enemy nations that we are facing. It is a tremendous achievement.

I have pushed for transformation, and I think Secretary of Defense Rumsfeld is correct. We have to push and push to have the transformation we want in our Department of Defense. It will not occur if it is not being pushed from the top.

With regard to the Army, for example, we have made some tremendous progress. Part of that progress is the quality of the leadership we have in the military today. Those who watched the briefings and saw the interviews of our men and women, the leaders in the military, saw the high education level,

the technical expertise, and the leadership skill they have.

Our military officers do not just have undergraduate degrees today. They have masters degrees in business, engineering, and technology. They have management specialties. They have Ph.D.s. They are the finest kind of leaders one would find in any business or any other competitive enterprise in the country.

They do things such as study what happened previously. They call it ''lessons learned.'' That is a healthy thing in America. We are quick to study our mistakes, and we learn from those mistakes.

I recall the book ''Black Hawk Down,'' the movie that was made about the Somalian conflict, the mistakes that were made and the courage that was shown. That report has been studied. That event has been studied over and over again. It has gotten down to the most junior possible officers in our entire military. They know that story. They know what happened. They know the good things and they know the bad things.

Some might think that the author who wrote the book that was being critical—I did not really think so. I thought it was truthful and tried to be helpful. He has been invited to lecture our military forces time and again on his insights as an outsider into what happened to them. So we have an open and creative military. I believe that is the strength of it.

One of our leaders said we do not want a war; we want to resist a war, we want to avoid it at all possible costs, but when it can no longer be avoided, we want to fight it with violence, we want to fight it effectively, and we do not want it to be a fair fight. We want our enemies to know beforehand we do not want it to be a fair fight. We want to bring that force that we have to bear to win the war decisively and quickly, for this is the best way to create a safe environment afterwards and to preserve the lives of our service men and women. So we are working on that. This is not easy. We utilize the incredible technology that America develops. We utilize the management skills that Americans possess, and they are utilized routinely in this country.

It is not easy to develop highly effective technology and, more importantly, apply that technology effectively on the battlefield. We have to make sure our 19-year-old Privates understand the capabilities they are dealing with and be able to apply it, even though they may have been in the military a year or less even. It is a tremendous managerial task.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I ask unanimous consent that I be allowed 2 minutes to wrap up.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. I have no objection whatsoever. I am curious as to whether we are under time limits.

The PRESIDING OFFICER. The Senate is operating under time limits. The minority has 26 minutes remaining.

Mr. LEVIN. That is fine with me. I am happy to yield. How much time does my friend need?

Mr. SESSIONS. A couple of minutes would be fine. I did not know I was on a time limit.

Mr. LEVIN. That makes two of us. So I am happy to yield some additional time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I close by saying how proud I am of the troops and our defense capability. As one writer for the British magazine, The Economist, said, not only do Americans spend more money on defense than their European allies, they spend it more wisely. That is the reason they are so capable in matters of defense. He also added that if the Europeans were so afraid of the United States, why did they not spend more on defense?

I will be speaking later on a few more issues such as the Airland Subcommittee agenda, which I chair.

At this time, I express my appreciation to Senator JOHN WARNER, the chairman of our committee, for his superb leadership, his understanding of this country, his understanding of the defense needs of this country, and his willingness to work for it.

I, likewise, express my appreciation to Senator LEVIN, the ranking member. He is as capable, intelligent, and articulate as any Member of this body. He understands these issues. Although we talk at times about having differences of opinion, overwhelmingly the matters that went through our committee went through with bipartisan support and unanimous support.

I thank the Senator from Michigan for allowing me the extra time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. 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. AKAKA. Mr. President, I rise today in support of the Fiscal Year 2004 National Defense Authorization Act. As ranking member of the Readiness Subcommittee, I have greatly enjoyed working with the new subcommittee chairman, Senator ENSIGN, and I especially appreciate the efforts that the Senator from Nevada has made to work through some of this year's very difficult issues in a balanced and fair manner.

The readiness subcommittee is responsible for two areas that have the potential to be extremely controversial, and I believe both have been handled well.

First, we spent a fair amount of time in our committee reviewing Department of Defense outsourcing policies. I continue to be troubled by the administration's insistence on outsourcing quotas, arbitrary timelines for conducting public-private competitions, and the use of direct conversions in place of competitive processes.

Nonetheless, I support the provision in the bill which would authorize a pilot program under which the Department of Defense could test a new approach to public-private competition. The provision would also require that any deadlines for public-private competitions conducted by the Department of Defense be based on the resources actually available to the department of conduct such competitions. I believe that this provision strikes an appropriate balance.

Second, our subcommittee held two hearings on environmental issues impacting military training and readiness. The administration has offered a series of legislative proposals to exempt the Department of Defense from some of our most important environmental statutes. I believe that these proposals go much farther than is needed to address the legitimate concerns of the military, and could do some real harm to the environment.

The bill includes one provision on these issues, which would exempt military lands from critical habitat designation if those lands are covered by an Integrated Natural Resources Management Plan, or INRMP. I am disappointed that the majority of the committee rejected my amendment to this provision, which would have established a more workable and precise test for the adequacy of INRMPs to address endangered species. Nonetheless, I appreciate the thoughtful manner in which Senator ENSIGN considered this issue and attempted to address my concerns. While I do not support the provision that was included in the bill, I believe that it is a significant improvement over the administration's proposal.

I also have some reservations about the reductions that we have taken in the operation and maintenance accounts, especially in the working capital funds. I am particularly concerned about the changes we have made within the Air Force working capital fund—as I understand it, the transfer of funds included in the markup package may actually create shortfalls of spare parts and harm readiness. I obviously hope that this does not come to pass, and I hope that we may be able to reverse some of these reductions as the bill progresses.

As always, this bill continues to support military construction and family housing needs that are so critical to quality of life for our service men and women. I believe that the package we have before us today is a positive step toward this goal. I am concerned, however, that our actions with respect to overseas facilities in particular may be out of step with ongoing initiatives by the Department of Defense. The reductions in this bill, which go beyond

those that the department itself recently proposed, undermine planned efficiencies that would improve both quality of life and training for Army forces who will remain in Germany. Currently, the department and the combatant commanders are working closely to create a comprehensive, integrated presence and basing strategy and to identify a new set of military construction requirements for the next decade. Moving forward, we must ensure that our decisions regarding military construction overseas support these future requirements so that we continue to support our servicemen and women to the best of our abilities.

Mr. President, I believe that the bill we have before us makes some positive steps toward improving the readiness of our Armed Forces, and I commend it to my colleagues.

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. WARNER. 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. WARNER. It is my understanding that the Senate, at the hour of 5 o'clock, will proceed to a rollcall vote and that the vote will be held open for the period of 1 hour, until 6 o'clock; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. My distinguished colleague, the ranking member, and I hope Members could come up to see either of us, if we are here—and if we are not here, both staffs will be here—and indicate the possibility that they may have amendments that will be forthcoming and the time, say tomorrow, that would be convenient for them to bring up those amendments.

Tonight we will be addressing some amendments after 6 o'clock. We will resume with amendments in the morning. We have gotten excellent cooperation from those desiring to offer amendments. But by midday tomorrow, we should, at our respective caucuses, be able to give the Senate some idea during the caucuses of the progress of this bill and the likelihood of when final passage could be achieved. Am I not correct on that, I ask my colleague?

Mr. LEVIN. The Senator from Virginia is, of course, correct.

I join with him in asking Senators to share with us or our staffs at the 5 to 6 o'clock hour what amendment they would expect to be offering either tonight or tomorrow.

I also point out, I believe—I want to make sure I am correct—the vote that occurs at 5 will be the only vote today. I ask the Chair, is that correct?

The PRESIDING OFFICER. The Senator is correct—the Senator will suspend for a moment.

Mr. LEVIN. I thought that had already been agreed to. Am I incorrect on that?

Mr. WARNER. In any event, Mr. President, there have been some rumors to that effect.

Mr. LEVIN. I withdraw that. I thought an announcement had been made and it would be, of course, inappropriate for anyone other than the majority leader to make that announcement.

The PRESIDING OFFICER. A vote will occur at 5 o'clock.

Mr. WARNER. There is nothing in the RECORD as to post-6 o'clock as to further votes tonight. That is the case until we hear from the majority leader; is that correct?

The PRESIDING OFFICER. There is no order concerning votes.

Mr. WARNER. I yield the floor.

Mr. MCCONNELL. Mr. President, let me confirm the vote that will be between 5 and 6 is the only vote tonight.

Mr. WARNER. I thank our distinguished assistant leader.

Mr. LEVIN. The distinguished whip came to the floor just in time to save my reputation. I very much appreciate that.

Mr. WARNER. With respect to amendments, I urge colleagues to look at the daily calendar in which the reference is made, on the covering page, to the order with regard to this bill and the proviso:

> Provided, That all first degree amendments be relevant and that any second degree amendment be relevant to the first degree amendment to which it is offered.

There are restrictions on the subject matter. We want to cooperate with our colleagues. But it is very clear that this is the order that has been adopted by the Senate.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF S. MAURICE HICKS, JR., OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session to consider the Executive Calendar order No. 172. The clerk will report.

The legislative clerk read the nomination of S. Maurice Hicks, Jr., of Louisiana, to be United States District Judge for the Western District of Louisiana.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of S. Maurice Hicks, Jr., of Louisiana, to be United States District Judge for the Western District of Louisiana?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Idaho (Mr. CRAIG), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Oregon (Mr. SMITH), the Senator from Missouri (Mr. TALENT), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Illinois (Mr. DURBIN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) and the Senator from Massachusetts (Mr. KERRY) would each vote ''aye.''

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 0, as follows:

[Rollcall Vote No. 184 Ex.]

YEAS—86

Akaka	DeWine	Lott
Alexander	Dodd	Lugar
Allard	Dole	McCain
Allen	Domenici	McConnell
Baucus	Dorgan	Mikulski
Biden	Ensign	Miller
Bingaman	Enzi	Murray
Bond	Feingold	Nelson (FL)
Boxer	Feinstein	Nelson (NE)
Breaux	Fitzgerald	Nickles
Brownback	Frist	Pryor
Bunning	Graham (SC)	Reed
Burns	Grassley	Reid
Byrd	Gregg	Roberts
Campbell	Hagel	Rockefeller
Cantwell	Harkin	Santorum
Carper	Hatch	Sarbanes
Chafee	Hollings	Schumer
Chambliss	Hutchison	Sessions
Clinton	Inhofe	Shelby
Cochran	Jeffords	Snowe
Coleman	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kohl	Stevens
Cornyn	Kyl	Sununu
Corzine	Landrieu	Voinovich
Crapo	Leahy	Warner
Daschle	Levin	Wyden
Dayton	Lincoln	

NOT VOTING—14

Bayh	Graham (FL)	Murkowski
Bennett	Inouye	Smith
Craig	Kerry	Talent
Durbin	Lautenberg	Thomas
Edwards	Lieberman	

The nomination was confirmed.

Mr. DASCHLE. Mr. President, I move to reconsider the vote, and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

Mr. HATCH. Mr. President, I am pleased today to rise in support of S. Maurice Hicks, who has been confirmed to be a nominee to the U.S. District Court for the Western District of Louisiana.

Mr. Hicks has had a distinguished legal career. Upon graduation from Louisiana State University Law School, he worked for the Louisiana Legislative Council. Soon afterwards,

he began his 25-year career in private practice as an associate in a Shreveport law firm. He subsequently founded his own law firm and developed an expertise in commercial and insurance-related litigation in State and Federal courts, including general aviation accidents, automobile accidents, product liability, lender liability claims, construction disputes, intellectual property claims, and insurance coverage questions, as well as oil and gas accident and contamination claims. He also has a great deal of experience representing individuals on a wide variety of personal matters including estate planning, personal injury claims, contract negotiations, copyright issues, and general legal matters. All told, he has tried an estimated 150 cases to judgment, acting as sole or lead counsel in the vast majority of them. He has also devoted time in his legal career to pro bono work, including preparing wills for the elderly and working with adjudicated juveniles.

He is a member of the Louisiana State Bar, the American Bar Association, and the Shreveport Bar Association.

I am confident that Mr. Hicks's extensive litigation experience will make him an excellent addition to the Federal bench.

Mr. LEAHY. Mr. President, the Senate has confirmed the nomination of Maurice Hicks to be a United States District Court Judge for the Western District of Louisiana. Maurice Hicks has spent 25 years as a litigator in Shreveport, LA, where he has appeared frequently in State and Federal courts. He comes to us with the support of his home State Senators. Mr. Hicks is the seventh nominee of President Bush to be confirmed to the Federal courts in Louisiana. Just this year, the Senate already confirmed Dee Drell and Patricia Minaldi to the United States District Court for the Western District of Louisiana. With these confirmations, there are no longer any current vacancies in the Federal courts in Louisiana.

Under my chairmanship last Congress, the Senate Judiciary Committee held the first hearing for a Fifth Circuit nominee in 7 years. Judge Edith Brown Clement of Louisiana was promptly given a hearing in October 2001 and confirmed in November 2001, despite the fact that three of President Clinton's Fifth Circuit nominees never received a hearing, including H. Alston Johnson of Louisiana. The Democrats turned the other cheek on past obstruction by the Republicans in order to move forward. In fact, with Democratic support, the Senate recently confirmed another nominee to the Fifth Circuit Court of Appeals, Judge Edward Prado, despite the fact that President Clinton's Hispanic nominees to that court, Enrique Moreno and Jorge Rangel, never received a hearing or a vote.

With the confirmation of Mr. Hicks, the Senate will have confirmed 25 of President Bush's judicial nominees so far this year and 125 overall. So far this year we have confirmed more judicial nominees of President Bush than the Republican majority was willing to confirm in the entire 1996 session when President Clinton was in the White House. That entire year only 17 judges were confirmed all year and that included none to the circuit courts, not one. In contrast, already this session, 5 circuit court nominees, including several highly controversial nominees, have been confirmed among the 25 judges the Senate has approved to date. Those confirmations—including two that had more negative votes than the required number to be filibustered but who were not filibustered never get acknowledged in partisan Republican talking points.

We are also almost 6 months ahead of the pace the Republican majority set in 1999 when it considered President Clinton's judicial nominees. It was not until October that the Senate confirmed as many as 25 judicial nominees in 1999.

In the 17 months when I chaired the Judiciary Committee, we were able to confirm 100 judges and vastly reduce the judicial vacancies that Republicans had stored up by refusing to allow scores of judicial nominees of President Clinton to be considered. We were able to do so despite the White House's refusal to work with Democrats on circuit court vacancies and many district court vacancies.

With Mr. Hicks' confirmation, the Senate will have succeeded in reducing the number of Federal judicial vacancies to the lowest level it has been in 13 years. The 110 vacancies that I inherited in the summer of 2001 have been more than cut in half. In the 17 months that I chaired the Judiciary Committee we not only kept up with attrition, but reduced those vacancies from 110 to 60 and with Mr. Hicks's confirmation we will only have 46 vacancies for the entire Federal judiciary. I congratulate Mr. Hicks and his family on his confirmation.

Republican talking points will likely focus on the impasse on 2 of the most extreme of the President's nominations rather than the 125 confirmations and the lowest judicial vacancy rate in 13 years. They will ignore their own recent filibusters against President Clinton's executive and judicial nominees in so doing and their own delays in considering some of this President's judicial nominees.

I continue to be disappointed that the Republican leadership has not found time to proceed to the nomination of Judge Consuelo Callahan to the United States Court of Appeals for the Ninth Circuit. This is another of the judicial nominees that Senate Democrats has strongly supported and whose consideration we had expedited through the Judiciary Committee weeks ago.

Just as Senate Democrats cleared the nomination of Judge Edward Prado to the United States Court of Appeals for the Fifth Circuit without delay, so, too, the nomination of Judge Callahan, another Hispanic nominee to another circuit court, was cleared on the Democratic side. All Democratic Senators serving on the Judiciary Committee voted to report this nomination favorably. All Democratic Senators had indicated that they are prepared to proceed to this nomination and, after a reasonable period of debate, vote on the nomination. I am confident this nomination will be confirmed by an extraordinary majority—maybe unanimously.

It is most unfortunate that so many partisans in this administration and on the other side of the aisle insist on bogging down consensus matters and consensus nominees in order to focus exclusively on the most divisive and controversial of this President's nominees as he continues his efforts to pack the courts. Democratic Senators have worked very hard to cooperate with this administration in order to fill judicial vacancies. What the other side seeks to obscure is that effort, that fairness and the progress we have been able to achieve without much help from the other side or the administration. Judge Callahan's nomination has been delayed on the Senate Executive Calendar unnecessarily in my view. It is time to act on this nomination and make progress.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004—Continued

The PRESIDING OFFICER (Mr. CHAMBLISS). The Democratic leader.

AMENDMENT NO. 689

Mr. DASCHLE. I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 689.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that members of the Ready Reserve of the Armed Forces are treated equitably in the provision of health care benefits under TRICARE and otherwise under the Defense Health Program)

On page 157, strike line 8 and all that follows through ''time of war,'' on line 14, and insert the following:

''(f)(1) At any time after the Secretary concerned notifies members of the Ready Reserve that the members are to be called or ordered to active duty,

On page 157, line 19, strike '' '(2)'' and insert the following:

''(2) The screening and care authorized under paragraph (1) shall include screening and care under TRICARE, pursuant to eligibility under paragraph (3), and continuation of care benefits under paragraph (4).

''(3)(A) Members of the Selected Reserve of the Ready Reserve and members of the Individual Ready Reserve described in section 10144(b) of this title are eligible, subject to subparagraph (I), to enroll in TRICARE.

''(B) A member eligible under subparagraph (A) may enroll for either of the following types of coverage:

''(i) Self alone coverage.

''(ii) Self and family coverage.

''(C) An enrollment by a member for self and family covers the member and the dependents of the member who are described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

''(D) The Secretary of Defense shall provide for at least one open enrollment period each year. During an open enrollment period, a member eligible under subparagraph (A) may enroll in the TRICARE program or change or terminate an enrollment in the TRICARE program.

''(E) A member and the dependents of a member enrolled in the TRICARE program under this paragraph shall be entitled to the same benefits under this chapter as a member of the uniformed services on active duty or a dependent of such a member, respectively. Section 1074(c) of this title shall apply with respect to a member enrolled in the TRICARE program under this section.

''(F)(i) The Secretary of Defense shall charge premiums for coverage pursuant to enrollments under this paragraph. The Secretary shall prescribe for each of the TRICARE program options a premium for self alone coverage and a premium for self and family coverage.

''(ii) The monthly amount of the premium in effect for a month for a type of coverage under this paragraph shall be the amount equal to 28 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.

''(iii) The premiums payable by a member under this subparagraph may be deducted and withheld from basic pay payable to the member under section 204 of title 37 or from compensation payable to the member under section 206 of such title. The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums by members not entitled to such basic pay or compensation.

''(iv) Amounts collected as premiums under this subparagraph shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subparagraph (B) of such section for such fiscal year.

''(G) A person who receives health care pursuant to an enrollment in a TRICARE program option under this paragraph, including a member who receives such health care, shall be subject to the same deductibles, copayments, and other nonpremium charges for health care as apply under this chapter for health care provided under the same TRICARE program option to dependents described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

''(H) A member enrolled in the TRICARE program under this paragraph may terminate the enrollment only during an open enrollment period provided under subparagraph (D), except as provided in subparagraph (I). An enrollment of a member for self alone or for self and family under this paragraph shall terminate on the first day of the first month beginning after the date on which the member ceases to be eligible under subparagraph (A). The enrollment of a member under this paragraph may be terminated on the basis of failure to pay the premium charged the member under this paragraph.

''(I) A member may not enroll in the TRICARE program under this paragraph while entitled to transitional health care under subsection (a) of section 1145 of this title or while authorized to receive health care under subsection (c) of such section. A member who enrolls in the TRICARE program under this paragraph within 90 days after the date of the termination of the member's entitlement or eligibility to receive health care under subsection (a) or (c) of section 1145 of this title may terminate the enrollment at any time within one year after the date of the enrollment.

''(J) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this paragraph.

''(4)(A) The Secretary concerned shall pay the applicable premium to continue in force any qualified health benefits plan coverage for an eligible reserve component member for the benefits coverage continuation period if timely elected by the member in accordance with regulations prescribed under subparagraph (J).

''(B) A member of a reserve component is eligible for payment of the applicable premium for continuation of qualified health benefits plan coverage under subparagraph (A) while serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of this title during a war or national emergency declared by the President or Congress.

''(C) For the purposes of this paragraph, health benefits plan coverage for a member called or ordered to active duty is qualified health benefits plan coverage if—

''(i) the coverage was in force on the date on which the Secretary notified the member that issuance of the call or order was pending or, if no such notification was provided, the date of the call or order;

''(ii) on such date, the coverage applied to the member and dependents of the member described in subparagraph (A), (D), or (I) of section 1072(2) of this title; and

''(iii) the coverage has not lapsed.

''(D) The applicable premium payable under this paragraph for continuation of health benefits plan coverage in the case of a member is the amount of the premium payable by the member for the coverage of the member and dependents.

''(E) The total amount that may be paid for the applicable premium of a health benefits plan for a member under this paragraph in a fiscal year may not exceed the amount determined by multiplying—

''(i) the sum of one plus the number of the member's dependents covered by the health benefits plan, by

''(ii) the per capita cost of providing TRICARE coverage and benefits for dependents under this chapter for such fiscal year, as determined by the Secretary of Defense.

''(F) The benefits coverage continuation period under this paragraph for qualified health benefits plan coverage in the case of a member called or ordered to active duty is the period that—

''(i) begins on the date of the call or order; and

''(ii) ends on the earlier of the date on which the member's eligibility for transitional health care under section 1145(a) of this title terminates under paragraph (3) of such section, or the date on which the member elects to terminate the continued qualified health benefits plan coverage of the dependents of the member.

''(G) Notwithstanding any other provision of law—

''(i) any period of coverage under a COBRA continuation provision (as defined in section 9832(d)(1) of the Internal Revenue Code of 1986) for a member under this paragraph shall be deemed to be equal to the benefits coverage continuation period for such member under this paragraph; and

''(ii) with respect to the election of any period of coverage under a COBRA continuation provision (as so defined), rules similar to the rules under section 4980B(f)(5)(C) of such Code shall apply.

''(H) A dependent of a member who is eligible for benefits under qualified health benefits plan coverage paid on behalf of a member by the Secretary concerned under this paragraph is not eligible for benefits under the TRICARE program during a period of the coverage for which so paid.

''(I) A member who makes an election under subparagraph (A) may revoke the election. Upon such a revocation, the member's dependents shall become eligible for benefits under the TRICARE program as provided for under this chapter.

''(J) The Secretary of Defense shall prescribe regulations for carrying out this paragraph. The regulations shall include such requirements for making an election of payment of applicable premiums as the Secretary considers appropriate.

''(5) For the purposes of this section, all members of the Ready Reserve who are to be called or ordered to active duty include all members of the Ready Reserve.

''(6) The Secretary concerned shall promptly notify all members of the Ready Reserve that they are eligible for screening and care under this section.

Mr. DASCHLE. Mr. President, this amendment would strengthen our National Guard, our Reserve force, and our Nation by offering these troops the option to receive year-round health coverage through TRICARE, the military health program. If approved, this would be the first fundamental change in Guard and Reserve benefits since the end of the Cold War.

This amendment not only honors the sacrifices that our Guard and Reserve troops have been making on our behalf for decades, but also recognizes that there has been a fundamental expansion in recent years in their roles and missions.

Since the fall of the Soviet Union, the military has increasingly relied on the skill and sacrifice of America's Reservists. When I go home to South Dakota and talk to the citizens of my State, I see and hear first-hand the impact this increasing reliance has on communities all across my State. Nearly 2,000 South Dakotan Guard and Reservists are currently on active duty serving their Nation. In addition to performing their traditional combat roles, Guard and Reserve personnel have assumed a larger share of the peacekeeping role in hot spots all around the world.

Since September 11, Guard and Reserve members have assisted in homeland security, including protecting our airports, and have provided force protection at bases at home and abroad. According to a recent GAO study, Guard and Reservist mobilizations increased by 700 percent in the aftermath

of the attacks on the Pentagon and World Trade Center.

So more frequently and for longer periods of time, Guard and Reserve personnel from South Dakota and all over the Nation have answered their Nation's call to duty, leaving behind their families, their jobs, and their communities.

While the demands we place on Reservists have grown markedly, the Federal Government's commitment to this dedicated group of men and women has not kept pace. As a result, leaders of the National Guard and Reserves are finding it increasingly difficult to recruit and retain top-notch individuals. Guard leaders tell me that offering health coverage would be the single most powerful tool we could give them to help with recruiting and retention.

This proposal offers a moderate, targeted, affordable proposal that deserves the bipartisan support of the Senate.

This amendment is the result of 2 years of work by myself and a bipartisan group of my colleagues from the Senate Guard Caucus. In 2001, we introduced S. 1119, calling for research into problems surrounding health coverage for the Guard and Reserve. For 2 years, we have been holding regular meetings with leaders from the guard and reserve community and soliciting grassroots input. We have made some modifications to reflect the experiences of reservists mobilized after September 11 and problems encountered by others mobilized for service in Bosnia and Iraq. Last fall, we received a helpful study on the issue from the General Accounting Office.

Incorporating the lessons from that report, last month we were able to introduce S. 852, the National Guard and Reserve Comprehensive Health Benefits Act of 2003, on which this amendment is based.

This amendment offers Reserve and National Guard members and their families the opportunity to participate in the same TRICARE program available to active duty service members and their families.

Reservists and their families will share the cost of premium payments with the Department of Defense, with the same cost distribution as used in the Federal Employees Health Benefit Plan.

The National Guard Association of the United States reports that the average cost of a family health care plan through a civilian HMO is $7,541 per year.

In contrast, the Guard Association estimates that the TRICARE cost per family is only $5,173 per year, even without government sharing any of the cost.

With government cost-sharing, this will be an attractively priced option for securing health coverage.

Beyond recruitment and retention, this program will improve readiness. More than 20 percent of the Ready Reserve—and as much as 40 percent of young enlisted personnel—do not currently have health insurance.

Providing access to quality health care during all phases of service can drastically reduce the chances that a unit is unable to deploy due to medical reasons.

Maintaining a healthy force is absolutely essential to maintaining a prepared force.

Our legislation will also address another problem that invariably occurs during mobilization.

When a reservist is called to active duty, he or she must leave their private-sector health plan and enter a wholly new plan, TRICARE. In March, I worked with the Secretary of Defense to end a nationwide problem among families of mobilized reservists. Simply put, they were being forced, unfairly and improperly, to join a more expensive TRICARE plan.

We did solve that problem, but many families spent weeks without knowing whether they should try to extend their private coverage or whether they could afford TRICARE. That is simply unacceptable.

At a time when a reservist is preparing for deployment to a war zone, the last thing he or she should have to worry about is health benefits.

This amendment is an affordable way to honor the commitment of our guard and reserve members. The bill before us provides the Defense Department with more than $400 billion in FY2004.

According to the Congressional Budget Office, my amendment costs about $300 million in that same period. For .7 months of a percent of the Pentagon budget, we can guarantee that all reservists have access to health care—either through civilian employers or TRICARE. We can ensure that this force is ready to fight at a moment's notice.

We can improve the readiness of the current reserve force and improve our ability to recruit and retain the best and brightest men and women for the National Guard and Reserves.

The high rate of reservist mobilizations will most likely continue. Indeed, with ongoing needs in Iraq and the upsurge in homeland defense activities, reservists will probably continue to be mobilized at record levels.

By providing access to quality, affordable health care for reservists and their families, this legislation will ensure that when we need them, they will be there, healthy and ready to go.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I ask our distinguished colleague, the distinguished leader on the other side of the aisle, the cost implications.

Mr. DASCHLE. As I noted in my opening comments, the cost implications are very minimal given the extraordinary opportunities it presents for all of our Guard and Reserve personnel. The estimated cost for the first year is $300 million—.7 of a percent of the entire defense budget.

Mr. WARNER. I say to my distinguished friend and colleague, there are a number of provisions that will be addressed as we proceed to this bill to try to improve the compensation benefits for the Reserve and Guard. I generally recognize the need to do so, but I must say to my good friend, the regulars are beginning to say, well, what is the distinction between a Regular and a Guard and Reserves man? A Regular, the clearest distinction is he or she is subject to 365 days of service to country and probably moving from base to base every third year. Also, they do not have the benefit of both Reserve and Guard pay.

As someone said, and I hope the distinguished leader will not take this the wrong way, maybe everybody will leave the Regular Forces and join the Guard and Reserve because there is a little more flexibility and a little more pay and benefits.

We have to watch as we move along in this direction to not get out of balance what has been in balance for many years. I recognize that the Guard and Reserve are pulling heavily on the oars these days and they have the inconvenience of being called up at times as they have experienced in Afghanistan and the Iraqi operations and having to leave their families rather abruptly and depart their businesses, employers confronted with getting replacements in some instances but allowing them to return to their positions, which I think is the proper thing to do. We have not had any hearings. We do not know what the ramifications are.

I say to my distinguished colleague, at the moment I will have to indicate my intention to oppose.

Mr. DASCHLE. Mr. President, if I could respond briefly, first of all, I compliment the distinguished chair and ranking member for their work, once again, in producing a bill that passed out of committee, as I understand it, unanimously. That is a real tribute to their leadership and to the willingness that they continue to demonstrate to work in such a bipartisan and constructive manner in committee. That is laudable. I congratulate the chair and ranking member for their ability to do it consistently—not just on this occasion.

First, I recognize, as the distinguished chair has noted, we have to be appreciative of our active-duty personnel. They make a commitment second to none. We saw yet again a demonstration of that commitment in the battle in Iraq.

I don't know that an issue has been studied as much as this issue over the course of the last couple of years. I am happy to share the findings of many of the studies that have been done. One study that attracted me in particular was a study done by the General Accounting Office.

I ask unanimous consent the summary of the study be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BACKGROUND

Reserve components participate in military conflicts and peacekeeping missions in areas such as Bosnia, Kosovo, and southwest Asia, and assist in homeland security. From fiscal year 1996 through fiscal year 2001, an average of about 11,000, or 1 percent, of the roughly 900,000 reservists were mobilized each year. The length of mobilizations can be as long as 2 years with the mean length of mobilizations for the 6-year period we reviewed being 117 days. As of April 2002, about 80,000, or 8 percent, of reservists had been mobilized for 1 year for operations related to September 11, 2001. At the same time, additional reserve personnel continued to be deployed throughout the world on various peacekeeping and humanitarian missions. . . .

Overall, the percentage of reservists with health care coverage when they are not mobilized is similar to that found in the general population—and, like the general population, most reservists have coverage through their employers. According to DOD's 2000 Survey of Reserve Component Personnel, nearly 80 percent of reservists reported having health care coverage. In the general population, 81 percent of 18 to 65 year olds have health care coverage. Officers and senior enlisted personnel were more likely than junior enlisted personnel to have coverage. Only 60 percent of junior enlisted personnel, about 90 percent of whom are under age 35, had coverage—lower than the similarly aged group in the general population. Of reservists with dependents, about 86 percent reported having coverage. Of reservists without dependents, about 63 percent reported having coverage.

Mr. DASCHLE. The GAO noted since the attack on the World Trade Center—

Mr. WARNER. Could you give the date of the publication?

Mr. DASCHLE. The date was September of 2002, just in the last 6 months.

The GAO study noted that since the attacks on the Pentagon and the World Trade Center, utilization, mobilization of the Guard and Reserve has gone up 700 percent. We are not only seeing an increase in integration with Active-Duty Forces, but we are seeing a remarkable, continued mobilization of the Guard and Reserve for other roles having to do with the war on terror.

As these continued mobilizations arise, the disruption, the extraordinary pressures and demands put on the Guard and Reserve almost require that we look upon them as active-duty personnel because they play far more an active-duty role.

As I talk to the Guard and Reserve and the recruiters, it it has become increasingly clear that is one reason recruitment and retention has become much more of a challenge. We have done very well in South Dakota. We are at 106 percent, but that is not without a great deal of effort. We cannot say that nationally.

The fundamental question is, Do we owe them the right—not for additional compensation, no to be treated like Regulars—the right to buy health insurance so they have the coverage for their families and themselves both in war and in peace.

Why is it appropriate to buy coverage for war but not appropriate to buy coverage for peace when they are purchasing it themselves? I don't know that it takes more study. I don't know that it takes any more analysis. You see the mobilization. You see the need. You see what I consider to be the disparity that exists today and what I would consider to be a certain extent an unfairness. I don't know that one has to go beyond that.

So I hope the distinguished chairman, the manager of the bill, might reconsider prior to the time we vote. But I will respect his point of view regardless of what ultimately he decides.

Mr. WARNER. If I could ask a further question?

I should examine this report. It is timely. But I am advised there is a provision in the report indicating that 80 percent to 90 percent of the Guard and Reserve have private sector health insurance. Are you familiar with that?

Mr. DASCHLE. Mr. President, I would say, if I recall what the report says, it is 80 percent or 90 percent of the Guard and Reserve who have coverage at some time during the year. We have as high as 30 percent of our recruits in the National Guard in South Dakota who do not have health insurance because younger people, younger personnel, oftentimes are not in a position to buy it. It is younger personnel who are currently the subject of recruitment and retention.

There is a great need out there. As I say, there are a large number, there is a significant percentage who are vastly underinsured, if you read further in the report.

I urge my colleague to take a good look at the report before he comes to any conclusions about the need.

Mr. WARNER. Mr. President, I will do that. I value the wisdom and initiative of our distinguished leader. So I will do that.

Mr. DASCHLE. If I could add one other—I apologize to the Senator from Vermont—I will just read from page 8 of the report.

Officers and enlisted personnel are more likely than junior personnel to have coverage. Only 60 percent of junior enlisted personnel, about 90 percent of whom are under age 35, had coverage.

That means 40 percent of the junior personnel had no coverage at all.

Of reservists and dependents, about 86 percent reported having coverage, but of reservists without dependents, only 63 percent reported having coverage. Again, about 40 percent have no coverage whatsoever.

Again, this becomes a recruiting, a retention, and, I believe, a fairness question that I hope this Senate will address this year with this bill.

Mr. WARNER. Mr. President, I thank our colleague.

I would just ask I be able to consult with the majority leader as to the time at which this vote should take place. He, of course, will consult with you. I thank the Chair.

Mr. LEAHY. Mr. President, if I might interject for a moment?

The distinguished chairman knows the great respect I have for what I many times refer to as my Senator away from home because I spend part of the week—seems to be the longer part of the week, with the hours we have been putting in around here lately—in Northern Virginia. Of course my dear friend, the senior Senator from North Dakota, knows my respect for him.

I think this is a good amendment. Senator DEWINE of Ohio has taken a very active role in this, too. I hope the distinguished chairman would hold off making a snap judgment. I know he doesn't do that, in any event. But think about what the distinguished Senator from South Dakota has said.

The Senator from Ohio and I will speak on this matter at another time rather than hold the floor to do it. But there are a number—and the numbers are rather shocking—of those who are without health insurance, especially in the enlisted area. You have, so many times, this hiatus. They are leaving their job, getting called up, and being without it. It leaves families in this limbo.

I would rather, if they were being called up, they be concentrating on what they are going to be doing, not on whether they are covered by health care insurance. This is a matter we have raised with the health care committee.

I am a cochair of the National Guard caucus. We raised it within our caucus. We heard from Guard units all over the country of their needs. As the distinguished Democratic leader has said on the floor today, this is a case where we are asking they have the ability to pay into this and do this. So I hope maybe during the evening, before we come back in tomorrow, everybody might be able to look at it.

I know the distinguished Senator from Ohio, Mr. DEWINE, will also want to be speaking on it. I will withhold my further comments. There are Senators on the floor waiting to speak on this bill.

I totally concur with the distinguished Democratic leader on what he has said. His experiences with the brave men and women in South Dakota are very similar to what I hear in Vermont. I suspect most States are hearing it also from their Guard. So maybe we will keep our powder dry until tomorrow. We will get some of these facts and figures and see where they go.

Mr. WARNER. Mr. President, I thank our colleague for his kind remarks.

Mr. LEVIN. If the Senator will yield for a minute?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I point out one other fact for the consideration of my good friend, the chairman. The chairman, of course, makes an important point about the fact there is a distinction between Active Duty and Reserve and there are certain benefits that people in Active Duty have which make it a little more attractive, perhaps, than it

otherwise might be in comparison to being in the Reserves.

There is a distinction in this amendment, as I read it, which requires the reservists while not on active duty to pay the premium. It is 28 percent of the total amount determined by the Secretary. That is a distinction between Active Duty and Reserve, where the active-duty personnel, of course, do not have to pay their own share; whereas, under the amendment offered by Senator DASCHLE, the reservists while not on active duty would have to pay, as I understand it, the share of about 28 percent.

That does retain that important distinction, while it does clearly confer a benefit, which is an important benefit because of all the reservists we have who simply do not have health insurance. We want them to be in a healthy state if and when they are called up—and we ought to want them in a healthy state even if they are never called up—but surely if they are called up it is important they be in good health.

Having access here to what is equal to what Federal employees have, that is what the Senator from South Dakota and the cosponsors are attempting to do, to give reservists the same kind of health care Federal employees have. That includes paying their own part of the premium but again having access to health insurance, which is so important for us to have a healthy Reserve Corps.

Mr. WARNER. Mr. President, I will be in a better position tomorrow to reply to our distinguished colleagues. We have some material coming over from the Department of Defense. It has not been authenticated with a signature yet. Until such time as it is authenticated as accurate, in fact, this Senator is reluctant to draw any conclusions with respect to points about which he would be comfortable.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent a few remarks I make be as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. HATCH are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Chair.

Mr. President, I rise to express my support for the Defense authorization bill that we are debating today and for the remainder of this week.

I first want to thank the chairman and the ranking member for their courtesy, for their thoughtfulness, and for their collegiality in the conduct of the committee in the preparation of this bill. They are two Senators I respect and admire greatly. I thank them for their help and participation.

This is, overall, a very good bill that meets the needs of our fighting men and women. I have some reservations which I will talk about tonight, and during the course of the week I will suggest some improvements in the bill. But overall, this represents a thorough and consistent and appropriate discharge of our responsibility to ensure that the men and women of our Armed Forces are the best prepared and best cared for in the world.

Let me also say this year I had the privilege and the opportunity to serve as the ranking member of the Emerging Threat and Capability Subcommittee. I had the pleasure of working with Senator PAT ROBERTS of Kansas. I also want to thank Senator ROBERTS for his courtesy and thoughtfulness and for his collegiality. He created a cooperative spirit on the committee which resulted in legislation that is both thoughtful and which I think is a vast improvement for the men and women of our military services.

The package supported and presented by the subcommittee dealt with a range of subjects. The subcommittee itself was created 4 years ago to deal with new emerging threats and our response to these threats. The subcommittee looked at issues such as the proliferation of weapons of mass destruction, terrorism, and information warfare, and it also focused on ways in which we can respond to these threats.

One of the areas, for example, is the Defense Science and Technology Program—providing the research and the analysis that makes our forces the most technologically advanced in the world.

Another area we are concerned about is the Cooperative Threat Reduction Program. There is a rather simple and obvious point: If we can reduce the threats, that is a better way than to respond to those threats if they are poised against us.

We are also concerned about our special operations forces. I think we have all seen in the past few months how effective and how important these forces are. They really are the tip of the spear when it comes to our efforts on the war on terrorism.

Needless to say, the Emerging Threats Subcommittee is obviously involved in many issues that are of critical importance today.

Let me speak just briefly about some of the issues as we approach the committee markup.

Science and technology is a critical component of our warfighting capability. This was brought home to me graphically in August of 2001. About 20-plus years ago, I commanded an infantry company—a parachute company—of the 82nd Airborne Division. And in August of 2001, I went back to Fort Bragg to watch a live fire demonstration by a division of the 82nd Airborne Division. I was, of course, very pleased with the toughness and skills of the paratroopers. But I was also impressed with the technology. Each soldier had a night vision device, and each soldier had a laser-aiming device on their weapon. Twenty-five years ago, there was one star-light scope for the whole platoon. It was a big, bulky device which we carried around and used sparingly. There was no laser-aiming device on their weapons.

These are graphic examples of the impact of science and technology on our ability to fight. They have made our soldiers, marines, and airmen the most formidable in the world because when we couple this technology with their skills and spirit and their courage, they are unstoppable.

I am pleased this bill includes provisions that strengthen the coordination between the Science and Technology Program. We really want to ensure that we get the maximum value from our technological investment.

I am also very pleased the bill includes Senator LIEBERMAN's legislation which will increase research on technologies to help improve communications and networking and to help address our bandwidth crisis in the field.

Again, 25 years ago when I commanded troops, bandwidth was a concept which no one talked about. Today, it is an item that is critical to the success of any military force.

When members of the committee go out—as I know my colleagues do—and visit troops and talk to commanding officers, one of their consistent complaints is, We just do not have enough bandwidth. We don't have enough space on the spectrum to push out all the digital information we have to all of our warfighters instantaneously.

So I think Senator LIEBERMAN's proposal will give us an added impetus to examine these issues of bandwidth and conductivity. It is literally the electronic backbone of our military forces. There are some issues of concern which I have with respect to science and technology. All of our experts looking at the appropriate level of funding for science and technology suggest that we should be investing about 3 percent of the defense budget in those programs. Secretary Rumsfeld has said the Quadrennial Defense Review made that point, and the Defense Science Board has endorsed this laudable goal of 3 percent expenditure on science and technology. However, last year the final defense budget did not reach 3 percent, and this year the President's request was $1 billion below last year's vital defense budget.

While I am pleased to note that this bill adds nearly $500 million to the Defense Science and Technology Program and supports significant investments in university research, advanced research to support special operations, and advanced undersea warfare technologies, the funding levels fall short of this 3 percent.

I think we have to maintain robust investment in our science and technology. We tried to close the gap, but there is still a gap. I hope in the next reauthorization—indeed in the conference—we can try to close this gap.

In the area of nonproliferation programs, we all understand that weapons

of mass destruction is one of the key threats, particularly if they get into the hands of terrorists. One of the most cost-effective ways to deal with this issue of nonproliferation is to support the Threat Reduction Program. I am pleased to report again that this bill authorizes full funding of these threat reduction and nonproliferation programs, including the Nunn-Lugar program.

This full funding is critical if we are going to eliminate the proliferation threat and if we are going to lower the danger that these materials pose to us, particularly if they get into the hands of terrorists.

Also, the bill includes authority to use Cooperative Threat Reduction Program funds outside the former Soviet Union under appropriate circumstances, as requested by the President.

Again, I think we have to recognize there are many places in the world, regrettably, where material could fall into the wrong hands. This gives the President authority for a much wider geographic approach on proliferation.

One of the problems we particularly worry about is the presence of a vast stockpile of lethal, chemical weapons—some of them small enough to fit into a briefcase—in Russia. This is the residue of years and years of Soviet research.

Under the Nunn-Lugar program, we have a project to destroy all those weapons so they cannot be used and do not fall into the hands of terrorists. There is a set of conditions that requires a Presidential certification before the money can be spent, but this bill provides the President a 1-year waiver of the certification so funds can be used to destroy these chemical weapons. Again, I thank Chairman ROBERTS, particularly, for his consideration of this request and for his willingness to provide this 1-year waiver.

As I said before, our special operations community each day demonstrates their incredible value in our war against terrorism. In recognition of the expanded role of the special operations forces, the Secretary of Defense has declared that rather than simply being a supporting command, special operations would be a command in itself.

Let me try to parse that. Before special operations command supported the CINCs, CENTCOM, SOUTHCOM. Today, they not only support these CINCs, but they are their own command in and of themselves with new responsibilities.

I applaud this decision, but I believe Congress should have a better appreciation of the new role that special operations command is taking on. Therefore, the committee included, at my suggestion, a recommendation so the Secretary of Defense can report to us information regarding this new role.

The information would include items such as the military strategy for utilizing special operations troops to fight the global war on terrorism and how the proposal contributes to the overall national security strategy with regard to the war on terrorism; the scope of the authorities granted to the commander of the special operations command by the Secretary of Defense; the operational and legal parameters within which special operations forces will exercise these authorities; the impact on existing special operations missions; the decisionmaking mechanisms, to include consultation with Congress, that will be involved in authorizing, planning, and conducting these operations; and future organizational and resource requirements for conducting the global counterterrorism mission.

I believe the answers to these questions will help us frame our oversight responsibility, and I also think it will help provide the details for the special operations commander and the Department of Defense in relation to their responsibilities and their missions in this new responsibility they have been given.

These are just some of the highlights with respect to the Emerging Threats and Capabilities Subcommittee. I want my colleagues to know of these threats. There are other issues I would like to comment upon in addition to those related to my responsibilities on the subcommittee.

There was, in the committee, a proposal to, in my view, change the McKinney-Vento Homeless Assistance Act. I thank my colleagues because, through collaboration with Senators ENSIGN, ALLEN, and others, we were able to do what I think the committee wanted to do: to provide the opportunity to temporarily suspend these regulations if property is needed by a State for emergency purposes but not to undermine completely and irrevocably the responsibility we have to provide suitable excess Government facilities for homeless purposes. I am very pleased and proud the committee was so responsive and so cooperative in that regard.

I also included in the bill an amendment which again was adopted unanimously—I thank my colleagues—that would direct the Secretary of Defense to provide guidelines to the Defense Policy Board. This is an advisory committee consisting of distinguished Americans who provide advice and insight, without compensation, to the Secretary of Defense. It is a very important board but recently it has come under some criticism.

I think in order to dispel that criticism but also to convince and assure the public that access to information and access to key decisionmakers is not being used for profit-making purposes but solely is an exercise in the patriotism of the individual members of the board, I ask that the Secretary of Defense provide guidelines. I hope these guidelines are forthcoming. I think they will be useful. I am pleased they are now included within the bill.

Let me turn to several other topics quickly because I see my colleagues are also in the Chamber to speak.

Within the context of missile defense is an area of the bill that I have some grave reservations. We have decided to pursue missile defense. The President has made the decision, and it is his prerogative to do so, to withdraw from the ABM Treaty. The question before us today is, will we do this in a logical, thorough, systematic way? Will we do it in a way in which we can assure the American public we are proceeding with all deliberate speed but also in a way that we can justify a product that eventually will be useful to national defense? These are the basic issues that come before us today.

The President has announced, however, that he intends to field a national missile defense system by September 2004, despite the fact the Pentagon's Director of Operational Test and Evaluation concluded, in his fiscal year 2002 annual report, that the system ''has yet to demonstrate significant operational capability.'' So the plan, in effect, is to field the system before we even know if it will work.

I think that raises grave questions about the usefulness of such a system and grave questions about the level of funding that is going to support a system if we are not ready to declare it operationally useful yet we are ready to declare it will be deployed.

We also understand after 9/11 there are other ways to attack the homeland of the United States and that it is not just through the use of long-range missiles. We have to, in our debate and our discussions and our decisions, be very careful with resources that could be spent in other ways to protect our country and our homeland, particularly.

One of the other aspects of the system that is proposed for deployment is that the decision has been made to field this system without a radar capable of distinguishing between a warhead and a decoy. The radar is a key aspect of any missile defense system.

Indeed, the Clinton administration was criticized very harshly for their national Missile Defense Program, yet this administration has decided to deploy a system that appears, at least on the surface, to be far less capable than the one proposed by President Clinton, particularly when it comes to the radar architecture.

Another issue, with respect to missile defense, is the decision to significantly reduce the number of tests. Ironically, it seems that one of the byproducts of the President's decision to rapidly field a national missile defense is a concomitant reduction in the amount of testing. It seems to me that is sort of doing things exactly the wrong way; that if you are going to accelerate deployment, you would accelerate testing also.

I believe if we are going to have confidence in a system that we field, we have to make the investment in testing now, and not just simply reply upon our faith in technology that has not yet been adequately tested.

Originally, 20 national missile defense tests had been scheduled to occur between mid-2002 and 2007, but after the President's deployment decision, 9 of these 20 tests were canceled without explanation. Furthermore, the scheduled date to complete this new, very minimal test plan is now 2009 instead of 2007. That is 5 years after the advertised deployment of this system in 2004.

We have to recognize this Missile Defense Program is the largest single acquisition program in the Department of Defense, with a budget request of more than $9 billion in fiscal year 2004 alone.

For perspective, this funding could buy 9 DDG–51-class destroyers, 45 F–22 Raptor fighter aircraft, or more than 2,800 Stryker armored vehicles. So the decisions we make are not without cost, not without opportunity costs.

The investment we make in missiles means, quite literally, we cannot buy new destroyers; today we cannot buy more F–22 Raptor fighter aircraft; we cannot buy more Stryker armored vehicles. So again, I think we have to look very carefully at the deployment, at the testing.

I think we are all committed to the notion of someday putting in place a missile defense system that will effectively defend the United States, but we cannot do it hastily, and we cannot do it simply on a wish that it works. I believe we have to prove it works before we deploy it or simply declare it is deployed.

Over the last several years, we have tried to put some structure, if you will, in the Missile Defense Program. For example, at the beginning of fiscal year 2002, Congress required that the Bush administration establish cost, schedule, testing, and performance goals for missile defense, and we directed the General Accounting Office to review whether progress was being made toward these established goals.

By the end of 2002, the Bush administration had still not established any meaningful goals for missile defense. Consequently, in November 2002, the Director of Acquisition and Sourcing Management at the GAO wrote to the committee to say that since no goals had been established, GAO could not complete its review.

I think, at a minimum, there should be costs, there should be schedules, there should be goals, certainly at a level so the GAO can at least offer a preliminary assessment of whether these goals are being achieved or what effort must be expended to achieve these goals. That is something that has not been done.

I support prudent research and development and testing on national missile defense, but I think ultimately we all want to assure the American people that when we put something in the field, it will work, and that we know precisely what it will do when it is in the field. I don't think that is too much to ask the administration.

Finally, let me cover a topic that will receive a great deal of attention over the next couple days. That is the issue of nuclear policy. I have grave concerns over some of the provisions in the bill. Under the guise of maintaining flexibility and keeping all options open, this bill approves and encourages the administration to continue its push to develop, test, deploy, and possibly use nuclear weapons. I heard my colleague Senator LEVIN earlier today referencing the quote by former Ambassador Brooks, the head of NSSA, who said his bias is to something that can be used. For many decades, our bias was against even thinking about the use of nuclear weapons if we could avoid it.

One of the consequences of the proposal for a low-yield nuclear weapon, for a robust nuclear earth penetrator is, if not a fact, an observation that as you make weapons such that their collateral damage is minimal, there is a tendency to use them. We have to ask ourselves in our recent conflict in Baghdad, would we have dropped dumb bombs in the middle of crowded neighborhoods in an attempt to attack the leadership of Iraq? It would have been a much harder call. But because we had precision weapons with low collateral damage, as a result the call was much easier—a tough call, nevertheless, but easier.

I fear that as we move down this path for low-yield nuclear weapons, more usable nuclear weapons, the threshold, the inhibition against use will come down also. This is just not another tool in our tool kit. Nuclear weapons have been, since Hiroshima and Nagasaki, a weapon every nation has tried to avoid using in combat. I hope we can continue that effort, but I fear the language, the momentum, the incentives that have created these exceptions in the bill are driving us down the wrong path.

We should respond by amending the legislation to reflect the continuing desire to put nuclear weapons outside of use, to delegitimize their use in conflict. We will have opportunity over the next several days to debate in much more detail the issue of nuclear weapons, the issue of missile defense.

I believe this legislation overall is sound. If we could make successful amendments to some of the provisions with respect to missile defense and particularly the provisions with respect to nuclear weapons, we can send to conference a bill of which we will all be very proud. I hope in the next few days we can do that.

I thank the chairman and ranking member for their thoughtful approach and for their continued efforts over the next few days.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the very valued member of the committee, a graduate of West Point, served on active duty. I am not sure I would want to be in that company you commanded; pretty rough character. You are too modest.

You referenced the $500 million added to this bill for S&T, and it sort of came out of the subcommittee. You and Senator ROBERTS deserve a lot of credit for that. That is money well invested.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. LEVIN. I wonder if I could ask the Senator to yield for 30 seconds so I could add my thanks to the Senator from Rhode Island for his indispensable contribution to the Armed Services Committee. He mentioned a few issues where he had some very strong feelings. These issues are just a few of the many where he has made an extraordinary contribution by experience and by intellect. He is really in a position to add immeasurably to the work of our committee. We are all very much in his debt for it.

Mr. NELSON of Nebraska. Mr. President, I rise today to express my support for the Department of Defense Authorization Act for fiscal year 2004. I particularly thank Chairman WARNER and ranking member Senator LEVIN for the extraordinary job they do each and every day to ensure our national security priorities are adequately addressed. I also thank them both for continuing to work in a bipartisan way to ensure that decisions are made in the best interests of the country.

As the new ranking member for the Personnel Subcommittee, I have enjoyed working with the subcommittee chairman, Senator CHAMBLISS. I hope the President will take note of the complimentary remarks I am going to make about the chairman. I congratulate him for the outstanding leadership of this subcommittee. Together we have kept our focus on doing what we can to improve the quality of life of our service members, Active and Reserve, their families, our retirees, and civilian employees. I particularly appreciate his personal attention and cooperation with me.

I am particularly pleased about several provisions in the subcommittee mark that reflect our appreciation for the sacrifices of our service members and our desire to see they are adequately compensated when placed in harm's way. These include a minimum pay raise of 3.7 percent especially for the junior service members who have received less under the administration's proposal; a change in the high PERSTEMPO allowance that will actually put money in the pockets of our service members who deploy frequently; increases in imminent danger pay, family separation allowances and, as Senator COLLINS mentioned, the death gratuity; and authorization for full replacement coverage for lost or damaged household goods.

Our mark also includes provisions that address concerns and needs of our Reserve and National Guard service members who are serving so successfully. These include extending survivor benefit plan annuities to surviving spouses of reservists who died from an injury or illness incurred in the line of

duty during inactive duty training; a requirement for specially trained beneficiary counseling and assistance coordinators to help our National Guard and Reserve members and their families navigate the complex TRICARE health system; medical and dental screening and care for Reserve component members as soon as they are alerted for deployment; and a requirement for the Secretary of Defense to report on the mobilization of the reserves that will give us the data we need to make needed changes in the force mix and use of our Guard and Reserve personnel.

I am also pleased the committee responded to legislation I introduced to provide a special pay incentive for Reservists, National Guard, and Active Duty service members who deploy for long durations. This incentive will help alleviate some of the hardships suffered by military families when their loved ones are called up for lengthy or numerous deployments. With the Armed Forces depending on military reserves for such a large percentage of troops, more and more sailors, soldiers, air personnel, and marines are facing long call-ups that keep them away from their regular employment. These call-ups produce a severe financial hardship for the troops as their normal employment lives and income are disrupted, often for months, and in some cases for up to 2 years.

Finally, I fully endorse the supplemental impact aid contained in our mark. We simply have to ensure the schools that educate our sons and daughters of military personnel have adequate funding to provide for a quality education. Our service members will leave, and we will be unable to recruit if we don't provide this for their families.

I greatly appreciate the bipartisan manner in which the chairman, Senator CHAMBLISS, has chaired the Personnel Subcommittee, and I believe we have worked as a team and with a common goal of improving the lives of our soldiers, sailors, airmen, marines, DOD civilians, retirees, and the families of all these groups. I thank him for his excellent leadership, and also thank his staff, Dick Walsh and Mrs. Lewis, and Mr. Gary Leeling from the Democratic staff.

I again thank Chairman WARNER and Senator LEVIN for their leadership.

I yield the floor.

Mr. WARNER. Mr. President, I thank the Senator for his work on the committee. We value very much his contributions. He is very fair and open-minded in the manner in which he makes decisions.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, it is very appropriate that our Presiding Officer is the chairman of the Personnel Subcommittee. He and Senator BEN NELSON have worked closely together to give us a product of which we can be proud. We are very indebted to the two of you.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 696 TO AMENDMENT NO. 689

Mr. GRAHAM. Mr. President, I have an amendment to the pending amendment, and I send it to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM] proposes an amendment numbered 696 to amendment No. 689.

Mr. GRAHAM. 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 as follows:

On page 157, line 8:

In lieu of the matter proposed to be inserted insert the following:

''(f)(1) At any time after the Secretary concerned notifies the commander of a unit of the Selected Reserve of the Ready Reserve that all members of the unit are to be called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) in support of an operation mission or contingency operation during a natural emergency or in time of war. This shall become effective one day after enactment of the bill.

On page 157, line 19 in lieu of the matter to be inserted insert the following:

''(2) A member provided medical or dental screening or care under paragraph (1) may not be charged for the screening or care. This section shall become effective two days after enactment.

SEC. ___. EXPANDED ELIGIBILITY OF READY RESERVISTS FOR TRICARE.

(a) ELIGIBILITY.—Chapter 55 of title 10, United 5 States Code, is amended by inserting after section 1097b the following new section:

''§ 1097c. TRICARE program: Reserves not on active duty

''(a) ELIGIBILITY.—A member of the Selected Reserve of the Ready Reserve of the armed forces not otherwise eligible for enrollment in the TRICARE program under this chapter for the same benefits as a member of the armed forces eligible under section 1074(a) of this title may enroll for self or for self and family for the same benefits under this section.

''(b) PREMIUMS.—(1) An enlisted member of the armed forces enrolled in the TRICARE program under this section shall pay an annual premium of $330 for self only coverage and $560 for self and family coverage for which enrolled under this section.

''(2) An officer of the armed forces enrolled in the TRICARE program under this section shall pay an annual premium of $380 for self only coverage and $610 for self and family coverage for which enrolled under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1097b the following new item:

''1097c. Section 101 head.''.

Mr. GRAHAM. Mr. President, I ask unanimous consent that Senator ZELL MILLER be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM of South Carolina. Mr. President, I compliment Senator DASCHLE and the folks he worked with to try to come up with the solution to the retention problem we are going to have. It is inevitable because these forces are being utilized at such rates.

Senator DASCHLE put forward an amendment that would basically allow Guard and Reserve personnel the benefit of health care as a condition of membership. I congratulate him for doing that. I have an amendment that has a little bit different approach to it. We have similar cosponsors. The reason I am doing this is to get my amendment out so we can have two looks at the same problem and see if we can address the concerns that are growing in the country regarding the utilization rates of Guard and Reserve personnel.

The comment the chairman had about Senator DASCHLE's amendment he will have about this amendment. We need to look at it. There is no money in the budget resolution for it. But I think what we are trying to do, in a bipartisan fashion, is put on the table for the country to digest, as well as the Senate, House, and Department of Defense, what it is going to be like 10 or 20 years from now if we keep using Guard and Reserve members at the level we are doing it now.

The honest answer is, if you are in the Guard and Reserve, you are going to be called on more and not less because the war on terrorism will go on for a while. It is not anywhere near over. Iraq has a component to it for the Guard and Reserve. People are in Bosnia, and that is a Guard function. This amendment, along with what Senator DASCHLE is trying to do, puts some new programs on the table to make it more attractive to enlist in the Reserve or Guard and to stay.

Senator WARNER's concerns are very legitimate. The force has changed. The utilization rates of Guard and Reserve forces have changed. In the last gulf war, I was serving at MacIntire National Guard base as a staff judge advocate for the base. During that service, it was eye opening for me. When a Guard member is called to active duty, as our units were, half of the people went over to the desert; the other half stayed behind. I stayed behind to provide legal services to the members and their families.

When you are called to active duty, more times than not the pay you receive versus that as a civilian goes down. There are provisions under the Soldiers and Sailors Civil Relief Act to allow renegotiation of interest payments, and to do some short-term things to make the burden of being called to active duty for a Guard or Reserve family a bit easier to bear. But more times than not, there is a dramatic reduction in income for the Guard and Reserve member called to active duty. Sometimes these tours can last a year or more.

What we are trying to do is create a benefit package that is not better than the Active Forces and that complements the Guard and Reserve forces

and provides an incentive that will make it more attractive to stay. If you are a small business owner, as a Guard or Reserve member, sometimes your business suffers greatly. As a lawyer, I was called to active duty for about 100 days, so my partners had to take over my obligations. If I had been a sole practitioner, it would have been tough. But that is what you sign up for—to help your country.

We are suggesting to create a benefit package more like that of the Active Forces, and one that is more user friendly. When a Guard or Reserve member is called to active duty, family counseling is not usually available at those bases. Some are at civilian airports. Military families have counseling available. They have many assets available on Air Force and Army bases that provide support for the families. Literally, the Guard and Reserve families have to make it up as they go.

Our Presiding Officer is a cosponsor of the bill. He has been a great advocate of the Guard and Reserve and Active Forces.

We have to understand this is one big family. The Guard and Reserve component serves in a unique way, but it is vital to the overall mission. What we are trying to do—Senator DASCHLE and myself and others, in a bipartisan fashion—is address the health care problem. Here is what happens. If you are called to active duty and you are in the civilian community, you have one set of doctors and health care network available to you. When you are activated, you have to change systems. So we are trying to create continuity of health care.

My main goal is to allow a Guard or Reserve member to access health care in a fashion that makes health care better for the overall military family unit. This is the difference between our approach and Senator DASCHLE's. His bill has two ways that a Guard or Reserve family can have access to health care. One is that they can sign up for TRICARE at the same participation rate as Federal employees, and that would be $420 for a single individual, $1,446 for a Guard or Reserve family.

Our bill allows you to be a member of TRICARE as an active-duty military family, and your premiums would be $330 for a single enlisted person, $560 for enlisted families, $380 for a single officer, $610 for an officer's family. Basically, we have taken what a military retiree would pay in premiums to be a member of TRICARE and added $100 in additional costs for an enlisted person, $150 for an officer. That is still a great deal. It lowers the cost. It is cheaper to the military families in Senator DASCHLE's approach.

The big difference between our amendments is that, under Senator DASCHLE's amendment, the Federal Government—the military could pay a subsidy to the private sector health insurance company covering the military person, the Guard or Reserve person.

My concern with that is the study that we have seen suggests it may be that up to 90 percent Guard or Reserve people will choose an option where the Government subsidizes health care in the private sector. My goal is to get more people into TRICARE to make it better for the overall military family, and at affordable rates.

It is a distinction that matters somewhat. But the point of both of these amendments is to provide health care to Guard and Reserve families that has a continuity component and that is affordable. We need to address this as a nation because you have given some numbers on the other side about how many Guard or Reserve families don't have health care or adequate health care. Both bills take us in that direction. The key difference is, under my proposal, it would work in a bipartisan fashion with Senator CLINTON and others. A Guard or Reserve family, or military person, would be in the TRICARE system like their active-duty component, giving a boost to TRICARE overall.

I wanted to bring this amendment to the floor. I congratulate Senator DASCHLE and all the Republicans and Democrats, including both of my colleagues from Georgia, Senators MILLER and CHAMBLISS. Senator CLINTON appeared at a news conference when we unveiled the bill. Let me tell you, she has been terrific to work with. We are probably polar opposites in terms of political ideology most times, but to have her join this cause and help push this bill is a testament to the power of this bill and of this issue.

With that said, I offer the amendment. I hope our colleagues will look at what both amendments do. I hope colleagues will look seriously at this body trying to provide, as soon as possible in the future, in a responsible way, health care to the entire military family unit.

That unit does include in a substantial way Guard and Reserve members, and they are part of the military family. We cannot do a mission without the Guard and Reserve. We do not want to have a better benefits package. We want to have an attractive benefits package that will be good for retention and recruitment. That is the spirit in which this amendment is offered.

The chairman's concerns are legitimate. This has been scored at $1.4 billion a year. Senator DASCHLE's amendment is $1.2 billion a year, but they are not taking into account that under their proposal, many people would not go into TRICARE but ask for payments for their health care in the private sector.

I appreciate the opportunity to discuss this issue.

Mr. WARNER. Will the Senator yield?

Mr. GRAHAM of South Carolina. Absolutely.

Mr. WARNER. I feel obligated to be consistent, even though there is a very clear difference between Senator GRAHAM's amendment and that of the distinguished Democratic leader. There is no offset; is that my understanding?

Mr. GRAHAM of South Carolina. That is correct. It is not paid for.

Mr. WARNER. The Senator clearly has indicated the first year may be $400 million to $500 million.

Mr. GRAHAM of South Carolina. Yes, $400 million.

Mr. WARNER. Mr. President, in the event this is carried by the Senate, goes to conference and survives, conferees will have to search within the confines of the bill to raise that money. My understanding is it is about $2 billion in the outyears per year; is that correct?

Mr. GRAHAM of South Carolina. I think it is $1.4 billion, and Senator DASCHLE's amendment is $1.2 billion, but the points are well made.

Mr. WARNER. At this time, I have to indicate my opposition. Regrettably, I do that, but I wish to be consistent and fair to all Senators. I am fearful if we do not carefully evaluate the whole panoply of amendments that are likely to come forward to improve the benefits for the Guard and Reserve, we are going to end up with a bill that might go tilt.

I must say, though, I certainly share the Senator's views that the Guard and Reserve have done wonderful service, together with their families. It is exceedingly hard for these families to let their loved ones go on these missions. We shall look at it on the morrow. I thank the Senator for his courtesies.

(Mr. ENSIGN assumed the chair.)

Mr. LEVIN. I wonder if the Senator will yield—we are trying to figure out the numbers on this—just for a question?

Mr. GRAHAM of South Carolina. Yes.

Mr. LEVIN. Perhaps we can get the numbers clarified overnight. Senator DASCHLE's estimate, after the first few years, where, I guess, there is a phase-in of some kind, is $1.2 billion, as the Senator from South Carolina indicated. I am trying to understand why that number might be lower than the number of the Senator from South Carolina, given the fact that under Senator DASCHLE's approach, the service members could keep their private insurance and then have it reimbursed by the Defense Department, which would seem to be a better deal for the service member. The service member has an option to maintain his private insurance but, on the other hand, might have a larger cost to the Government. I wonder if the numbers of the two amendments come from the same place and looking at the same time.

Mr. GRAHAM of South Carolina. That is a very good question. Here is my understanding of how those numbers relate to each other.

The cost to the Government under Senator DASCHLE's package is $1.2 billion per year. The package I am offering is $1.4 billion. So it is more costly to the Government with the way it is constructed at this point. To the military member, it is several hundred dollars a month and more advantageous with our proposal.

Senator DASCHLE's proposal takes a 78-percent participation rate that all of us pay in the Federal health care program. What I do is take the retiree contribution to TRICARE and add $100 for enlisted and $150 for officers.

Here is the big difference: By having the second option where the Federal Government will pay an unknown amount of the premium that a Reserve or Guard member has in the private sector and is not identified how much we will pay, that changes the participation rates dramatically.

We have been told, under our proposal, it is a 70-percent participation rate. Under Senator DASCHLE's proposal, it is 50 percent. When you include the component of where we would pay to subsidize the private health care, it could go up to 90 percent in terms of that component, and nobody knows what that cost is.

Mr. LEVIN. Is the Senator indicating the cost of maintaining the private care option is not included in the estimates that Senator DASCHLE received?

Mr. GRAHAM of South Carolina. The participation rates are at 80,000. They are basing the current numbers on the 2002, 80,000 reservists mobilized. They are telling us that is not a true number; that, in reality, if this second option were offered, they would go from 80,000 to almost 350,000, and that has to be included.

Mr. LEVIN. So the Senator is suggesting—it is important to get these numbers straightened out overnight—that the cost to the Government of the second option that Senator DASCHLE offers, which is to maintain private insurance, that cost is not included in the estimate which was given to Senator DASCHLE?

Mr. GRAHAM of South Carolina. It is not included in the true form. It has as a cost estimate using 80,000 reservists when, in fact, they tell us the participation rates will be three times higher than that.

Mr. LEVIN. In which case the estimate would not be accurate.

Mr. GRAHAM of South Carolina. That is correct.

Mr. LEVIN. We are going to ask our staffs to take a look at this issue overnight. There is a real difference.

Mr. GRAHAM of South Carolina. I understand.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in strong support of S. 1050, the National Defense Authorization Act for fiscal year 2004. Before talking about this bill, I wish to comment on what my colleague from South Carolina just talked about with respect to his amendment on health care.

I commend both he and Senator DASCHLE for their leadership on this particular issue. We are in some very difficult times in America from a military perspective. We are calling on our Guard and Reserve more and more every single day. We want to do more to provide the benefits to attract high-quality men and women into the Guard and Reserve and retain them once we get them there.

We are getting our fair share of America's finest into the Guard and Reserve, and anything we can do from a benefits standpoint to make sure we continue to do that and to keep them there are issues we certainly need to look at.

I personally like the concept of Senator GRAHAM a little better than Senator DASCHLE's, although I am not in any way critical of Senator DASCHLE's amendment. What I like about Senator GRAHAM's amendment is that we have a health care benefit within the active military that is called TRICARE. TRICARE is a fairly new health program which provides health care benefits to our active-duty personnel.

We have had some problems with TRICARE in getting it implemented, but we have gotten most of those kinks in TRICARE worked out. What Senator GRAHAM's amendment will do versus Senator DASCHLE's amendment is to strengthen TRICARE, and I think anything we can do to strengthen TRICARE and have it benefit the active duty, as well as the Guard and Reserve, is an approach we ought to use.

I commend both Senators. Senator GRAHAM has particularly taken a leadership role with regard to this issue. I certainly have enjoyed working with him on it.

As chairman of the Subcommittee on Personnel within the Armed Services Committee, it has been a distinct honor and privilege for this freshman Senator to work with Senator WARNER and Senator LEVIN. They are two men during my 8 years in the House of Representatives for whom I came to have great respect and great admiration, not just for their leadership on armed services issues, but on other matters as well, and to have the opportunity to work with them in the very close way I have had the chance to do over the last several months since becoming a member of the Armed Services Committee has been a distinct pleasure for me. They have certainly worked well together and worked in a bipartisan way within the committee to make sure we did produce a bipartisan bill.

America's defense is not a political issue. It is not a Republican issue or a Democratic issue. It is an American issue. These two gentlemen have provided the type of leadership America so desperately likes to see when it comes to any issue, but particularly with respect to defense issues.

I commend my ranking member, Senator BEN NELSON of Nebraska. First of all, Senator NELSON is a very gracious and grand American gentleman. The Senator from Nebraska has a number of military installations he represents, and to have the chance to visit with him on issues that are unique to Nebraska versus issues that are unique to Georgia has really been a delight for me.

What I have enjoyed doing most of all in working with Senator NELSON is talking about issues that are of concern to our men and women in the military with respect to quality of life, educating their children, paying them greater benefits, whether it is pay raises or health care benefits or whatever. There is no greater champion for the men and women in our military uniforms than Senator BEN NELSON. I have truly enjoyed working with him and am very pleased we were able to craft a section of the Defense Authorization Act for 2004 together, and to do so in a very bipartisan way.

The committee recommended authorization of $99.2 billion for military personnel, an increase of $4.8 billion over the fiscal year 2003 authorization. It also approved several key provisions I will outline that fulfill our committee's express goal of continuing our commitment to improving the quality of life for the men and women of the Armed Forces—active duty, Reserve, Guard, and Retired—and their families.

S. 1050 authorizes an across-the-board pay raise of 3.7 percent for all military personnel. Additionally, targeted pay raises ranging from 5.25 percent to 6.25 percent are authorized for warrant officers and the Service's most experienced noncommissioned officers. These pay raises, along with existing incentive pays and bonuses, will continue to make careers in the military more attractive and send the message to all active and Reserve component personnel that their service in uniform is invaluable.

Following up on the initiative taken by the Senate in the Emergency Wartime Supplemental Appropriations Act for fiscal year 2003, the committee recommended permanent increases in the family separation allowance, from $100 to $250 a month, and in hostile fire, imminent danger pay from $150 a month to $250 a month. The subcommittee also supported legislative changes to high deployment pay proposed by DoD that will require close tracking of individual deployments and appropriately compensate those members who are repeatedly called away from their home bases for extended periods of time. These increases recognize the sacrifices made by military personnel and their loved ones who endure separations and the harsh realities of defending the Nation in the global war on terrorism.

The committee approved an incentive pay of $100 a month for military personnel stationed in Korea. Arduous working conditions, substandard housing, and tours of duty unaccompanied by family members are hallmarks of duty in Korea. As the Nation marks the fourth and final year of the United States' 50th Anniversary of the Korean War Commemoration, and as the need for continuing vigilance on the Korean Peninsula becomes ever clear, thus additional compensation for service members in Korea is fully justified.

The subcommittee members were very concerned about the welfare of

survivors of all deceased military personnel—active duty, Reserve, and Retired. The committee accepted our recommendations to double the death gratuity from $6,000 to $12,000 retroactive to 9/11, 2001, and to extend automatic survivor benefit plan benefits to survivors of inactive duty Reservists who die while serving on active duty.

The committee responded to requests from the Department of Defense for assistance in force shaping by authorizing a new incentive pay for military personnel in overmanned ratings to encourage them to accept the challenge of converting to ratings and military occupational specialties that are experiencing shortages.

The committee responded to concerns about the operation of TRICARE standard, directing the Secretary of Defense to take necessary measures to ensure the adequacy of this TRICARE option.

The committee approved a proposal that will authorize unlimited use of military commissaries by qualifying members of the Ready Reserve. The ''citizen soldiers'' of the Guard and Reserve, who have so ably answered the Nation's call, before and after the attack of September 2001, deserve full access to this important benefit of service.

The committee authorized additional Army National Guard and Air National Guard full-time support personnel to assist in fielding 12 additional weapons of mass destruction civil support teams. Upon implementation, this will raise the total number of teams nationwide to 44.

The committee included a provision that will facilitate medical and dental screening and medical care for members of the Selected Reserve who are assigned to units that have been alerted for mobilization. The committee also included a provision that will ensure that Guard and Reserve leaders are eligible for command responsibility pay.

These are only a few highlights of S. 1050 which, I believe, indicate our sincere commitment to our troops and their families. As chairman of the Subcommittee on Personnel, I am proud to be a part of ensuring that we meet that commitment.

I will take a minute to commend our staff. As many hours as we put in—it is now 7:15 tonight and we will be going later than that—staff put in many more hours than we did. To my committee staffers, Dick Walsh and Patty Lewis, we say thank you for a great job and for all of your hard work and dedication to the men and women in uniform, and to Gary Leeling, who is the Democratic staffer who has worked so closely with Dick and Patty.

This has been a joint effort on the part of all three of these staffers. The same way Senator NELSON and I have worked in a bipartisan way, these folks have worked in a bipartisan way.

Gary, we say thanks to you for a terrific job on behalf of all of our men and women.

Again, I thank Senator NELSON for his outstanding work and his cooperation. It has been a pleasure to work with him. We cannot say enough about the great leadership Senator WARNER and Senator LEVIN, and their service to our country, particularly their service to the men and women who serve in uniform in every branch of our military. They are doing a terrific job of making sure the American military is second to no other military in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, before our distinguished colleague departs the floor, I appreciate his thoughtful comments, but I guarantee him—Senator LEVIN and I have been doing this now for 25 years, but we are no stronger than the members we have on the committee. When the Senator from Georgia joined us, our strength increased. I intend to get that work product out of him 100 percent. I thank him for joining us, and for all he does on this committee and for the men and women in the Armed Forces.

Mr. CHAMBLISS. I thank the Senator.

Mr. WARNER. Mr. President, I thank the Members of the Senate who participated in the progress today. We have had good colloquies and strong statements. We have two pending amendments. I hope the respective leaders tomorrow can establish a time for voting on those amendments. Senator LEVIN and myself are going to be right here from roughly 10 a.m. on. I am hopeful that other amendments can be brought forward. We are anxious—and it is a bipartisan desire—to move this bill at its earliest time because we have important legislative measures that must be addressed this week prior to the recess that is scheduled.

One more of great significance is action on the debt limit. I am quite sure we are not going to leave town until that is in place.

AMENDMENT NO. 697

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I send an amendment to the desk and I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. DORGAN, and Mr. NELSON of Florida, proposes an amendment numbered 697.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability)

At the end of subtitle D of title VI, add the following:

SEC. 644. FULL PAYMENT OF BOTH RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES.

(a) RESTORATION OF FULL RETIRED PAY BENEFITS.—Section 1414 of title 10, United States Code, is amended to read as follows:

''§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation

''(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

''(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

''(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

''(d) DEFINITIONS.—In this section:

''(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

''(2) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38.''.

(b) REPEAL OF SPECIAL COMPENSATION PROGRAMS.—Sections 1413 and 1413a of such title are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 1413, 1413a, and 1414 and inserting the following:

''1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

(e) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as amended by subsection (a), for any period before the effective date applicable under subsection (d).

Mr. REID. This is an amendment we have offered on a number of occasions.

We worked well with the two managers of the bill. This deals with concurrent receipts. This amendment is offered on my behalf and that of Senator DORGAN. I understand, with the strict rules we are working under this year, that this amendment may not be relevant according to the rule now before the Senate.

I ask the Chair to rule on whether or not this amendment is relevant.

The PRESIDING OFFICER. In the opinion of the Chair, the amendment is not relevant.

Mr. REID. I accept the ruling of the Chair. I am disappointed. This is a very important issue. As I say, Senator DORGAN and I feel very strongly about this, and the two managers of the bill have been most generous in their work in conference. In the past, we have gotten nothing in the House; everything we have done has been in the Senate.

I will look for another vehicle to move this forward in the future.

Mr. WARNER. I thank the distinguished leader. For many years now the Senator has taken strong leadership on this issue. At some point in time, the Senate and Congress as a whole will have to face this issue. I recognize that this is not a relevant amendment pursuant to the consent agreement and we cannot proceed.

Mr. LEVIN. Mr. President, let me add my thanks to the Senator from Nevada for two things: First, for his faithful commitment to this issue. Currently, we see it as an issue of the Senator from Nevada and the Senator from North Dakota and a number of other Senators who have joined to try to bring equity in this area. We made at least some progress; it is because of their energy we have made the progress we have.

Second, I thank him for his acceptance of the ruling of the Chair. It is very important he does that because all Members need to accept the rulings of the Chair in the absence, it seems to me, of some overwhelming unusual precedent that would allow us to try to overrule the Chair. The whip's, the Democratic whip's approach is one which I think reflects the best traditions and the best instincts of this body. I thank him.

It also helped Senator WARNER and I to complete this bill within the parameters of the unanimous consent agreement.

Mr. REID. I ask my amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 697) was withdrawn.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTROLLING FEDERAL SPENDING

Mr. NICKLES. Mr. President, the FY2004 budget resolution adopted last month includes a provision to uncover waste, fraud and abuse in Federal Government spending. Today marks the beginning of a transparent and deliberative process that will be undertaken by Committees in the House and Senate to control Federal spending.

Specifically, the budget resolution requires the Chairman of the Committee on the Budget in both the House and Senate to place in the CONGRESSIONAL RECORD specified levels of savings for each authorizing committee. Chairman NUSSLE and I have developed a joint set of targets that requests each authorizing committee to report back with recommended savings proposals amounting to 1 percent of the committee's total mandatory spending. I will work with Senate committees to ensure that the savings target meaningfully represents the opportunities to find improvements in the programs under each committee's jurisdiction.

Pursuant to section 301(b) of H. Con. Res. 95, I submit the following specified levels of savings for Senate Committees. Given these savings targets, the budget resolution further requires committees to submit, by September 2, 2003, to the Budget Committee their findings that identify changes in law within their jurisdiction that would produce the specified savings. The reports submitted by committees will guide us in the preparation of future budget resolutions and will help us all improve program oversight.

It is my hope that the committees will enthusiastically join Chairman NUSSLE and me in this effort to root out waste, fraud and abuse. As trustees of taxpayer dollars, Members of Congress must insist that limited resources not be squandered. Federal spending has been growing at unsustainable levels. Congress cannot become lax in its duty to perform the necessary oversight on Federal spending.

Often we find that Federal programs—ignored over time—become susceptible to waste, fraud or abuse. For example, according to a General Accounting Office report released in January of this year, Medicaid has been added for the first time to the GAO's high-risk list, ''owing to the program's size, growth, diversity, and fiscal management weaknesses.''

Limited oversight has afforded States and health care providers the opportunity to increase Federal funding inappropriately. States are able to take advantage of funding schemes which supplant State Medicaid dollars with Federal Medicaid dollars by overpaying State-owned facilities and requiring the local government to transfer the excess back to the State. These dollars are then siphoned away from Medicaid patients and often are used for other purposes. Without proper oversight this and other program abuses can persist for years.

Other recent examples of abuse include a finding by the Inspector General of the Department of Education that nearly 23 percent of student loan recipients whose loans were discharged due to disability claims were gainfully employed. Additionally, the Office of Management and Budget has estimated that more than $8 billion in erroneous earned income tax payments are made each year. These situations are unacceptable. The work that the Senate and House will undertake will result in reforms in these and other instances of misspent Federal resources.

Chairman NUSSLE and I have put in place a project specifically designed to draw upon the knowledge and experience of Senate experts in these programs. The savings resulting from this effort will not be arbitrary; they will be developed through sound and thoughtful considerations by those who know the programs best. I look forward to working with all the committee chairmen who will be reporting their findings and am committed to making this a success.

I ask unanimous consent that the above-mentioned spending levels be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SAVINGS FROM 1 PERCENTAGE POINT REDUCTION IN MANDATORY SPENDING BY AUTHORIZING COMMITTEE

[By fiscal year in billions of dollars]

Senate:		2004	2004–08	2004–13
Agriculture, Nutrition and Forestry	BA	−0.603	−3.162	−6.568
	OT	−0.563	−2.982	−6.251
Armed Services	BA	−0.778	−4.201	−9.178
	OT	−0.777	−4.195	−9.165
Banking, Housing, and Urban Affairs	BA	−0.139	−0.719	−1.436
	OT	−0.017	−0.058	−0.092
Commerce, Science, and Transportation	BA	−0.117	−0.601	−1.244
	OT	−0.074	−0.382	−0.807
Energy and Natural Resources	BA	−0.027	−0.118	−0.218
	OT	−0.024	−0.108	−0.201
Environment and Public Works	BA	−0.264	−1.493	−3.018
	OT	−0.023	−0.106	−0.195
Finance	BA	−7.340	−41.323	−98.601
	OT	−7.379	−41.407	−98.735
Foreign Relations	BA	−0.100	−0.599	−1.289
	OT	−0.119	−0.563	−1.181
Governmental Affairs	BA	−0.831	−4.518	−10.042
	OT	−0.816	−4.446	−9.904
Health, Education, Labor and Pensions	BA	−0.080	−0.471	−1.016
	OT	−0.072	−0.433	−0.944
Judiciary	BA	−0.085	−0.324	−0.621
	OT	−0.079	−0.326	−0.618
Veterans' Affairs	BA	−0.342	−1.833	−3.864
	OT	−0.341	−1.827	−3.852
Total	BA	−10.706	−59.362	−137.095
	OT	−10.284	−56.833	−131.945

Note.—Section 301(d) of H. Con. Res. 95 does not include Senate Select Committee on Intelligence, the Committee on Rules and Administration, the Committee on Indian Affairs, and the Committee on Small Business.

UNFAIR RESTRICTIONS ON LEGAL SERVICES CORPORATION

Mr. KENNEDY. Mr. President, many of us are increasingly concerned about the unfair restrictions on non-profit legal services providers under current Federal law who receive both Federal funds and private funds.

In 1996, Congress severely weakened the ability of many legal service providers to represent needy clients.

Under the restrictions enacted that year, organizations that receive funds from the Legal Services Corporation are no longer permitted to use private funds to represent certain categories of low-income clients. The only way these providers now offer assistance to these clients is to set up a separate office that receives no Federal funds. To do so has turned out to be prohibitive for many for many grantees of the corporation.

The restrictions impose high costs on legal services providers and unwarranted governmental interference with their other charitable initiatives, and they undermine the promise of equal justice for their clients.

Often, the results of these restrictions have been devastating. Many faith-based organizations that represent the poor have decided not to accept funds from the corporation, so that they can continue to help low-income clients to meet their basic legal needs. In fact, the administration is now in court defending the law, even though it burdens the use of private philanthropy by grantees of the corporation. If the administration prevails in court, it will have created a legal precedent that jeopardizes the President's faith-based initiatives.

The corporation's grantees should be treated in the same way that all other non-profit organizations, both secular and faith-based, are treated. They should be allowed to use their private funds to alleviate the critical need for legal services. The restrictions are an unjust barrier for the Nation's neediest individuals and families who need our help the most. I urge my colleagues to remove these restrictions and to reopen the doors of justice for those who are unable to afford the legal representation they deserve in protecting their basic rights.

I ask unanimous consent that an article from the Chronicle of Philanthropy earlier this year and an article from the Legal Times last fall on this issue be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chronicle of Philanthropy Feb. 20, 2003]

WHITE HOUSE TAKES OPPOSING VIEWS ON CHARITIES

(By Laura K. Abel)

President Bush's Budget for fiscal 2004, submitted to Congress this month, contains millions in federal dollars to help religious groups. That follows his executive order in December in which he commanded sweeping changes he said would ''remove barriers that prevent faith-based and grass-roots groups from doing more to help Americans in need.''

The executive order put in place many of the ideas Mr. Bush has been pressing Congress to pass, but which have been stalled by debate over the propriety of mixing government and religion. The executive order, which allows federally financed charities to display religious icons and follow the tenets of their faith in selecting employees, is almost certain to be challenged in federal court by people seeking to protect firm separation of church and state.

But Mr. Bush has even more to worry about than court action by his political opponents. His own administration is causing plenty of potential trouble by arguing in a New York court to establish a legal precedent that could lead to the unraveling of Mr. Bush's efforts to help religious groups.

The court case at issue involves the Legal Services Corporation, which uses federal funds to provide lawyers in civil cases to people who cannot afford them. The corporation is being sued by nonprofit legal-aid groups that hope to prove that a law Congress passed in 1996, and a regulation issued to carry out that law, are unconstitutional. Under the law and regulation, legal aid programs that receive even a dollar from the Legal Services Corporation are required to separate their government-financed activities from certain privately supported activities in ways that are both impractical and very costly to administer. Among the privately supported activities that must be kept separate: helping asylum seekers who need court protection against abusive spouses, helping victims of predatory lenders testify before their legislatures, and representing children seeking improved public schools.

The regulation the administration is defending requires legal-aid programs to keep those activities physically separate from their government-financed activities. It also limits the ability of legal-aid employees to divide their time between federally supported activities and activities the government won't support.

The result is that the programs' scarce private charitable donations must either be used only for programs that the federal government wants to support or be diverted to establishing separate facilities and employing separate personnel. Though the idea of keeping federally financed and charitably financed activities separate may seem appropriate to some, what it has meant in practice is that for nonprofit legal-aid groups to receive federal funds, they must give up doing some of the things that their clients most need. And foundations and other private donors that want to support legal-aid groups often find that some of the projects they most want to support can't be carried out.

For instance, when South Brooklyn Legal Services received a grant from the New York Foundation to help small groups that provide child care, it wanted to use some of the money to take New York City to court to protect the rights of those providers. The city, which reimburses the child-care providers for their services, had been short-changing them by calculating the reimbursement based on a four-week month rather than on the more accurate 4.3-week month. But because the South Brooklyn group receives some money from the Legal Services Corporation, it could not undertake such a lawsuit even with its money from the New York Foundation. To do so it would have had to set up two separate offices. It didn't have the money to do that, so it had to drop the idea of the lawsuit and instead use its foundation grant only in ways that the federal government allowed.

That is precisely the type of roadblock to charitable giving and nonprofit entrepreneurship that the Bush administration seeks to remove in its efforts to help religious groups. Last month, for instance, the administration said that churches, synagogues, and other houses of worship could obtain federal construction aid so long as at least part of the building was used to provide social services. To be sure, the administration said federal aid couldn't be used to construct sanctuaries or other parts of the building used for worship, but it did not require separate staff members or other administrative approaches to separating the government-subsidized activities from those supported entirely by private sources. And in his executive order, the president allowed organizations to conduct federally financed activities in rooms with religious symbols hanging on the wall, and to permit employees to split time between religious and federally financed activities.

The president's goal is obvious: to avoid requiring nonprofit groups, like the religious ones he wants to help, to operate two entirely separate facilities in which to conduct their federally financed activities and their privately supported ones. If he wants to protect religious groups from having to operate entirely separate sets of facilities, even at the risk of being sued for violating the separation of church and state, why is he willing to impose such a requirement on legal-aid groups that serve the same needy people?

It's not just for consistency's sake that Mr. Bush should change his administration's position in the Legal Services Corporation case. In that case, the legal-aid programs argue that, because the activities they are forced to keep separate constitute ''speech'' protected by the First Amendment to the U.S. Constitution, the government is constitutionally prohibited from imposing a requirement that the activities be kept separate. What's more, they say the government isn't allowed to make those activities more expensive and more complicated unless it has sufficient justification. In its court filings, the government responds that it will seem to be endorsing the work of legal-aid programs unless activities the government supports are clearly separated from the charitably financed legal-aid activities the government does not want to support.

If that argument is upheld by the court, then won't the government be endorsing the views of religious groups unless it requires completely separate operations? To comply with the constitutional mandate not to endorse religion, the government will have to require the same amount of separation between the religious activities of charities and the activities that the federal government supports as it requires for legal-aid programs. Religious groups that receive any federal funds will then need to conduct their religious activities in separate offices, and to maintain tight limits on the ability of employees to split their time between federally financed and religious activities.

If the president really wants his faith-based plan to pass constitutional muster, he should change his strategy on the Legal Services Corporation case now and give legal-aid groups the freedom they deserve.

[From the Legal Times, Sept. 30, 2002]

DRAWING LINES FOR DOLLARS—SCIENTISTS GET FEDERAL AND PRIVATE FUNDING UNDER ONE ROOF. WHY CAN'T LEGAL AID LAWYERS?

(By Laura K. Abel)

No one has ever called the stem cell debate rational or straightforward. But when it comes to understanding how the government tries to control privately funded initiatives—even in seemingly unrelated areas like civil legal aid for the poor—the stem cell debate can be brilliantly illuminating.

In 2001, President George W. Bush warned that ''a fundamental moral line'' prevented the federal government from endorsing or funding stem cell research that would result in ''further destruction of human embryos.'' Based on the president's directive, and on federal policy in place since 1994, scientists working on stem cell research had been compelled to establish two separate laboratories: one for their publicly funded stem cell research, the other for the privately funded stem cell research prohibited by the federal government.

Such duplication is incredibly expensive. Who can afford two sets of laboratory equipment? What scientist wants to squander precious time moving back and forth between labs? What edge in conquering disease is lost when scientists operate in relative isolation from each other, without the benefit of views routinely shared by colleagues occupying the same office space? How many talented scientists avoid the entire field of stem cell research because of these bureaucratic hurdles?

SIDE-BY-SIDE DOLLARS

Recognizing these concerns, this past spring the National Institutes of Health told government-funded scientists that it is OK to conduct privately funded stem cell research alongside their federally funded research, so long as they use rigorous bookkeeping methods to ensure that only private dollars pay for the stem cell experiments. This directive follows governmentwide accounting standards that have been in place for more than a quarter-century.

Lawyers for the poor whose work is financed with both federal and private funding have been paying close attention to the NIH's instructions. In 1996, Congress prohibited these legal aid lawyers from using private funds to engage in a wide range of activities. These activities include representing low-income people in class actions, representing many documented immigrants, representing clients before legislatures and administrative agencies, and many other important activities. The Legal Services Corp., which funnels the federal money to the lawyers . . . order to engage in these activities they must set up physically separate offices that receive no federal funding.

Like the federally funded scientists, lawyers representing the poor have found operating out of two sets of offices to be wasteful, duplicative, and bureaucratic. Ultimately, it is vulnerable clients who suffer the consequences. Just as the forced duplication of research drains resources from efforts to cure diseases, the forced duplication of legal aid programs drains resources needed by low-income women seeking protection from domestic violence, children attempting to secure essential medical treatment, elderly citizens fighting predatory lenders, and farmers struggling to save their land.

Under the current rules, lawyers are forced to pay for two sets of offices, computer systems, and other equipment. Lawyers must spend time commuting between different offices, wasting time that their clients desperately need. And, perhaps most destructive of all is the effect on lawyers conducting class action litigation offering the prospect of relief to substantial numbers of individuals. Those lawyers paid for with private money find it hard to communicate with the lawyers working to meet day-to-day legal needs of individual clients with federal funding, making both sets of lawyers less effective.

Legal aid lawyers and their clients find hope in the NIH's common-sense policy clarification. The federal government wants neither to fund, nor to endorse, forbidden stem cell research. The NIH policy, which reflects cost principles that have been in place since at least the Reagan administration, recognizes that physically separate facilities are not needed to achieve these goals. All that is required is adherence to rigorous bookkeeping practices that follow accepted accounting principles, so that auditors can determine that government funds were not spent on the disallowed activities.

THE SAME SOLUTION

It would seem that Congress should embrace this same solution for its concerns about LSC grantees, allowing the duplication and inefficiencies faced by legal aid to come to a stop. But instead, the government has spent the last five years in federal court, relentlessly resisting a constitutional challenge to the physical-separation requirement for legal aid lawyers.

The government's inconsistent positions in the stem cell research context and in the legal aid context are surprising. The importance of medical research weighs . . . unimpeded with private funding. There are equally strong (if not stronger) policy and constitutional arguments in favor of allowing legal aid lawyers to use their private funding to represent low-income clients who would otherwise have no access to our system of justice.

After all, there is no federal policy against using the class action mechanism. Indeed, Congress and the courts have recognized that class actions can have significant benefits for litigants and for the judicial system. Nor is there a federal policy against providing the representation that helps protect immigrants against exploitation (and in the process assists courts that would otherwise have to expend resources dealing with unrepresented litigants). Nor is there a federal policy against helping low-income individuals educate legislatures about the problems facing their communities. On the contrary, the interests of equal justice for all are better served when legal aid attorneys engage in each of these activities.

This lack of a policy justification for the physical-separation requirement is particularly appalling because the requirement intrudes on the constitutionally protected ability of legal aid lawyers and their clients to associate together in order to enforce the clients' rights. As the Supreme Court has warned, ''Collective activity undertaken to obtain meaningful access to the courts is a fundamental right within the protection of the First Amendment.''

For many thousands of poor people, legal aid offices that receive some federal funding offer the only avenue to justice. And, for many legal aid clients, it is about even more than justice. Like the patients who hope stem cell research will save their lives, they are focused on basic survival: a roof over their heads, escape from a batterer, the ability to buy food and protect their children. By requiring costly physical separation instead of the standard accounting practices that can ensure that federal dollars do not fund certain types of legal aid, Congress and the LSC have severely hobbled legal aid advocates, undermining their efficiency, interrupting their clients' lives, and impeding the goal of equal justice for all. Justice demands that the re-examine this decision.

ASBESTOS REFORM

Mr. HATCH. Mr. President, as everybody knows, I have been working for months—actually perhaps longer than that—on an asbestos reform bill to try to resolve the terrible asbestos problem we have in our society.

I have indicated various deadlines throughout these months which I have set.

I compliment the business community, the insurance community, the union community, and so many other companies that have been involved for their willingness to work with us. I think we are about there.

We have a bill I am going to print in the RECORD this evening so everybody who is interested in this issue can read it and review it because I intend to file a formal bill this Thursday. I would like to have as many cosponsors as I can get on it because it will be the only way we will get this problem solved.

This draft bill is not a formal bill. But I want it to be printed in the RECORD for all to see. It is a very important draft bill. I hope those who are interested will go over it with a fine-toothed comb and get with us over the next 2 days, if there are substantive suggestions they have. We will be happy to look at those.

This is basically what I intend to file as a formal bill this next Thursday. I hope I will have a number of my colleagues on both sides of the floor join with me.

I ask unanimous consent this draft bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Fairness in Asbestos Injury Resolution Act of 2003'' or the ''FAIR Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.

TITLE I—ASBESTOS CLAIMS RESOLUTION

Subtitle A—United States Court of Asbestos Claims

Sec. 101. Establishment of Asbestos Court.

Subtitle B—Asbestos Injury Claims Resolution Procedures

Sec. 111. Filing of claims.
Sec. 112. General rule concerning no-fault compensation.
Sec. 113. Essential elements of eligible asbestos claim.
Sec. 114. Eligibility determinations and claim awards.
Sec. 115. Medical evidence auditing procedures.
Sec. 116. Claimant assistance program.

Subtitle C—Medical Criteria

Sec. 121. Essential elements of eligible asbestos claim.
Sec. 122. Diagnostic criteria requirements.
Sec. 123. Latency criteria requirements.
Sec. 124. Medical criteria requirements.
Sec. 125. Exposure criteria requirements.

Subtitle D—Awards

Sec. 131. Amount.
Sec. 132. Medical monitoring.
Sec. 133. Payments.
Sec. 134. Reduction in benefit payments for collateral sources.

Subtitle E—En Banc Review

Sec. 141. En banc review.

TITLE II—ASBESTOS INJURY CLAIMS RESOLUTION FUND

Subtitle A—Asbestos Defendants Funding Allocation

Sec. 201. Definitions.
Sec. 202. Authority and tiers.
Sec. 203. Subtier assessments.
Sec. 204. Assessment administration.

Subtitle B—Asbestos Insurers Commission

Sec. 211. Establishment of Asbestos Insurers Commission.
Sec. 212. Duties of Asbestos Insurers Commission.

Sec. 213. Powers of Asbestos Insurers Commission.
Sec. 214. Personnel matters.
Sec. 215. Nonapplication of FOIA and confidentiality of information.
Sec. 216. Termination of Asbestos Insurers Commission.
Sec. 217. Authorization of appropriations.
Subtitle C—Office of Asbestos Injury Claims Resolution
Sec. 221. Establishment of the Office of Asbestos Injury Claims Resolution.
Sec. 222. Powers of the Administrator and management of the Fund.
Sec. 223. Asbestos Injury Claims Resolution Fund.
Sec. 224. Enforcement of contributions.
Sec. 225. Additional contributing participants.
TITLE III—JUDICIAL REVIEW
Sec. 301. Judicial review of decisions of the Asbestos Court.
Sec. 302. Judicial review of final determinations of the Asbestos Insurers Commission.
Sec. 303. Exclusive review.
Sec. 304. Private right of action against reinsurers.
TITLE IV—MISCELLANEOUS PROVISIONS
Sec. 401. False information.
Sec. 402. Effect on bankruptcy laws.
Sec. 403. Effect on other laws and existing claims.

SEC. 2. PURPOSE.

The purpose of this Act is to create a privately funded, publicly administered fund to provide the necessary resources for an asbestos injury claims resolution program.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Asbestos Injury Claims Resolution appointed under section 221(c).

(2) ASBESTOS.—The term ''asbestos'' includes—

(A) chrysotile;
(B) amosite;
(C) crocidolite;
(D) tremolite;
(E) winchite;
(F) richterite;
(G) anthophyllite;
(H) actinolite;

(I) any of the minerals listed under subparagraphs (A) through (H) that has been chemically treated or altered, and any variety, type, or component thereof; and

(J) asbestos-containing material, such as asbestos-containing products, automotive or industrial parts or components, equipment, improvements to real property, and any other material that contains asbestos in any physical or chemical form.

(3) ASBESTOS CLAIM.—

(A) IN GENERAL.—The term ''asbestos claim'' means any personal injury claim for damages or other relief presented in a civil action or bankruptcy proceeding, arising out of, based on, or related to the health effects of exposure to asbestos, including loss of consortium, wrongful death, and any derivative claim made by, or on behalf of, any exposed person or any representative, spouse, parent, child or other relative of any exposed person.

(B) EXCLUSION.—The term does not include claims for benefits under a workers' compensation law or veterans' benefits program, or claims brought by any person as a subrogee by virtue of the payment of benefits under a workers' compensation law.

(4) ASBESTOS CLAIMANT.—The term ''asbestos claimant'' means an individual who files an asbestos claim under section 111.

(5) ASBESTOS COURT; COURT.—The terms ''Asbestos Court'' or ''Court'' means the United States Court of Asbestos Claims established under section 101.

(6) CIVIL ACTION.—The term ''civil action'' means all suits of a civil nature in State or Federal court, whether cognizable as cases at law or in equity or in admiralty, but does not include an action relating to any workers' compensation law, or a proceeding for benefits under any veterans' benefits program.

(7) COLLATERAL SOURCE.—The term ''collateral source'' means all collateral sources, including—

(A) disability insurance;
(B) health insurance;
(C) medicare;
(D) medicaid;
(E) death benefit programs;
(F) defendants;
(G) insurers of defendants; and
(H) compensation trusts.

(8) ELIGIBLE DISEASE OR CONDITION.—The term ''eligible disease or condition'' means, to the extent that the illness meets the medical criteria requirements established under subtitle C of title I, asbestosis/pleural disease, severe asbestosis disease, mesothelioma, lung cancer I, lung cancer II, other cancers, and qualifying non-malignant asbestos-related diseases.

(9) FUND.—The term ''Fund'' means the Asbestos Injury Claims Resolution Fund established under section 223.

(10) LAW.—The term ''law'' includes all law, judicial or administrative decisions, rules, regulations, or any other principle or action having the effect of law.

(11) PARTICIPANT.—The term ''participant'' means any person subject to the funding requirements of title II, including—

(A) any defendant participant subject to an assessment for contribution under subtitle A of that title; and

(B) any insurer participant subject to an assessment for contribution under subtitle B of that title.

(12) PERSON.—The term ''person''—

(A) means an individual, trust, firm, joint stock company, partnership, association, insurance company, reinsurance company, or corporation; and

(B) does not include the United States, any State or local government, or subdivision thereof, including school districts and any general or special function governmental unit established under State law.

(13) STATE.—The term ''State'' means any State of the United States and also includes the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the entities under this paragraph.

(14) VETERANS' BENEFITS PROGRAM.—The term ''veterans' benefits program'' means any program for benefits in connection with military service administered by the Veterans' Administration under title 38, United States Code.

(15) WORKER'S COMPENSATION LAW.—The term ''worker's compensation law''—

(A) means a law respecting a program administered by a State or the United States to provide benefits, funded by a responsible employer or its insurance carrier, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries;

(B) includes the Longshore and Harbor Workers' Compensation Act (33 U.S.C. sections 901 et seq.) and chapter 81 of title 5, United States Code; and

(C) does not include the Federal Employer's Liability Act (45 U.S.C. 51 et seq.) or damages recovered by any employee in a liability action against an employer.

TITLE I—ASBESTOS CLAIMS RESOLUTION

Subtitle A—United States Court of Asbestos Claims

SEC. 101. ESTABLISHMENT OF ASBESTOS COURT.

(a) IN GENERAL.—Part I of title 28, United States Code, is amended by inserting after chapter 7 the following:

''CHAPTER 9—UNITED STATES COURT OF ASBESTOS CLAIMS

''Sec.
''201. Establishment of the United States Court of Asbestos Claims.
''202. Magistrates.
''203. Retirement of judges of the United States Court of Asbestos Claims.

''§ 201. Establishment of the United States Court of Asbestos Claims

''(a) ESTABLISHMENT AND APPOINTMENT OF JUDGES.—

''(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 5 judges, who shall constitute a court of record known as the United States Court of Asbestos Claims.

''(2) ARTICLE I COURT.—The Court of Asbestos Claims is declared to be a court established under article I of the Constitution of the United States.

''(b) TERM; REMOVAL; COMPENSATION.—

''(1) TERM.—Each judge appointed under subsection (a) shall serve for a term of 15 years, except that judges initially appointed shall serve for staggered terms as the President shall determine appropriate to assure continuity.

''(2) REMOVAL.—Judges may be removed by the President only for good cause.

''(3) COMPENSATION.—Each judge shall receive a salary at the rate of pay, and in the same manner, as judges of the district courts of the United States.

''(c) CHIEF JUDGE.—

''(1) IN GENERAL.—The President shall designate 1 of the judges appointed under subsection (b)(1), who is less than 70 years of age, to serve as chief judge.

''(2) TERM.—The chief judge may continue to serve as such until—

''(A) he or she reaches the age of 70 years;

''(B) another judge is designated as chief judge by the President; or

''(C) the expiration of his or her term under subsection (b)(1).

''(3) CONTINUITY OF SERVICE.—Upon the designation by the President of another judge to serve as chief judge, the former chief judge may continue to serve as a judge of the Court of Asbestos Claims for the balance of the term to which he or she was appointed.

''(4) POWERS OF CHIEF JUDGE.—The chief judge is authorized to—

''(A) prescribe rules and procedures for hearings and appeals of the Court of Asbestos Claims and its magistrates;

''(B) appoint magistrates;

''(C) appoint or contract for the services of such personnel as may be necessary and appropriate to carry out the responsibilities of the Court of Asbestos Claims; and

''(D) make such expenditures as may be necessary and appropriate in the administration of the responsibilities of the Court of Asbestos Claims and the chief judge under this chapter and the Fairness in Asbestos Injury Resolution Act of 2003.

''(d) TIME AND PLACES OF HOLDING COURT.—

''(1) IN GENERAL.—The principal office of the Court of Asbestos Claims shall be in the District of Columbia, but the Court of Asbestos Claims may hold court at such times and in such places as the chief judge may prescribe by rule.

''(2) LIMITATION.—The times and places of the sessions of the Court of Asbestos Claims

shall be prescribed with a view to securing reasonable opportunity to citizens to appear before the Court of Asbestos Claims.

''(e) OFFICIAL DUTY STATION; RESIDENCE.—

''(1) DUTY STATION.—The official duty station of each judge of the Court of Asbestos Claims is the District of Columbia.

''(2) RESIDENCE.—After appointment and while in active service, each judge of the Court of Asbestos Claims shall reside within 50 miles of the District of Columbia.

''§ 202. Magistrates

''(a) APPOINTMENT.—The chief judge shall appoint such magistrates as necessary to facilitate the expeditious processing of claims.

''(b) COMPENSATION.—The compensation of magistrates shall be determined by the chief judge, but shall not exceed the annual rate of basic pay of level V of the Executive Schedule, as prescribed by section 5316 of title 5.

''(c) RETIREMENT.—For purposes of Federal laws relating to retirement, including chapters 83 and 84 of title 5, magistrates appointed under this section shall be deemed to be appointed under section 631 of this title.

''(d) REGULATIONS.—Except as provided under subsection (c), chapter 43 shall not apply to magistrates appointed under this chapter, except the chief judge may prescribe rules similar to the provisions of chapter 43 to apply to magistrates.

''§ 203. Retirement of judges of the United States Court of Asbestos Claims

''(a) IN GENERAL.—For purposes of Federal laws relating to retirement, judges of the Court of Asbestos Claims shall be treated in the same manner and to the same extent as judges of the Court of Federal Claims.

''(b) REGULATIONS.—In carrying out this section—

''(1) the Director of the Administrative Office of the United States Courts shall promulgate regulations to apply provisions similar to section 178 of this title (including the establishment of a Court of Asbestos Claims Judges Retirement Fund) to judges of the Court of Asbestos Claims; and

''(2) the Director of the Office of Personnel Management shall promulgate regulations to apply chapters 83 and 84 of title 5 to judges of the Court of Asbestos Claims.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 28, United States Code, is amended by striking the item relating to chapter 9, and inserting after the item relating to chapter 7 the following:

''9. United States Court of Asbestos Claims.''.

Subtitle B—Asbestos Injury Claims Resolution Procedures

SEC. 111. FILING OF CLAIMS.

(a) WHO MAY SUBMIT.—

(1) GENERAL RULE.—Any individual who has suffered from an eligible disease or condition that is believed to meet the requirements established under subtitle C (or the spouse, parent, child, or other relative of such individual in a representative capacity, or the executor of the estate of such individual) may file a claim with the Asbestos Court for compensation with respect to such injury.

(2) RULES.—The Asbestos Court may issue procedural rules to specify individuals who may file an asbestos claim as a representative of another individual.

(3) LIMITATION.—An asbestos claim may not be filed by any person seeking contribution or indemnity.

(b) REQUIRED INFORMATION.—To be valid, an asbestos claim filed under subsection (a) shall be notarized and include—

(1) the name, social security number, gender, date of birth, and, if applicable, date of death of the claimant;

(2) information relating to the identity of dependents and beneficiaries of the claimant;

(3) a detailed description of the work history of the claimant, including social security records or a signed release permitting access to such records;

(4) a detailed description of the asbestos exposure of the claimant, including information on the identity of any product or manufacturer, site, or location of exposure, plant name, and duration and intensity of exposure;

(5) a detailed description of the tobacco product use history of the claimant, including frequency and duration;

(6) an identification and description of the asbestos-related diseases of the claimant, including a written report by the claimant's physician with medical diagnoses and test results necessary to make a determination of medical eligibility that complies with the applicable requirements of this subtitle and subtitle C;

(7) a description of any prior or pending civil action or other claim brought by the claimant for asbestos-related injury, including an identification of any recovery of compensation or damages through settlement, judgment, or otherwise; and

(8) any other information that is required to be included under procedural rules issued by the Court.

(c) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), if an individual fails to file an asbestos claim with the Asbestos Court under this section within 2 years after the date on which the individual first—

(A) received a medical diagnosis of an eligible disease or condition as provided for under this subtitle and subtitle C; or

(B) discovered facts that would have led a reasonable person to obtain a medical diagnosis with respect to an eligible disease or condition,

any claim relating to that injury, and any other asbestos claim related to that injury, shall be extinguished, and any recovery thereon shall be prohibited.

(2) EFFECT ON PENDING CLAIMS.—If an asbestos claimant has any claim for an asbestos-related injury that is pending in a Federal or State court or with a trust established under title 11, United States Code, on the date of enactment of this Act, such claimant shall file an asbestos claim under this section within 2 years after such date of enactment or be barred from receiving any compensation under this title.

(3) EFFECT OF MULTIPLE INJURIES.—An asbestos claimant who receives compensation under this title for an eligible disease or condition, and who subsequently develops another such injury, shall be eligible for additional compensation under this title (subject to appropriate setoffs for such prior recovery of compensation under this title and from any other collateral source) and the statute of limitations under paragraph (1) shall not begin to run with respect to such subsequent injury until such claimant obtains a medical diagnosis of such other injury or discovers facts that would have led a reasonable person to obtain such a diagnosis.

(4) RULE OF CONSTRUCTION.—Paragraph (2) shall be interpreted as a statute of limitations and be construed to the benefit of the Fund and of any person who might otherwise have been made subject to an asbestos claim to which such paragraph is applied.

SEC. 112. GENERAL RULE CONCERNING NO-FAULT COMPENSATION.

An asbestos claimant shall not be required to demonstrate that the asbestos-related injury for which the claim is being made resulted from the negligence or other fault of any other person.

SEC. 113. ESSENTIAL ELEMENTS OF ELIGIBLE ASBESTOS CLAIM.

To be eligible for compensation under this subtitle for an asbestos-related injury, an individual shall—

(1) file an asbestos claim in a timely manner in accordance with section 111; and

(2) prove, by a preponderance of the evidence that—

(A) the claimant suffers from an eligible disease or condition, as demonstrated by evidence (submitted as part of the claim) that meets the medical criteria requirements and diagnostic criteria requirements established under subtitle C; and

(B) the claimant meets the latency criteria requirements and the exposure criteria requirements established under subtitle C.

SEC. 114. ELIGIBILITY DETERMINATIONS AND CLAIM AWARDS.

(a) CLAIMS EXAMINERS.—

(1) IN GENERAL.—The Asbestos Court shall appoint, or contract for the services of, qualified individuals to assist magistrates by conducting eligibility reviews of asbestos claims filed with the Court.

(2) CRITERIA.—The Asbestos Court shall establish criteria with respect to the qualifications of individuals who are eligible to serve as claims examiners and, in developing such criteria, shall consult with such experts as the Court determines appropriate.

(b) REFERRAL OF ASBESTOS CLAIM.—Not later than 20 days after the filing of an asbestos claim with the Asbestos Court, the Court shall refer such claim to a magistrate.

(c) INITIAL REVIEW.—

(1) IN GENERAL.—Under the direction of a magistrate, a claims examiner shall make an initial review of an asbestos claim to determine whether all required information has been submitted by the claimant.

(2) NOTICE OF INCOMPLETE CLAIM.—If the claims examiner determines that all required information has not been submitted, the examiner—

(A) shall notify the claimant of such determination and require the submission of additional information necessary for a determination of eligibility;

(B) may compel the submission of any additional information;

(C) may request that the claimant undergo additional medical examinations and tests if information from such examinations or tests is necessary to enable the examiner to make a determination of medical eligibility; and

(D) may require any releases necessary to enable the examiner to obtain medical or other information relevant to the determination of eligibility.

(d) EXPEDITIOUS DETERMINATIONS.—The Asbestos Court shall prescribe rules to expedite claims for asbestos claimants with exigent circumstances.

(e) AUDIT AND PERSONNEL REVIEW PROCEDURES.—The Asbestos Court shall establish audit and personnel review procedures for evaluating the accuracy of eligibility recommendations of magistrates.

(f) ELIGIBILITY DETERMINATIONS.—

(1) IN GENERAL.—Not later than 60 days after the receipt by a magistrate of all required information and requested medical advice with respect to an asbestos claim, the magistrate shall transmit a recommendation of the compensation to which the claimant is entitled and findings of fact to a judge of the Asbestos Court.

(2) ADMISSIBILITY OF FINDINGS OF FACT.—A determination under paragraph (1) shall include relevant findings of fact and shall be admissible as evidence in any judicial review.

(g) DECISION OF JUDGE.—

(1) IN GENERAL.—Not later than 30 days after receipt of a recommendation of a magistrate, a judge of the Asbestos Court shall

make a final decision of any compensation to which the claimant is entitled.

(2) WAIVER OF JUDICIAL REVIEW.—The final decision under paragraph (1) shall include an acceptance form by which the claimant may waive the right to judicial review and expedite payment of compensation from the Fund.

(h) AWARDING OF COMPENSATION.—

(1) IN GENERAL.—If a judge of the Asbestos Court determines that an asbestos claimant is entitled to compensation, the Court shall notify the Administrator to award the claimant compensation from the Fund in the amount of the judge's decision.

(2) CLAIM EXTINGUISHED.—The acceptance of a payment under this Act shall extinguish all claims related to such payment.

SEC. 115. MEDICAL EVIDENCE AUDITING PROCEDURES.

(a) DEVELOPMENT.—The Asbestos Court shall develop methods for auditing the medical evidence submitted as part of an asbestos claim, including methods to ensure the independent reading of x-rays and results of pulmonary function tests. The Court may develop additional methods for auditing other types of evidence or information received by the Court.

(b) REFUSAL TO CONSIDER CERTAIN EVIDENCE.—

(1) IN GENERAL.—If the Asbestos Court determines that an audit conducted in accordance with the methods developed under subsection (a) demonstrates that the medical evidence submitted by a specific physician or medical facility is not consistent with prevailing medical practices or the applicable requirements of this Act, the Court shall notify claims examiners and the magistrates that any medical evidence from such physician or facility shall be unacceptable for purposes of establishing eligibility for compensation under this Act.

(2) NOTIFICATION.—Upon a determination by the Asbestos Court under paragraph (1), the Court shall notify the physician or medical facility involved of the results of the audit. Such physician or facility shall have a right to appeal the determination of the Court under procedures issued by the Court.

SEC. 116. CLAIMANT ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.—The Asbestos Court shall establish an asbestos claimant assistance program to provide assistance to claimants in preparing and submitting asbestos claim applications and in responding to claimant inquiries.

(b) LEGAL ASSISTANCE.—

(1) IN GENERAL.—As part of the program established under subsection (a), the Asbestos Court shall establish a legal assistance program to provide assistance to asbestos claimants concerning legal representation issues.

(2) LIST OF QUALIFIED ATTORNEYS.—As part of the program, the Court shall maintain a roster of qualified attorneys who have agreed to provide pro bono services to asbestos claimants under rules established by the Court. The claimants shall not be required to use the attorneys listed on such roster.

Subtitle C—Medical Criteria

SEC. 121. ESSENTIAL ELEMENTS OF ELIGIBLE ASBESTOS CLAIM.

To be eligible for compensation under this title for an asbestos-related injury, an individual shall—

(1) file an asbestos claim under this title in a timely manner; and

(2) prove, by a preponderance of the evidence that—

(A) the claimant suffers from an eligible disease or condition, as demonstrated by evidence (submitted as part of the claim) that meets the diagnostic criteria requirements described in section 122 and the medical criteria requirements described in section 124; and

(B) the claimant meets the latency criteria requirements described in section 123 and the exposure criteria requirements described in section 125.

SEC. 122. DIAGNOSTIC CRITERIA REQUIREMENTS.

(a) IN GENERAL.—To be eligible to receive compensation under this title for an asbestos-related injury, the claim submitted by the asbestos claimant shall demonstrate a medical diagnosis that meets the requirements of this section.

(b) DIAGNOSIS.—A medical diagnosis meets the requirements of this section if the diagnosis—

(1) is made by a physician who—

(A) treated, or is treating, the claimant;

(B) conducted an in-person medical examination of the claimant; and

(C) is licensed to practice medicine in the State in which the examination occurred and in which the diagnosis is rendered;

(2) includes a review by the physician of the work history, asbestos exposure pattern, and smoking history of the claimant, or other factors determined appropriate by the Asbestos Court;

(3) is independently verified with respect to the duration, proximity, regularity, and intensity of the asbestos exposure involved; and

(4) has excluded other more likely causes of the injury of the claimant.

(c) RESULTS OF MEDICAL EXAMINATIONS AND TESTS.—

(1) IN GENERAL.—In making the demonstration required under subsection (a), an asbestos claimant shall submit—

(A) x-rays (including both films and B-reader reports);

(B) detailed results of pulmonary function tests (including spirometric tracings);

(C) laboratory tests; and

(D) the results of medical examination or reviews of other medical evidence.

(2) PROCEDURAL REQUIREMENTS.—A submission under paragraph (1) shall comply with the requirements of this Act and recognized medical standards regarding equipment, testing methods, and procedures to ensure that such medical evidence is reliable.

(d) SUFFICIENCY OF MEDICAL EVIDENCE.—In making determinations under this section, a magistrate shall not make a determination unless the medical evidence provided in support of the asbestos claim is credible and consistent with this section, the medical criteria described in section 124, and recognized medical standards.

(e) ATTORNEY RETENTION AGREEMENTS.—An attorney retention agreement shall not be required as a prerequisite to a medical examination or medical screening for purposes of obtaining a medical diagnosis or other medical information under this section.

(f) RULES.—The Asbestos Court shall prescribe rules to implement the diagnostic criteria requirements to be used in applying this section.

SEC. 123. LATENCY CRITERIA REQUIREMENTS.

(a) IN GENERAL.—To be eligible to receive compensation under this title for an asbestos-related injury, the claim submitted by the asbestos claimant shall demonstrate that the claimant was exposed to asbestos—

(1) in a manner that meets the exposure requirements of sections 124 and 125;

(2) within the United States or its territories or possessions; and

(3) for at least 10 years before the initial diagnosis of any asbestos-related injury.

(b) CONSISTENCY WITH MEDICAL CRITERIA.—An asbestos claimant shall be required to demonstrate that any delay between asbestos exposure and the asbestos-related injury is consistent with medical criteria concerning the latency periods typically associated with the disease category for which the claim is being made.

(c) VARIATIONS IN LATENCY PERIODS.—Latency periods under this section may vary based on the eligible disease or condition involved.

(d) RULES.—The Asbestos Court shall prescribe rules, based on the medical literature or other appropriate medical evidence concerning latency periods, for the purpose of implementing the criteria used in applying this section.

SEC. 124. MEDICAL CRITERIA REQUIREMENTS.

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

(1) BILATERAL ASBESTOS-RELATED NONMALIGNANT DISEASE.—The term ''bilateral asbestos-related nonmalignant disease'' means a diagnosis of bilateral asbestos-related nonmalignant disease based on—

(A) an x-ray reading of 1/0 or higher on the ILO scale; or

(B) an x-ray showing bilateral pleural plaques or pleural thickening, bilateral interstitial fibrosis, or bilateral interstitial markings.

(2) BILATERAL PLEURAL DISEASE OF B2.—The term ''bilateral pleural disease of B2'' means a chest wall pleural thickening or plaque with a maximum width of at least 5 millimeters and a total length of at least ¼ of the projection of the lateral chest wall.

(3) FEV1.—The term ''FEV1'' means forced expiratory volume (1 second), which is the maximal volume of air expelled in 1 second during performance of the spirometric test for forced vital capacity.

(4) FVC.—The term ''FVC'' means forced vital capacity, which is the maximal volume of air expired with a maximally forced effort from a position of maximal inspiration.

(5) ILO GRADE.—The term ''ILO grade'' means the radiological ratings for the presence of lung or pleural changes as determined from a chest x-ray, all as established from time to time by the International Labor Organization.

(6) PATHOLOGICAL EVIDENCE OF ASBESTOSIS.—The term ''pathological evidence of asbestosis'' means proof of asbestosis based on the pathological grading system for asbestosis described in the Special Issue of the Archives of Pathology and Laboratory Medicine, ''Asbestos-associated Diseases'', Vol. 106, No. 11, App. 3 (October 8, 1982).

(7) PULMONARY FUNCTION TESTING.—The term ''pulmonary function testing'' means spirometry testing that is in compliance with the quality criteria established from time to time by the American Thoracic Society and is performed on equipment which is in compliance with the standards of the American Thoracic Society for technical quality and calibration.

(8) SIGNIFICANT OCCUPATIONAL EXPOSURE.—The term ''significant occupational exposure'' means employment for a cumulative period of at least 5 years, in an industry and an occupation in which the claimant—

(A) handled raw asbestos fibers on a regular basis;

(B) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed on a regular basis to raw asbestos fibers;

(C) altered, repaired, or otherwise worked with an asbestos-containing product such that the claimant was exposed on a regular basis to asbestos fibers; or

(D) was employed in an industry and occupation such that the claimant worked on a regular basis in close proximity to workers engaged in the activities described under subparagraph (A), (B), or (C).

(9) TLC.—The term ''TLC'' means total lung capacity, which is the volume of air in the lung after maximal inspiration.

(b) REQUIREMENT.—To be eligible for compensation or medical monitoring reimbursement under this title, a claimant shall establish that the claimant meets the medical criteria for 1 of the following categories:

(1) For Level I: Asymptomatic Exposure, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of a bilateral asbestos-related nonmalignant disease or an asbestos-related malignancy; and

(B) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) 5 years cumulative occupational exposure to asbestos.

(2) For Level II: Asbestosis/Pleural Disease A, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of asbestosis by chest x-rays for which a B-reader report is furnished showing small irregular opacities of ILO Grade 1/0 or greater, or showing bilateral pleural disease of B2 or greater, or by pathological evidence of asbestosis; and

(B) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure.

(3) For Level III: Asbestosis/Pleural Disease B, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of asbestosis by chest x-rays for which a B-reader report is furnished showing small irregular opacities of ILO Grade 1/0 or greater, or showing bilateral pleural disease of B2 or greater, or by pathological evidence of asbestosis;

(B) pulmonary function testing that shows—

(i) TLC less than 80 percent of predicted; or

(ii) FVC less than 80 percent of predicted, and a FEV1/FVC ratio of not less than 65 percent; and

(C) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure.

(4) For Level IV: Severe Asbestosis, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of asbestosis by chest x-rays for which a B-reader report is furnished showing small irregular opacities of ILO Grade 2/1 or greater, or by pathological evidence of asbestosis;

(B) pulmonary function testing that shows—

(i) TLC less than 65 percent of predicted; or

(ii) FVC less than 65 percent of predicted, and a FEV1/FVC ratio greater than 65 percent; and

(C) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure.

(5) For Level V: Other Cancer, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of a primary laryngeal, esophageal, pharyngeal, or stomach cancer;

(B) evidence of an underlying bilateral asbestos-related nonmalignant disease; and

(C) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure.

(6) For Level VI: Lung Cancer One, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of a primary lung cancer; and

(B) meaningful and credible evidence of 6 months of occupational exposure to asbestos before December 31, 1982.

(7) For Level VII: Lung Cancer Two, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of a primary lung cancer;

(B) evidence of an underlying bilateral asbestos-related nonmalignant disease;

(C) meaningful and credible evidence of—

(i) 6 months of occupational exposure to asbestos before December 31, 1982; and

(ii) significant occupational exposure; and

(D) supporting medical documentation and certification by or on behalf of the claimant establishing asbestos exposure as a contributing factor causing the relevant lung cancer.

(8) For Level VIII: Mesothelioma, the claimant shall provide—

(A) a diagnosis that meets the requirements of section 122 of mesothelioma; and

(B) meaningful and credible evidence of exposure to asbestos.

SEC. 125. EXPOSURE CRITERIA REQUIREMENTS.

(a) REQUIREMENT.—To be eligible to receive compensation under this title for an asbestos-related injury, the claim submitted by the asbestos claimant shall contain information to demonstrate that the claimant meets the minimum exposure requirements under this subtitle.

(b) BURDEN OF PROOF.—

(1) IN GENERAL.—An asbestos claimant has the burden of demonstrating meaningful and credible exposure to asbestos for purposes of this subtitle.

(2) EVIDENCE.—The demonstration under paragraph (1) may be established by—

(A) an affidavit submitted by the claimant, a coworker of the claimant, or a family member, in the case of a deceased claimant;

(B) employment records;

(C) invoices;

(D) construction or other similar records; or

(E) other credible evidence.

(c) RULES.—

(1) EXPOSURE INFORMATION.—The Asbestos Court shall issue rules prescribing specific exposure information that shall be submitted to permit the Court to process an asbestos claim and prescribing a proof of claim form. Such rules may provide that a claims examiner or magistrate, as applicable, may require the submission of other or additional evidence of exposure when determined to be appropriate and necessary.

(2) REBUTTABLE PRESUMPTIONS.—The Asbestos Court may prescribe rules identifying specific industries, occupations within those industries, time periods, and employment periods for which significant occupational exposure (as defined under section 124) may be a rebuttable presumption for asbestos claimants who provide meaningful and credible evidence that the claimant worked in that industry and occupation for the requisite period of time. The Administrator may provide evidence to rebut this presumption.

Subtitle D—Awards

SEC. 131. AMOUNT.

(a) IN GENERAL.—An asbestos claimant who meets the requirements of section 113 shall be entitled to compensation in an amount determined by reference to the benefit table contained in subsection (b).

(b) BENEFIT TABLE.—

(1) IN GENERAL.—An asbestos claimant with an eligible disease or condition established in accordance with section 124, other than an injury described in paragraph (2), shall be eligible for compensation according to the following schedule:

Level	Scheduled Condition or Disease	Scheduled Value
I	Asymptomatic Exposure.	$0
II	Asbestosis/Pleural Disease A.	$0
III	Asbestosis/Pleural Disease B.	$40,000
IV	Severe Asbestosis	$400,000
V	Other Cancer	$200,000
VI	Lung Cancer I (smoker).	$50,000
VII	Lung Cancer II (nonsmoker).	$400,000
VIII	Mesothelioma	$750,000

(2) MEDICAL MONITORING.—An asbestos claimant with asymptomatic exposure or asbestosis/pleural disease A, based on the criteria under section 124(b)(1), shall only be eligible for medical monitoring reimbursement.

SEC. 132. MEDICAL MONITORING.

(a) RELATION TO STATUTE OF LIMITATIONS.—The filing of an asbestos claim that seeks reimbursement for medical monitoring shall not be considered as evidence that the claimant has discovered facts that would otherwise commence the period applicable for purposes of the statute of limitations under section 111(c).

(b) COSTS.—Reimbursable medical monitoring costs shall include the costs of a claimant not covered by health insurance for x-ray tests and pulmonary function tests every 3 years.

(c) REGULATIONS.—The Administrator shall promulgate regulations that establish—

(1) the reasonable costs for medical monitoring that is reimbursable; and

(2) the procedures applicable to asbestos claimants.

SEC. 133. PAYMENTS.

(a) STRUCTURED PAYMENTS.—

(1) IN GENERAL.—An asbestos claimant who is entitled to compensation shall receive such compensation through structured payments from the Fund, made over a period of not less than 3 years.

(2) ACCELERATED PAYMENTS.—The Administrator shall develop guidelines to provide for accelerated payments to asbestos claimants who are mesothelioma victims and who are alive on the date on which the administrator receives notice of the eligibility of the claimant. Such payments shall be credited against the first regular payment under the structured payment plan for the claimant.

(3) EXPEDITED PAYMENTS.—The Administrator shall develop guidelines to provide for expedited payments to asbestos claimants in cases of exigent circumstances or extreme hardship caused by asbestos-related injury.

(4) ANNUITY.—An asbestos claimant may elect to receive any payments to which they are entitled under this title in the form of an annuity.

(b) LIMITATION ON TRANSFERABILITY.—An asbestos claim shall not be assignable or otherwise transferable under this Act.

(c) CREDITORS.—An award of compensation under this title shall be exempt from all claims of creditors and from levy, execution, and attachment or other remedy for recovery or collection of a debt, and such exemption may not be waived.

(d) TREATMENT FOR INTERNAL REVENUE PURPOSES.—All compensation received under this subtitle shall be deemed to be compensation for personal physical injuries or physical sickness under section 104 of the Internal Revenue Code of 1986.

(e) MEDICARE AS SECONDARY PAYER.—No award of compensation under this title shall be deemed a payment for purposes of section 1862 of the Social Security Act (42 U.S.C. 1395y).

SEC. 134. REDUCTION IN BENEFIT PAYMENTS FOR COLLATERAL SOURCES.

(a) IN GENERAL.—The amount of compensation otherwise available to an asbestos

claimant under this title shall be reduced by the amount of collateral source compensation that the claimant received, or is entitled to receive, for the asbestos-related injury that is the subject of the compensation.

(b) EXCLUSIONS.—In no case shall statutory benefits under workers' compensation laws and veterans benefits programs be deemed as collateral source compensation for purposes of this section.

Subtitle E—En Banc Review

SEC. 141. EN BANC REVIEW.

(a) IN GENERAL.—

(1) EN BANC PANELS.—The chief judge of the Asbestos Court shall—

(A) establish en banc panels to carry out this subtitle; and

(B) assign 3 judges of the Asbestos Court to each en banc panel.

(2) FILING OF APPEAL.—Not later than 30 days after receiving notice of the decision of a judge under section 114, a claimant may file an appeal for review with an en banc panel of the Asbestos Court.

(b) DE NOVO REVIEW.—An Asbestos Court panel shall provide a de novo review of the magistrate's determination and the judge's decision.

(c) REPRESENTATION OF THE ADMINISTRATOR.—The Administrator may appoint counsel to represent the interests of the Fund and the Administrator in all proceedings before a panel, including oral arguments and the submission of briefs.

(d) FEDERAL RULES OF APPELLATE PROCEDURE.—An Asbestos Court panel shall apply the Federal Rules of Appellate Procedures to all proceedings before the panel.

(e) DECISION OF PANEL.—An Asbestos Court panel shall enter a final decision on an appeal on the earlier date occurring—

(1) not later than 30 days after the date of the conclusion of oral arguments; or

(2) not later than 60 days after an appeal is filed under this section.

TITLE II—ASBESTOS INJURY CLAIMS RESOLUTION FUND

Subtitle A—Asbestos Defendants Funding Allocation

SEC. 201. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) AFFILIATED GROUP.—The term ''affiliated group'' means—

(A) with respect to any nonbankrupt defendant participant that is an ultimate parent or a person whose entire beneficial interest is owned on the date of enactment of this Act, directly or indirectly, by an ultimate parent, that set of nonbankrupt persons including the ultimate parent and all of the nonbankrupt persons whose entire beneficial interest shall be owned on December 31, 2002, directly or indirectly, by that ultimate parent; or

(B) with respect to any bankrupt defendant participant, the debtor and all of its direct and indirect majority owned subsidiaries, whether or not such subsidiaries are debtors.

(2) DEBTOR.—The term ''debtor''—

(A) means all entities that are subject to a case pending under any chapter of title 11, United States Code, on the date of enactment of this Act; and

(B) shall not include an entity—

(i) subject to chapter 7 of title 11, United States Code, if a final decree closing the estate shall have been entered before the date of enactment of this Act; or

(ii) subject to chapter 11 of title 11, United States Code, if a plan of reorganization for such entity shall have been confirmed by a final judgment.

(3) INDEMNIFIABLE COST.—The term ''indemnifiable cost'' means a cost, expense, debt, judgment, or settlement incurred with respect to an asbestos claim that, at any time before December 31, 2002, was or could have been subject to indemnification, contribution, surety, or guaranty.

(4) INDEMNITEE.—The term ''indemnitee'' means a person against whom any asbestos claim has been asserted before December 31, 2002, who has received from any other person, or on whose behalf a sum has been paid by such other person to any third person, in settlement, judgment, defense, or indemnity in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, other than under a policy of insurance or reinsurance.

(5) INDEMNITOR.—The term ''indemnitor'' means a person who has paid under a written agreement at any time before December 31, 2002, a sum in settlement, judgment, defense, or indemnity to or on behalf of any person defending against an asbestos claim, in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, except that payments by an insurer or reinsurer under a contract of insurance or reinsurance shall not make the insurer or reinsurer an indemnitor for purposes of this subtitle.

(6) PRIOR ASBESTOS EXPENDITURES.—The term ''prior asbestos expenditures''—

(A) means the gross total amount paid by or on behalf of a person at any time before December 31, 2002, in settlement, judgment, defense, or indemnity costs related to all asbestos claims against that person;

(B) includes payments made by insurance carriers to or for the benefit of such person or on such person's behalf with respect to such asbestos claims, except as provided in section 204(g);

(C) shall not include any payment made by a person in connection with any activities or disputes related to insurance coverage matters for asbestos-related liabilities; and

(D) shall not include any payment made by or on behalf of persons who are common carriers by railroad for asbestos claims brought under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Federal Employers' Liability Act, including settlement, judgment, defense, or indemnity costs associated with these claims.

(7) TRUST.—The term ''trust'' means all persons or affiliated groups that formed under section 524(g) of title 11, United States Code, or formed under any plan under section 1129 of title 11, United States Code, for the purpose of administering and paying asbestos claims.

(8) ULTIMATE PARENT.—The term ''ultimate parent'' means a person—

(A) that owns, on the date of enactment of this Act, the entire beneficial interest, directly or indirectly, of at least 1 other person; and

(B) whose entire beneficial interest is not owned, on December 31, 2002, directly or indirectly, by any other single person.

SEC. 202. AUTHORITY AND TIERS.

(a) ASSESSMENT.—

(1) IN GENERAL.—The Administrator shall assess from defendant participants contributions to the Fund in accordance with this section based on tiers and subtiers assigned to defendant participants.

(2) AGGREGATE CONTRIBUTION LEVEL.—The total contribution required of all defendant participants over the life of the Fund shall be equal to $45,000,000,000.

(b) TIER I.—The Administrator shall assign to Tier I all persons that are debtors or affiliated groups that include a person that—

(1) is a debtor on the date of enactment of this Act or at any time during the 1-year period preceding that date; and

(2) have paid a prior asbestos expenditure, irrespective of whether a related case under title 11, United States Code, is dismissed.

(c) TREATMENT OF TIER I BUSINESS ENTITIES IN BANKRUPTCY.—

(1) DEFINED TERM.—In this subsection, the term ''bankrupt business entity'' means a person that is not a natural person that—

(A) filed under chapter 11, of title 11, United States Code, before January 1, 2003;

(B) has not confirmed a plan of reorganization as of the date of enactment of this Act; and

(C) the Chief Executive Officer, Chief Financial Officer, or Chief Legal Officer of that business entity certifies in writing to the bankruptcy court presiding over the business entity's case, that asbestos liability was neither the sole nor precipitating cause for the filing under chapter 11.

(2) PROCEEDING WITH REORGANIZATION PLAN.—A bankrupt business entity may proceed with the filing, solicitation, and confirmation of a plan of reorganization that does not comply with the requirements of this Act, including a trust and channeling injunction under section 524(g) of title 11, United States Code, notwithstanding any other provisions of this Act, if—

(A) the bankruptcy court presiding over the chapter 11 case of the bankrupt business entity determines that—

(i) confirmation is necessary to permit the reorganization of that entity and assure that all creditors and that entity are treated fairly and equitably; and

(ii) confirmation is clearly favored by the balance of the equities; and

(B) an order confirming the plan of reorganization is entered by the bankruptcy court within 9 months after the date of enactment of this Act or such longer period of time approved by the bankruptcy court for cause shown.

(3) APPLICABILITY.—If the bankruptcy court does not make the required determination, or if an order confirming the plan is not entered within 9 months of the effective date of this Act or such longer period of time approved by the bankruptcy court for cause shown, the provisions of the Act shall apply to the bankrupt business entity notwithstanding the certification. Any timely appeal under title 11, United States Code, from a confirmation order entered during the applicable time period shall automatically extend the time during which this Act is inapplicable to the bankrupt business entity, until the appeal is fully and finally resolved.

(4) OFFSETS.—

(A) PAYMENTS BY INSURERS.—To the extent that a bankrupt business entity successfully confirms a plan of reorganization, including a trust under section 524(g) of title 11, United States Code, and channeling injunction that involves payments by insurers who are otherwise subject to this Act, an insurer who makes payments to the trust under section 524(g) of title 11, United States Code, shall obtain a dollar for dollar reduction in the amount otherwise payable by that insurer under this Act to the Fund.

(B) CONTRIBUTIONS TO FUND.—Any cash payments by a bankrupt business entity, if any, to a trust under section 524(g) of title 11, United States Code, may be counted as a contribution to the Fund.

(d) TIERS II THROUGH VI.—Except as provided in sections 202(b), 204(b), and 204(g), persons or affiliated groups shall be assigned to Tier II, III, IV, V, or VI according to the prior asbestos expenditures paid by such persons or affiliated groups as follows:

(1) Tier II: $75,000,000 or greater.

(2) Tier III: $50,000,000 or greater but less than $75,000,000.

(3) Tier IV: $10,000,000 or greater but less than $50,000,000.

(4) Tier V: $5,000,000 or greater but less than $10,000,000.

(5) Tier VI: $1,000,000 or greater but less than $5,000,000.

(e) ASSIGNMENTS AND COSTS.—

(1) PERMANENT ASSIGNMENT.—Subject to section 204(d), after the Administrator has assigned a person or affiliated group to a tier under this section, such person or affiliated group shall remain in that tier throughout the life of the Fund, regardless of subsequent events, including—

(A) the filing of a petition under a chapter of title 11, United States Code;

(B) a discharge from bankruptcy;

(C) the confirmation of a plan of reorganization; or

(D) the sale or transfer of assets to any other person or affiliated group.

(2) COSTS.—The payment of contributions to the Fund by all persons or affiliated groups that include a person that is a debtor that is the subject of a case under a chapter of title 11, United States Code, after the date of enactment of this Act—

(A) shall constitute costs and expenses of administration of the case under section 503 of that title 11 and shall be payable in accordance with the payment provisions under this subtitle notwithstanding the pendency of the case under that title 11;

(B) shall not be stayed or affected as to enforcement or collection by any stay or injunction power of any court; and

(C) shall not be impaired or discharged in any current or future case under title 11, United States Code.

(f) SUPERSEDING PROVISIONS.—Any plan of reorganization with respect to any debtor assigned to Tier I and any agreement, understanding, or undertaking by any such debtor or any third party with respect to the treatment of any asbestos claim filed before the date of enactment of this Act and subject to confirmation of a plan under chapter 11 of title 11, United States Code, shall be superseded in their entirety by this Act. Any such plan of reorganization, agreement, understanding, or undertaking by any debtor or any third party shall be of no force or effect, and no person shall have any rights or claims with respect to any of the foregoing.

SEC. 203. SUBTIER ASSESSMENTS.

(a) IN GENERAL.—

(1) ASSESSMENTS.—Except as provided under subsections (a), (b), (d), (f), and (g) of section 204, the Administrator shall assess contributions to persons or affiliated groups within Tiers I through VII in accordance with this section.

(2) 2002 REVENUES.—The audited consolidated revenue for the year 2002 of each debtor (in this section referred to as ''2002 revenues'') shall include the revenues for year 2002 of the debtor and all of its affiliated groups. The pro forma revenues of a person or affiliated group that are assigned to Subtier 3 shall not be included in calculating the 2002 revenues of any debtor that is a direct or indirect majority owner of such Subtier 3 person or affiliated group.

(3) GROSS REVENUES.—

(A) IN GENERAL.—For purposes of this section, gross revenues shall be determined in accordance with generally accepted accounting principles, consistently applied, using the amount reported as gross revenues in the annual report filed with the Securities and Exchange Commission in accordance with section 13(a)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a)(2)) for the year ending December 31, 2002, or, if applicable, the earlier fiscal year that ends during calendar year 2002, if such fiscal year is principally employed by the defendant participant.

(B) INSURANCE PREMIUMS.—Any portion of gross revenues of a defendant participant that is derived from insurance premiums shall not be used to calculate the share of that defendant participant as a manufacturer non-insurer.

(C) PRIVATELY-HELD COMPANIES.—If the defendant participant is not required to file an earnings report with the Securities and Exchange Commission, gross revenues shall be the amount that the defendant participant would have reported as gross revenues in the event that it had been required to file the report described under subparagraph (A).

(b) TIER I SUBTIERS.—

(1) IN GENERAL.—Except as provided under subsections (a), (b), (d), (f), and (g) of section 204, the Administrator shall assign each person or affiliated group in Tier I to 1 of 4 Subtiers. Each person or affiliated group shall make contributions to the Fund as provided under this section.

(2) SUBTIER 1.—

(A) IN GENERAL.—All persons that are debtors or affiliated groups, which include a debtor with prior asbestos expenditures of $10,000,000 or greater, shall be assigned to Subtier 1.

(B) ASSIGNMENT.—Each debtor assigned to Subtier 1 shall make annual payments based on a percentage of its 2002 revenues.

(C) PAYMENT.—Each debtor assigned to Subtier 1 shall pay on an annual basis the following with respect to the year of the establishment of the Fund:

(i) Years 1 through 5, 1.4533 percent of the debtor's 2002 revenues.

(ii) Years 6 through 8, 1.3080 percent of the debtor's 2002 revenues.

(iii) Years 9 through 11, 1.1772 percent of the debtor's 2002 revenues.

(iv) Years 12 through 14, 1.0595 percent of the debtor's 2002 revenues.

(v) Years 15 through 17, 0.9535 percent of the debtor's 2002 revenues.

(vi) Years 18 through 20, 0.8582 percent of the debtor's 2002 revenues.

(vii) Years 21 through 23, 0.7723 percent of the debtor's 2002 revenues.

(viii) Years 24 through 25, 0.6951 percent of the debtor's 2002 revenues.

(3) SUBTIER 2.—

(A) IN GENERAL.—All persons that are debtors or affiliated groups which include a debtor that have no material continuing business operations but hold cash or other assets that have been allocated or earmarked for asbestos settlements shall be assigned to Subtier 2.

(B) ASSIGNMENT OF ASSETS.—Not later than 30 days after the date of enactment of this Act, each person or affiliated group assigned to Subtier 2 shall assign all of its assets to the Fund.

(4) SUBTIER 3.—

(A) IN GENERAL.—All persons that are debtors or affiliated groups that include a debtor, other than those included in Subtier 2, which have no material continuing business operations and no cash or other assets allocated or earmarked for the settlement of any asbestos claim, shall be assigned to Subtier 3.

(B) ASSIGNMENT OF UNENCUMBERED ASSETS.—Not later than 30 days after the date of enactment of this Act, each person or affiliated group assigned to Subtier 3 shall contribute an amount equal to 50 percent of its total unencumbered assets.

(C) CALCULATION OF UNENCUMBERED ASSETS.—Unencumbered assets shall be calculated as the Subtier 3 person or affiliated group's total assets, excluding insurance related assets, less—

(i) all allowed administrative expenses;

(ii) allowed priority claims under section 507 of title 11, United States Code; and

(iii) allowed secured claims.

(c) TIER II SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier II to 1 of 5 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest gross revenues assigned to Subtier 1;

(B) those persons or affiliated groups with the next highest gross revenues assigned to Subtier 2;

(C) those persons or affiliated groups with the lowest gross revenues assigned to Subtier 5;

(D) those persons or affiliated groups with the next lowest gross revenues assigned to Subtier 4; and

(E) those persons or affiliated groups remaining assigned to Subtier 3.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $25,000,000.

(B) Subtier 2: $22,500,000.

(C) Subtier 3: $20,000,000.

(D) Subtier 4: $17,500,000.

(E) Subtier 5: $15,000,000.

(d) TIER III SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier III to 1 of 5 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest gross revenues assigned to Subtier 1;

(B) those persons or affiliated groups with the next highest gross revenues assigned to Subtier 2;

(C) those persons or affiliated groups with the lowest gross revenues assigned to Subtier 5;

(D) those persons or affiliated groups with the next lowest gross revenues assigned to Subtier 4; and

(E) those persons or affiliated groups remaining assigned to Subtier 3.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $15,000,000.

(B) Subtier 2: $12,500,000.

(C) Subtier 3: $10,000,000.

(D) Subtier 4: $7,500,000.

(E) Subtier 5: $5,000,000.

(e) TIER IV SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier IV to 1 of 4 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest gross revenues in Subtier 1, those with the lowest gross revenues in Subtier 4. Those persons or affiliated groups with the highest gross revenues among those remaining will be assigned to Subtier 2 and the rest in Subtier 3.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $3,500,000.

(B) Subtier 2: $2,250,000.

(C) Subtier 3: $1,500,000.

(D) Subtier 4: $500,000.

(f) TIER V SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier V to 1 of 3 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest gross revenues in Subtier 1, those with the lowest gross

revenues in Subtier 3, and those remaining in Subtier 2.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $1,000,000.

(B) Subtier 2: $500,000.

(C) Subtier 3: $200,000.

(g) TIER VI SUBTIERS.—

(1) IN GENERAL.—The Administrator shall assign each person or affiliated group in Tier VI to 1 of 3 subtiers, based on the person's or affiliated group's gross revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest gross revenues in Subtier 1, those with the lowest gross revenues in Subtier 3, and those remaining in Subtier 2.

(2) PAYMENT.—Each person or affiliated group within an assigned subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $500,000.

(B) Subtier 2: $250,000.

(C) Subtier 3: $100,000.

(h) TIER VII.—

(1) IN GENERAL.—Notwithstanding any assignment to Tiers II, III, IV, V, and VI based on prior asbestos expenditures under section 204(g), a person shall be assigned to Tier VII if the person—

(A) is a common carrier by railroad subject to asbestos claims brought under the Federal Employers' Liability Act (45 U.S.C. 51 et seq.); and

(B) have paid not less than $5,000,000 in settlement, judgment, defense, or indemnity costs relating to such claims.

(2) ADDITIONAL AMOUNT.—The contribution requirement for persons assigned to Tier VII shall be in addition to any applicable contribution requirement that such person may be assessed under Tiers II through VI.

(3) SUBTIER 1.—The Administrator shall assign each person or affiliated group in Tier VII with gross revenues of not less than $5,000,000,000 to Subtier 1 and shall require each such person or affiliated group to make annual payments of $10,000,000 into the Fund.

(4) SUBTIER 2.—The Administrator shall assign each person or affiliated group in Tier VII with gross revenues of less than $5,000,000,000, but not less than $3,000,000,000 to Subtier 2, and shall require each such person or affiliated group to make annual payments of $5,000,000 into the Fund.

(5) SUBTIER 3.—The Administrator shall assign each person or affiliated group in Tier VII with gross revenues of less than $3,000,000,000, but not less than $500,000,000 to Subtier 3, and shall require each such person or affiliated group to make annual payments of $500,000 into the Fund.

(6) JOINT VENTURE REVENUES AND LIABILITY.—

(A) REVENUES.—For purposes of this subsection, the revenues of a joint venture shall be included on a pro rata basis reflecting relative joint ownership to calculate the revenues of the parents of that joint venture. The joint venture shall not be responsible for a contribution amount under this subsection.

(B) LIABILITY.—For purposes of this subsection, the liability under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Federal Employers' Liability Act, shall be attributed to the parent owners of the joint venture on a pro rata basis, reflecting their relative share of ownership. The joint venture shall not be responsible for a contribution amount under this provision.

SEC. 204. ASSESSMENT ADMINISTRATION.

(a) REDUCTION ADJUSTMENTS.—The Administrator shall assess contributions based on amounts provided under this subtitle for each person or affiliated group within Tiers II, III, IV, V, VI, and VII for the first 5 years of the operation of the Fund. Beginning in year 6, and every 3 years thereafter, the Administrator shall reduce the contribution amount for each defendant participant in each of these tiers by 10 percent of the amount assessed in the prior year.

(b) SMALL BUSINESS EXEMPTION.—A person or affiliated group that is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), on December 31, 2002, is exempt from any contribution requirement under this subsection.

(c) PROCEDURES.—The Administrator shall prescribe procedures on how contributions assessed under this subtitle are to be paid.

(d) EXCEPTIONS.—

(1) IN GENERAL.—Under expedited procedures established by the Administrator, a defendant participant may seek adjustment of the amount of its contribution based on severe financial hardship or demonstrated inequity. The Administrator may determine whether to grant an adjustment and the size of any such adjustment, in accordance with this subsection. Such determinations shall not prejudice the integrity of the Fund and shall not be subject to judicial review.

(2) FINANCIAL HARDSHIP ADJUSTMENTS.—

(A) IN GENERAL.—A defendant may apply for an adjustment based on financial hardship at any time during the life of the Fund and may qualify for such adjustment by demonstrating that the amount of its contribution under the statutory allocation would constitute a severe financial hardship.

(B) TERM.—A hardship adjustment under this subsection shall have a term of 3 years.

(C) RENEWAL.—A defendant may renew its hardship adjustment by demonstrating that it remains justified.

(D) LIMITATION.—The Administrator may not grant hardship adjustments under this subsection in any year that exceed, in the aggregate, 3 percent of the total annual contributions required of all defendant participants.

(3) INEQUITY ADJUSTMENTS.—

(A) IN GENERAL.—A defendant may qualify for an adjustment based on inequity by demonstrating that the amount of its contribution under the statutory allocation is exceptionally inequitable when measured against the amount of the likely cost to the defendant of its future liability in the tort system in the absence of the Fund.

(B) TERM.—Subject to the annual availability of funds in the Orphan Share Reserve Account established under section 223(e), an inequity adjustment granted by the Administrator under this subsection shall remain in effect for the life of the Fund.

(C) LIMITATION.—The Administrator may grant inequity adjustments only to the extent that—

(i) the financial condition of the Fund is sufficient to accommodate such adjustments;

(ii) the Orphan Share Reserve Account is sufficient to cover such adjustments for that year; and

(iii) such adjustments do not exceed 2 percent of the total annual contributions required of all defendant participants.

(4) ADVISORY PANELS.—

(A) APPOINTMENT.—The Administrator shall appoint a Financial Hardship Adjustment Panel and an Inequity Adjustment Panel to advise the Administrator in carrying out this subsection.

(B) MEMBERSHIP.—The membership of the panels appointed under subparagraph (A) may overlap.

(C) COORDINATION.—The panels appointed under subparagraph (A) shall coordinate their deliberations and recommendations.

(e) LIMITATION ON LIABILITY.—The liability of each defendant participant to contribute to the Fund shall be limited to the payment obligations under this subtitle, and no defendant participant shall have any liability for the payment obligations of any other defendant participant.

(f) CONSOLIDATION OF CONTRIBUTIONS.—

(1) IN GENERAL.—For purposes of determining the contribution levels of defendant participants, any affiliated group including 1 or more defendant participants may irrevocably elect, as part of the submission to be made under subsection (i), to report on a consolidated basis all of the information necessary to determine the contribution level under this subtitle and contribute to the Fund on a consolidated basis.

(2) ELECTION.—If an affiliated group elects consolidation as provided in this subsection—

(A) for purposes of this Act other than this subsection, the affiliated group shall be treated as if it were a single participant, including without limitation with respect to the assessment of a single annual contribution under this subtitle for the entire affiliated group;

(B) the ultimate parent of the affiliated group shall prepare and submit the submission to be made under subsection (i), on behalf of the entire affiliated group and shall be solely liable, as between the Administrator and the affiliated group only, for the payment of the annual contribution assessed against the affiliated group, except that, if the ultimate parent does not pay when due any contribution for the affiliated group, the Administrator shall have the right to seek payment of all or any portion of the entire amount due from any member of the affiliated group;

(C) all members of the affiliated group shall be identified in the submission under subsection (i) and shall certify compliance with this subsection and the Administrator's regulations implementing this subsection; and

(D) the obligations under this subtitle shall not change even if, after the date of enactment of this Act, the beneficial ownership interest between any members of the affiliated group shall change.

(g) DETERMINATION OF PRIOR ASBESTOS EXPENDITURES.—

(1) IN GENERAL.—For purposes of determining a defendant participant's prior asbestos expenditure, the Administrator shall prescribe such rules as may be necessary or appropriate to assure that payments by indemnitors before December 31, 2002, shall be counted as part of the indemnitor's prior asbestos expenditure, rather than the indemnitee's prior asbestos expenditure, in accordance with this subsection.

(2) INDEMNIFIABLE COSTS.—If an indemnitor has paid or reimbursed to an indemnitee any indemnifiable cost or otherwise made a payment on behalf of or for the benefit of an indemnitee to a third party for an indemnifiable cost before December 31, 2002, the amount of such indemnifiable cost shall be solely for the account of the indemnitor for purposes under this Act.

(3) INSURANCE PAYMENTS.—When computing the prior asbestos expenditure with respect to an asbestos claim, any amount paid or reimbursed by insurance shall be solely for the account of the indemnitor, even if the indemnitor would have no direct right to the benefit of the insurance, if—

(A) such insurance has been paid or reimbursed to the indemnitor or the indemnitee, or paid on behalf of or for the benefit of the indemnitee, any indemnifiable cost related to the asbestos claim; and

(B) the indemnitor has either, with respect to such asbestos claim or any similar asbestos claim, paid or reimbursed to its indemnitee any indemnifiable cost or paid to

any third party on behalf of or for the benefit of the indemnitee any indemnifiable cost.

(h) MINIMUM CONTRIBUTIONS.—Minimum aggregate contributions of defendant participants to the Fund in any calendar year shall be as follows:

(1) For each of the first 5 years of the Fund, the aggregate contributions of defendant participants to the fund shall be at least $2,500,000,000.

(2) After the 5th year, the minimum aggregate contribution shall be reduced by $250,000,000 every 3 years as follows:

(A) For years 6 through 8, $2,250,000,000.

(B) For years 9 through 11, $2,000,000,000.

(C) For years 12 through 14, $1,750,000,000.

(D) For years 15 through 17, $1,500,000,000.

(E) For years 18 through 20, $1,250,000,000.

(F) For years 21 through 23, $1,000,000,000.

(G) For years 24 through 26, $750,000,000.

(i) PROCEDURES TO DETERMINE FUND CONTRIBUTION ASSESSMENTS.—

(1) NOTICE TO PARTICIPANTS.—Not later than 60 days after his or her initial appointment, the Administrator shall—

(A) directly notify all reasonably identifiable defendant participants of the requirement to submit information necessary to calculate the amount of any required contribution to the Fund; and

(B) publish in the Federal Register a notice requiring any person who may be a defendant participant (as determined by criteria outlined in the notice) to submit such information.

(2) RESPONSE REQUIRED.—

(A) IN GENERAL.—Any person who receives notice under paragraph (1)(A), and any other person meeting the criteria specified in the notice published under paragraph (1)(B), shall respond by providing the Administrator with all the information requested in the notice at the earlier of—

(i) 30 days after the receipt of direct notice; or

(ii) 30 days after the publication of notice in the Federal Register.

(B) CERTIFICATION.—The response submitted under subparagraph (A) shall be signed by a responsible corporate officer, general partner, proprietor, or individual of similar authority, who shall certify under penalty of law the completeness and accuracy of the information submitted.

(3) NOTICE OF INITIAL DETERMINATION.—

(A) IN GENERAL.—Not later than 60 days after receiving a response under paragraph (2), the Administrator shall send the participant a notice of initial determination assessing a contribution to the Fund, which shall be based on the information received from the participant in response to the Administrator's request for information.

(B) NO RESPONSE; INCOMPLETE RESPONSE.—If no response is received from the participant, or if the response is incomplete, the initial determination assessing a contribution from the participant shall be based on the best information available to the Administrator.

(4) CONFIDENTIALITY.—Any Person may designate any information submitted under this subsection as confidential commercial or financial information for purposes of the Freedom of Information Act (5 U.S.C. 552). The Administrator shall adopt procedures for designating such information as confidential.

(5) NEW INFORMATION.—

(A) EXISTING PARTICIPANT.—The Administrator shall adopt procedures for revising initial assessments based on new information received after the initial assessments are calculated.

(B) ADDITIONAL PARTICIPANT.—If the Administrator, at any time, receives information that an additional person may qualify as a participant, the Administrator shall require such person to submit information necessary to determine whether an initial determination assessing a contribution from that person should be issued, in accordance with the requirements of this subsection.

(6) PAYMENT SCHEDULE.—Any initial determination issued under this subsection may allow for periodic payments, provided that the full annual amount assessed is paid each year. Each participant shall pay its contribution to the Fund in the amount specified it the initial determination of assessment from the Administrator, according to the schedule specified in the initial determination.

(7) SUBPOENAS.—The Administrator may request the Attorney General to subpoena persons to compel testimony, records, and other information relevant to its responsibilities under this section. The Attorney General may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(8) REHEARING.—A Participant has a right to obtain rehearing of the Administrator's initial determination pursuant to section 202.

Subtitle B—Asbestos Insurers Commission

SEC. 211. ESTABLISHMENT OF ASBESTOS INSURERS COMMISSION.

(a) ESTABLISHMENT.—There is established the Asbestos Insurers Commission (referred to in this subtitle as the ''Commission'') to carry out the duties described in section 212.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 5 members who shall be appointed by the President, after consultation with—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—

(A) EXPERTISE.—Members of the Commission shall have sufficient expertise to fulfill their responsibilities under this subtitle.

(B) CONFLICT OF INTEREST.—No member of the Commission appointed under paragraph (1) may be an employee, former employee, or shareholder of any insurer participant, or an immediate family member of any such individual.

(C) FEDERAL EMPLOYMENT.—A member of the Commission may not be an officer or employee of the Federal Government, except by reason of membership on the Commission.

(3) DATE.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(4) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission.

(5) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(6) CHAIRMAN.—The Commission shall select a Chairman from among its members.

(c) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the Chairman as necessary to accomplish the duties under section 212.

(3) QUORUM.—No business may be conducted or hearings held without the participation of all of the members of the Commission.

SEC. 212. DUTIES OF ASBESTOS INSURERS COMMISSION.

(a) DETERMINATION OF INSURER LIABILITY FOR ASBESTOS INJURIES.—

(1) IN GENERAL.—The Commission shall determine the amount that each insurer participant will be required to pay into the Fund to satisfy their contractual obligation to compensate claimants for asbestos injuries.

(2) ALLOCATION AGREEMENT.—

(A) IN GENERAL.—Not later than 30 days after the Commission issues its initial determination, the insurer participants may submit an allocation agreement, approved by all of the insurer participants, to—

(i) the Commission;

(ii) the Committee on the Judiciary of the Senate; and

(iii) the Committee on the Judiciary of the House of Representatives.

(B) CERTIFICATION.—The authority of the Commission under this subtitle shall terminate on the day after the Commission certifies that an allocation agreement submitted under subparagraph (A) meets the requirements of this subtitle.

(3) GENERAL PROVISIONS.—

(A) AGGREGATE CONTRIBUTION LEVEL.—The total contribution required of all insurer participants over the life of the Fund shall be equal to $45,000,000,000.

(B) DECLINING PAYMENTS.—Since the payments from the Fund are expected to decline over time, the annual contributions from insurer participants is also expected to decline over time. The proportionate share of each insurer participant's contributions to the Fund will remain the same throughout the life of the Fund.

(C) SEVERAL LIABILITY.—Each insurer participant's obligation to contribute to the Fund is several. There is no joint liability and the future insolvency of any insurer participant shall not affect the assessment assigned to any other insurer participant.

(4) ASSESSMENT CRITERIA.—

(A) MANDATORY PARTICIPANTS.—Insurers that have paid, or been assessed by a legal judgment or settlement, at least $1,000,000 in defense and indemnity costs before the date of enactment of this Act in response to claims for compensation for asbestos injuries shall be mandatory participants in the Fund. Other insurers shall be exempt from mandatory payments.

(B) PARTICIPANT TIERS.—Contributions shall be determined by assigning mandatory insurer participants into tiers, which shall be determined and defined based on—

(i) net written premiums received from policies covering asbestos that were in force at any time during the period beginning on January 1, 1940 and ending on December 31, 1986;

(ii) net paid losses for asbestos injuries compared to all such losses for the insurance industry;

(iii) net carried reserve level for asbestos claims on the most recent financial statement of the insurer participant; and

(iv) future liability.

(C) PAYMENT SCHEDULE.—Any final determination of assessment issued under subsection (b) may allow for periodic payments, provided that the full annual amount assessed is paid each year. Each insurer participant shall pay its contribution to the Fund in the amount specified in the final determination of assessment from the Commission, according to the schedule specified in the final determination.

(b) PROCEDURE.—

(1) NOTICE TO PARTICIPANTS.—Not later than 30 days after the initial meeting of the Commission, the Commission shall—

(A) directly notify all reasonably identifiable insurer participants of the requirement

to submit information necessary to calculate the amount of any required contribution to the Fund; and

(B) publish in the Federal Register a notice requiring any person who may be an insurer participant (as determined by criteria outlined in the notice) to submit such information.

(2) RESPONSE REQUIRED.—

(A) IN GENERAL.—Any person who receives notice under paragraph (1)(A), and any other person meeting the criteria specified in the notice published under paragraph (1)(B), shall respond by providing the Commission with all the information requested in the notice at the earlier of—

(i) 30 days after the receipt of direct notice; or

(ii) 30 days after the publication of notice in the Federal Register.

(B) CERTIFICATION.—The response submitted under subparagraph (A) shall be signed by a responsible corporate officer, general partner, proprietor, or individual of similar authority, who shall certify under penalty of law the completeness and accuracy of the information submitted.

(3) NOTICE OF INITIAL DETERMINATION.—

(A) IN GENERAL.—Not later than 120 days after the initial meeting of the Commission, the Commission shall send each insurer participant a notice of initial determination assessing a contribution to the Fund, which shall be based on the information received from the participant in response to the Commission's request for information.

(B) NO RESPONSE; INCOMPLETE RESPONSE.—If no response is received from an insurer participant, or if the response is incomplete, the initial determination assessing a contribution from the insurer participant shall be based on the best information available to the Commission.

(4) REVIEW PERIOD.—

(A) COMMENTS FROM INSURER PARTICIPANTS.—Not later than 30 days after receiving a notice of initial determination from the Commission, an insurer participant may provide the Commission with additional information to support limited adjustments to the assessment received to reflect exceptional circumstances.

(B) ADDITIONAL PARTICIPANTS.—If, before the final determination of the Commission, the Commission receives information that an additional person may qualify as an insurer participant, the Commission shall require such person to submit information necessary to determine whether a contribution from that person should be assessed, in accordance with the requirements of this subsection.

(C) REVISION PROCEDURES.—The Commission, shall adopt procedures for revising initial assessments based on information received under subparagraphs (A) and (B). Any adjustments to assessment levels shall comply with the criteria under subsection (a).

(5) SUBPOENAS.—The Commission may request the Attorney General to subpoena persons to compel testimony, records, and other information relevant to its responsibilities under this section. The Attorney General may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) NOTICE OF FINAL DETERMINATION.—

(A) IN GENERAL.—Not later than 60 days after the notice of initial determination is sent to the insurer participants, the Commission shall send each insurer participant a notice of final determination.

(B) JUDICIAL REVIEW.—A participant has a right to obtain judicial review of the Commission's final determination under title III.

(c) DETERMINATION OF RELATIVE LIABILITY FOR ASBESTOS INJURIES.—The Commission shall determine the percentage of the total liability of each participant identified under subsection (a).

(d) REPORT.—

(1) RECIPIENTS.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report, containing the information described under paragraph (2), to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives; and

(C) the Court of Asbestos Claims.

(2) CONTENTS.—The report under paragraph (1) shall contain the amount that each insurer participant is required to contribute to the Fund, including the payment schedule for such contributions.

SEC. 213. POWERS OF ASBESTOS INSURERS COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may not accept, use, or dispose of gifts or donations of services or property.

SEC. 214. PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission 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 Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 215. NONAPPLICATION OF FOIA AND CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—Section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) shall not apply to the Commission.

(b) CONFIDENTIALITY OF INFORMATION.—All information submitted to the Commission shall be privileged and confidential information and shall not be disclosed to any person outside the Commission, unless such privilege is knowingly and intentionally waived by the person submitting the information. An appeal of an assessment to the Fund under this subtitle shall be deemed a waiver for the purposes of this subsection unless the appellee participant makes a motion for an in camera review of its appeal.

SEC. 216. TERMINATION OF ASBESTOS INSURERS COMMISSION.

The Commission shall terminate 60 days after the date on which the Commission submits its report under section 212(c).

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Commission such sums as may be necessary for fiscal year 2004 to carry out the provisions of this subtitle.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

Subtitle C—Office of Asbestos Injury Claims Resolution

SEC. 221. ESTABLISHMENT OF THE OFFICE OF ASBESTOS INJURY CLAIMS RESOLUTION.

(a) IN GENERAL.—There is established the Office of Asbestos Injury Claims Resolution.

(b) RESPONSIBILITIES.—The Office shall be responsible for—

(1) administering the Fund;

(2) providing compensation from the Fund to asbestos claimants who are determined to be eligible for such compensation; and

(3) carrying out other applicable provisions of this title and other activities determined appropriate by the Administrator.

(c) ADMINISTRATOR.—

(1) APPOINTMENT.—The Office shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) TERM; REMOVAL.—The Administrator shall serve for a term of 5 years and may be removable by the President only for good cause.

SEC. 222. POWERS OF THE ADMINISTRATOR AND MANAGEMENT OF THE FUND.

(a) GENERAL POWERS.—The Administrator shall have the following general powers:

(1) To promulgate such regulations as the Administrator determines to be necessary to implement the provisions of this subtitle.

(2) To appoint employees or contract for the services of other personnel as may be necessary and appropriate to carry out the provisions of this subtitle, including entering into cooperative agreements with other Federal agencies.

(3) To make such expenditures as may be necessary and appropriate in the administration of this subtitle.

(4) To take all actions necessary to prudently manage the Fund, including—

(A) administering, in a fiduciary capacity, the assets of the Fund for the exclusive purpose of providing benefits to asbestos claimants and their beneficiaries;

(B) defraying the reasonable expenses of administering the Fund;

(C) investing the assets of the Fund in accordance with subsection (b)(2); and

(D) retaining advisers, managers, and custodians who possess the necessary facilities and expertise to provide for the skilled and prudent management of the Fund, to assist in the development, implementation and maintenance of the Fund's investment policies and investment activities, and to provide for the safekeeping and delivery of the Fund's assets.

(5) To have all other powers incidental, necessary, or appropriate to carrying out the functions of the Office.

(b) REQUIREMENTS RELATING TO FUND ASSETS.—

(1) IN GENERAL.—Amounts in the Fund shall be held for the exclusive purpose of providing benefits to asbestos claimants and their beneficiaries and to otherwise defray the reasonable expenses of administering the Fund.

(2) INVESTMENTS.—

(A) IN GENERAL.—Amounts in the Fund shall be administered and invested with the care, skill, prudence, and diligence, under the circumstances prevailing at the time of such investment, that a prudent person acting in a like capacity and manner would use.

(B) STRATEGY.—The Administrator shall invest amounts in the Fund in a manner that enables the Fund to make current and future distributions to or for the benefit of asbestos claimants. In pursuing an investment strategy under this subparagraph, the Administrator shall consider, to the extent relevant to an investment decision or action—

(i) the size of the Fund;

(ii) the nature and estimated duration of the Fund;

(iii) the liquidity and distribution requirements of the Fund;

(iv) general economic conditions at the time of the investment;

(v) the possible effect of inflation or deflation on Fund assets;

(vi) the role that each investment or course of action plays with respect to the overall assets of the Fund;

(vii) the expected amount to be earned (including both income and appreciation of capital) through investment of amounts in the Fund; and

(viii) the needs of asbestos claimants for current and future distributions authorized under this Act.

SEC. 223. ASBESTOS INJURY CLAIMS RESOLUTION FUND.

(a) ESTABLISHMENT.—There is established in the Office of Asbestos Injury Claims Resolution, the Asbestos Injury Claims Resolution Fund, which shall be available to pay—

(1) claims for compensation for an eligible disease or condition determined under title I;

(2) claims for reimbursement for medical monitoring determined under title I;

(3) principal and interest on borrowings under subsection (c); and

(4) administrative expenses to carry out this subtitle.

(b) LIMITATIONS ON CONTRIBUTIONS BY MANDATORY PARTICIPANTS.—The aggregate contributions of all mandatory participants to the Fund may not exceed $5,000,000,000 in any calendar year.

(c) BORROWING AUTHORITY.—The Administrator is authorized to borrow, in any calendar year, an amount not to exceed anticipated contributions to the Fund in the following calendar year for purposes of carrying out the obligations of the Fund under this Act.

(d) GUARANTEED PAYMENT ACCOUNT.—

(1) IN GENERAL.—The Administrator shall establish a guaranteed payment account within the Fund to insure payment of the total amount of contributions required to be paid into the Fund by all participants.

(2) SURCHARGE.—The Administrator shall impose, on each participant required to pay contributions into the Fund under this Act, in addition to the amount of such contributions, a reasonable surcharge to be paid into the guaranteed payment account in an amount that the Administrator determines appropriate to insure against the risk of nonpayment of required contributions by any such participant.

(3) PROCEDURE.—The surcharge required under this section shall be paid in such manner, at such times, and in accordance with such procedures as the Administrator determines appropriate.

(4) USES OF GUARANTEED PAYMENT ACCOUNT.—Amounts in the guaranteed payment account shall be used as necessary to pay claims from the Fund, to the extent that amounts in the Fund are insufficient to pay such claims due to nonpayment by any participant.

(5) ENFORCEMENT.—The enforcement of the payment of a surcharge under this subsection may be enforced in the same manner and to the same extent as the enforcement of a contribution under section 224.

(e) ORPHAN SHARE RESERVE ACCOUNT.—

(1) IN GENERAL.—To the extent the total amount of contributions of the participants in any given year exceed the minimum aggregate contribution under subsection (h), the excess monies shall be placed in an orphan share reserve account established within the Fund by the Administrator.

(2) USE OF ACCOUNT MONIES.—Monies from the orphan share reserve account shall be preserved and administered like the remainder of the Fund, but shall be reserved and may be used only—

(A) in the event that a petition for relief is filed and not withdrawn for the participant under title 11, United States Code, after the date of enactment of this Act and the participant cannot meet its obligations under this subtitle; and

(B) to the extent the Administrator grants a defendant participant relief for severe financial hardship or exigent circumstances under this section.

SEC. 224. ENFORCEMENT OF CONTRIBUTIONS.

(a) DEFAULT.—If any participant fails to make any payment in the amount and according to the schedule specified in a determination of assessment, after demand and 30 days opportunity to cure the default, there shall be a lien in favor of the United States for the amount of the delinquent payment (including interest) upon all property and rights to property, whether real or personal, belonging to such participant.

(b) BANKRUPTCY.—In the case of a bankruptcy or insolvency proceeding, the lien imposed under subsection (a) shall be treated in the same manner as a lien for taxes due and owing to the United States for purposes of the provisions of title 11, United States Code, or section 3713(a) of title 31, United States Code.

(c) CIVIL ACTION.—

(1) IN GENERAL.—In any case in which there has been a refusal or neglect to pay the liability imposed by the final determination under section 202 or 212, the Administrator may bring a civil action in the Federal district court for the District of Columbia to—

(A) enforce such liability and the lien of the United States under this section; or

(B) subject any property, of whatever nature, of the participant, or in which the participant has any right, title, or interest, to the payment of such liability.

(2) DEFENSE LIMITATION.—In any proceeding under this subsection, the participant shall be barred from bringing any challenge to the assessment if such challenge could have been made during the review period under section 202(b)(4) or 212(b)(4), or a judicial review proceeding under title III.

SEC. 225. ADDITIONAL CONTRIBUTING PARTICIPANTS.

(a) DEFINED TERM.—In this section, the term ''additional contributing participant'' means any defendant in an asbestos claim that is not a mandatory participant under subtitle A and is likely to avoid future civil liability as a result of this Act.

(b) ASSESSMENT.—In addition to contributions assessed under subtitle A, the Administrator may assess additional contributing participants for contributions to the Fund. Any additional contributing participant assessed under this section shall be treated as a defendant participant for purposes of procedures and appeals under this Act.

(c) ASSESSMENT LIMITATIONS.—The Administrator may assess under subsection (b), over the life of the Fund, an amount not to exceed $10,000,000,000 from all additional contributing participants.

TITLE III—JUDICIAL REVIEW

SEC. 301. JUDICIAL REVIEW OF DECISIONS OF THE ASBESTOS COURT.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia shall have exclusive jurisdiction over any action to review a final decision of the Asbestos Court.

(b) PROCEDURE FOR APPEALS.—

(1) PERIOD FOR FILING APPEAL.—An appeal under this section shall be filed not later than 30 days after the issuance of a final decision by the Asbestos Court.

(2) TRANSMITTAL OF RECORD.—Upon the filing of an appeal, a copy of the filing shall be transmitted by the clerk of the court to the Asbestos Court, and the Asbestos Court shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code.

(3) STANDARD OF REVIEW.—

(A) IN GENERAL.—The court shall uphold the decision of the Asbestos Court if the court determines, upon review of the record as a whole, that the decision is not arbitrary and capricious.

(B) EFFECT OF DETERMINATION.—If the court determines that a final decision of the Asbestos Court is arbitrary and capricious, the court shall remand the case to the Asbestos Court.

(4) FINALITY OF DETERMINATION.—The decision of the United States Court of Appeals for the District of Columbia shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code.

SEC. 302. JUDICIAL REVIEW OF FINAL DETERMINATIONS OF THE ASBESTOS INSURERS COMMISSION.

(a) EXCLUSIVE JURISDICTION.—The United States District Court for the District of Columbia shall have exclusive jurisdiction over any action to review a final determination by the Asbestos Insurers Commission regarding the assessment of a contribution to the Fund from a participant.

(b) PROCEDURE FOR APPEAL.—

(1) PERIOD FOR FILING APPEAL.—An appeal under this section shall be filed not later than 30 days after the issuance of a final determination by the Commission.

(2) TRANSMITTAL OF RECORD.—Upon the filing of an appeal, a copy of the filing shall be transmitted by the clerk of the court to the Commission.

(c) STANDARD OF REVIEW.—

(1) IN GENERAL.—The United States District Court for the District of Columbia shall uphold the final determination of the Commission with respect to the assessment of a contribution to the Fund from a participant if such determination is not arbitrary and capricious.

(2) EFFECT OF DETERMINATION.—If the court determines that a final determination with respect to the amount of a contribution to the Fund by a participant may not be upheld, the court shall remand the decision to the Commission, with instructions to modify the final determination.

(3) NO STAYS.—The court may not issue a stay of payment into the Fund pending its final judgment.

(4) FINALITY OF DETERMINATION.—The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court, as provided in section 1254 of title 28, United States Code.

SEC. 303. EXCLUSIVE REVIEW.

(a) EXCLUSIVITY OF REVIEW.—An action of the Asbestos Court or the Asbestos Insurers Commission for which review could have been obtained under section 301 or 302 shall not be subject to judicial review in any other proceeding, including proceedings before the Asbestos Court.

(b) CONSTITUTIONAL REVIEW.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any interlocutory or final judgment, decree, or order of a Federal court holding this Act, or any provision or application thereof, unconstitutional shall be reviewable as a matter of right by direct appeal to the Supreme Court.

(2) PERIOD FOR FILING APPEAL.—Any such appeal shall be filed not more than 30 days after entry of such judgment, decree, or order.

SEC. 304. PRIVATE RIGHT OF ACTION AGAINST REINSURERS.

(a) IN GENERAL.—Any insurer participant may file a claim in the United States District Court for the District of Columbia against any reinsurer that is contractually obligated to reimburse such insurer participant for a portion of costs incurred as a result of payment of asbestos related claims.

(b) EXPEDITED PROCEDURES.—

(1) IN GENERAL.—A claim filed under subsection (a) shall be subject to expedited procedures, as prescribed by the United States District Court for the District of Columbia.

(2) EVIDENTIARY STANDARD.—The plaintiff shall not recover in a claim under subsection (a) unless the plaintiff demonstrates the right to recover by a preponderance of the evidence.

(3) FINAL JUDGMENT.—A final judgment shall be issued on a claim filed under subsection (a) not later than 30 days after such filing.

(c) APPEALS.—

(1) IN GENERAL.—An appeal from a decision under subsection (b) may be filed with the Court of Appeals for the District of Columbia.

(2) STANDARD OF REVIEW.—The final judgment of the district court shall be upheld unless the court of appeals finds the judgment to be arbitrary and capricious.

(3) FINAL JUDGMENT.—A final judgment shall be issued on an appeal filed under paragraph (1) not later than 30 days after such filing.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. FALSE INFORMATION.

Any person who knowingly provides false information in connection with an assessment of contributions, a claim for compensation, or an audit under this Act shall be subject to—

(1) criminal prosecution under section 1001 of title 18, United States Code; and

(2) civil penalties under section 3729 of title 31, United States Code.

SEC. 402. EFFECT ON BANKRUPTCY LAWS.

(a) NO AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking ''or'' at the end;

(2) in paragraph (18), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (18) the following:

''(19) of the enforcement of any payment obligations under section 204 of the Fairness in Asbestos Injury Resolution Act of 2003, against a debtor, or the property of the estate of a debtor, that is a participant (as that term is defined in section 3 of that Act).''.

(b) ASSUMPTION OF EXECUTORY CONTRACTS.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

''(q) If a debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003), the trustee shall be deemed to have assumed all executory contracts entered into by the participant under section 204 of that Act. The trustee may not reject any such executory contract.''.

(c) ALLOWED ADMINISTRATIVE EXPENSES.—Section 503 of title 11, United States Code, is amended by adding at the end the following:

''(c)(1) Claims of the United States, the Attorney General, or the Administrator (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003) based upon the asbestos payment obligations of a debtor that is a Participant (as that term is defined in section 3 of that Act), shall be paid as an allowed administrative expense. The debtor shall not be entitled to either notice or a hearing with respect to such claims.

''(2) For purposes of paragraph (1), the term ''asbestos payment obligation'' means any payment obligation under subtitle B of title II of the Fairness in Asbestos Injury Resolution Act of 2003.''.

(d) NO DISCHARGE.—Section 523 of title 11, United States Code, is amended by adding at the end the following:

''(f) A discharge under section 727, 1141, 1228, or 1328 of this title does not discharge any debtor that is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003) of the payment obligations of the debtor under subtitle B of title II of that Act.''.

(e) PAYMENT.—Section 524 of title 11, United States Code, is amended by adding at the end the following:

''(i) PARTICIPANT DEBTORS.—

''(1) IN GENERAL.—Paragraphs (2) and (3) shall apply to a debtor who—

''(A) is a participant that has made prior asbestos expenditures (as such terms are defined in the Fairness in Asbestos Injury Resolution Act of 2003); and

''(B) is subject to a case under this title that is pending—

''(i) on the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2003; or

''(ii) at any time during the 1 year period preceding the date of enactment of that Act.

''(2) TIER I DEBTORS.—A debtor that has been assigned to tier I under section 202 of the Fairness in Asbestos Injury Resolution Act of 2003 shall make payments in accordance with sections 202 and 203 of that Act.

''(3) TREATMENT OF PAYMENT OBLIGATIONS.—All payment obligations of a debtor under sections 202 and 203 of the Fairness in Asbestos Injury Resolution Act of 2003 shall—

''(A) constitute costs and expenses of administration of a case under section 503 of this title;

''(B) notwithstanding any case pending under this title, be payable in accordance with section 202 of that Act;

''(C) not be stayed;

''(D) not be affected as to enforcement or collection by any stay or injunction of any court; and

''(E) not be impaired or discharged in any current or future case under this title.''.

(f) TREATMENT OF TRUSTS.—Section 524 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

''(j) ASBESTOS TRUSTS.—

''(1) IN GENERAL.—A trust shall assign a portion of the corpus of the trust to the Asbestos Injury Claims Resolution Fund (referred to in this subsection as the 'Fund') as is required under section 202 of the Fairness in Asbestos Injury Resolution Act of 2003 if—

''(A) the trust was formed prior to October 22, 1994; and

''(B) the trust qualifies as a ''trust'' under section 201 of that Act.

''(2) TRANSFER OF TRUST ASSETS.—

''(A) IN GENERAL.—Except as provided under subparagraphs (B) and (C), the assets in any trust established to provide compensation for asbestos claims (as defined in section 3 of the FAIR Act of 2003) shall be transferred to the Fund not later than 6 months after the date of enactment of the FAIR Act of 2003. Except as provided under subparagraph (B), the Administrator of the Fund shall accept such assets and utilize them for any purposes of the Fund under section 223 of such Act, including the payment of claims for compensation under such Act to beneficiaries of the trust from which the assets were transferred. After such transfer, each trustee of such trust shall have no liability to any beneficiary of such trust.

''(B) AUTHORITY TO REFUSE ASSETS.—The Administrator of the Fund may refuse to accept any asset that the Administrator determines may create liability for the Fund in excess of the value of the asset.

''(C) ALLOCATION OF TRUST ASSETS.—If a trust under subparagraph (A) has beneficiaries with claims that are not asbestos claims, the assets transferred to the Fund under subparagraph (A) shall not include assets allocable to such beneficiaries. The trustees of any such trust shall determine the amount of such trust assets to be reserved for the continuing operation of the trust in processing and paying claims that are not asbestos claims. Such reserved amount shall not be greater than 3 percent of the total assets in the trust and shall not be transferred to the Fund.

''(D) SALE OF FUND ASSETS.—The investment requirements under section 222 of the FAIR Act of 2003 shall not be construed to require the Administrator of the Fund to sell assets transferred to the Fund under subparagraph (A).

''(E) LIQUIDATED CLAIMS.—A trust shall not make any payment relating to asbestos claims unless such claims were liquidated before the date of enactment of the FAIR Act of 2003.

''(3) INJUNCTION.—Any injunction issued as part of the formation of a trust described in paragraph (1) shall remain in full force and effect until the assignment required under paragraph (1) has been made.''.

(g) NO AVOIDANCE OF TRANSFER.—Section 546 of title 11, United States Code, is amended by adding at the end the following:

''(h) Notwithstanding the rights and powers of a trustee under section 544, 545, 547, 548, 549, and 550 of this title, if a debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003), the trustee may not avoid a transfer made by the debtor pursuant

to its payment obligations under sections 202 or 203 of that Act.''.

(h) CONFIRMATION OF PLAN.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

''(14) If the debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003), the plan provides for the continuation after its effective date of payment of all payment obligations under title II of that Act.''.

SEC. 403. EFFECT ON OTHER LAWS AND EXISTING CLAIMS.

(a) EFFECT ON FEDERAL AND STATE LAW.—The provisions of this Act shall supersede any and all State and Federal laws insofar as they may relate to any asbestos claim filed under this Act.

(b) EXCLUSIVE REMEDY.—The remedies provided under this Act shall be the exclusive remedy for any asbestos claim under any Federal or State law.

(c) BAR ON ASBESTOS CLAIMS.—

(1) IN GENERAL.—No asbestos claim may be pursued in any State or Federal court, except for enforcement of claims for which a final judgment is entered before the date of enactment of this Act.

(2) PREEMPTION.—Any action asserting an asbestos claim in a court of any State, except actions for which final judgment are entered before the date of enactment of this Act, is preempted by this Act.

(3) DISMISSAL.—No judgment other than a judgment of dismissal may be entered in any such action, including an action pending on appeal, or on petition or motion for discretionary review, on or after the date of enactment of this Act. A court may dismiss any such action on its motion. If the district court denies the motion to dismiss, it shall stay further proceedings until final disposition of any appeal taken under this Act.

(4) REMOVAL.—

(A) IN GENERAL.—If an action under paragraph (2) is not dismissed, or if an order entered after the date of enactment of this Act purporting to enter judgment or deny review is not rescinded and replaced with an order of dismissal within 30 days after the filing of a motion by any party to the action advising the court of the provisions of this Act, any party may remove the case to the district court of the United States for the district in which such action is pending.

(B) TIME LIMITS.—For actions originally filed after the date of enactment of this Act, the notice of removal shall be filed within the time limits specified in section 1441(b) of title 28, United States Code.

(C) PROCEDURES.—The procedures for removal and proceedings after removal shall be in accordance with sections 1446 through 1450 of title 28, United States Code, except as may be necessary to accommodate removal of any actions pending (including on appeal) on the date of enactment of this Act.

(D) JURISDICTION.—The jurisdiction of the district court shall be limited to—

(i) determining whether removal was proper; and

(ii) ruling on a motion to dismiss based on this Act.

HONORING OUR ARMED FORCES

Mr. GREGG. Mr. President, I rise today to pay tribute to a special person, Private First Class Andrew Stevens of Stratham, NH.

Andrew joined the United States Army after graduating from Exeter High School in 2001. He completed basic training and advanced individual training at Fort Benning, GA, and served proudly as an infantryman in Charlie Company of the 4th Battalion, 31st Infantry Regiment, 10th Mountain Division, Light, United States Army. His awards include the Basic Marksmanship Qualification Badge, Expert Infantry Badge, Army Achievement Medal, National Defense Service Medal, Army Service Ribbon, and the Army Meritorious Service Medal.

Tragically, on March 10, 2003, this young soldier, only 20 years old, gave the last full measure for our Nation when he and 10 comrades perished in the crash of their UH–60 Black Hawk helicopter during a training mission in the woods of Fort Drum, NY.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Iraq—and Andrew served in that fine tradition. Daniel Webster said, ''God grants liberty only to those who love it, and are always ready to guard and defend it.'' Andrew was one of those proud and dedicated volunteers who chose to serve our Nation and guard our precious liberty, and for that we will always owe our sincere gratitude.

The sudden death of a young person is especially difficult for family and friends. In November 1864, President Abraham Lincoln was informed by the War Department of a mother who had lost five sons in the Civil War. He wrote the mother:

> I feel how weak and fruitless must be any word of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I cannot refrain from tendering you the consolation that may be found in the thanks of the Republic they died to save.
>
> I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

Family, friends, and fellow soldiers will no longer be able to enjoy the company of Private First Class Andrew Stevens. Strangers will never have the opportunity to know his friendship. Yet memories of this young patriot will last forever with those who were fortunate enough to have had the opportunity to know him. May God bless Andrew Stevens.

Mr. President, I also rise today to pay tribute to a special person, SFC William J. Tracy, who grew up in Weare, and Webster, NH.

William joined the U.S. Marine Corps after graduating from Merrimack Valley High School in Penacook in 1993. He served as a field artillery fire controlman for 4 years and completed his enlistment as a corporal in April 1999.

Subsequently, he enlisted in the U.S. Army and attended the Utility Helicopter Maintainers Course at Fort Eustis, VA. There he earned his wings, and proudly became an air crewmember. Immediately afterwards, he was assigned to the 5th Battalion, 158th Aviation Regiment in Giebelstadt, Germany. In 3 years there, he deployed six times and logged over 500 hours flying. In October 2002, William extended overseas and moved to his sister unit, B Company, of the 5th Battalion, 158th Aviation Regiment, in Aviano, Italy. In January 2003, he departed for Kuwait as part of the 11th Aviation Task Force.

In his U.S. Army career, he received the Army Achievement Medal, National Defense Service Ribbon, and the Good Conduct Medal. He was qualified as expert on the M9 semiautomatic pistol and on the helicopter-mounted M60 machine gun.

Tragically, on February 25, 2003, this young soldier, 1 day short of his 28th birthday, gave the last full measure for our Nation when he, and three crewmembers, perished in the crash of their UH–60 Black Hawk helicopter in the Kuwaiti desert. Their helicopter crashed 30 miles northwest of Kuwait City during night exercises.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Iraq—and William served in that fine tradition. Daniel Webster said: ''God grants liberty only to those who love it, and are always ready to guard and defend it.'' William was one of those proud and dedicated volunteers who chose to serve our Nation and guard our precious liberty, and for that we will always owe our sincere gratitude.

The sudden death of a young person is especially difficult for family and friends. In November 1864, President Abraham Lincoln was informed by the War Department of a mother who had lost five sons in the Civil War. He wrote the mother:

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>
> I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

Family, friends, and fellow soldiers will no longer be able to enjoy the company of SFC William Tracy. Strangers will never have the opportunity to know his friendship. Yet memories of this young patriot will last forever with those who were fortunate enough to have had the opportunity to know him. May God bless William Tracy.

ON PASSAGE OF THE ''HOMETOWN HEROES SURVIVORS BENEFITS ACT OF 2003''

Mr. LEAHY. Mr. President, I rise today to express my happiness over the Senate passage of the ''Hometown Heroes Survivors Benefits Act of 2003 in the early morning hours of last Friday. I thank Senators GRAHAM of South Carolina, COLLINS, JEFFORDS, SARBANES, SCHUMER, DURBIN, LANDRIEU, NELSON of Florida, CLINTON, SNOWE, KOHL, SMITH, STABENOW, KENNEDY, and

DAYTON for joining me as cosponsors of this multi-partisan legislation that will improve the Department of Justice's Public Safety Officers' Benefits, PSOB, Program by allowing families of public safety officers who suffer fatal heart attacks or strokes to qualify for federal survivor benefits. I also thank Senator Minority Leader TOM DASCHLE for his hard work to pass our bill through the Senate last Friday at 2:30 AM. Without his perseverance, passage of this bill would not have happened.

I also thank each of our Nation's brave firefighters, emergency medical rescuers and law enforcement officers for the jobs they do for the American public day in and day out. Our public safety officers are often the first to respond to any crime or emergency situation. On September 11, the Nation saw that the first on the scene at the World Trade Center were the heroic firefighters, police officers and emergency personnel of New York City. These real-life heroes, many of whom gave the ultimate sacrifice, remind us of how important it is to support our state and local public safety partners.

I commend Congressmen ETHERIDGE, WELDON, HOYER and OXLEY for their leadership and fortitude during the last Congress on an identical bill in the House. I look forward to working with them, as well as House Judiciary Chairman, SENSENBRENNER and Ranking Member CONYERS, to pass our Senate bill through the House and send it to the President's desk for passage into law as soon as possible.

Our legislation has received the endorsement of the Fraternal Order of Police, National Association of Police Organizations, International Brotherhood of Police Officers, Congressional Fire Services Institute, International Association of Arson Investigators, International Association of Fire Chiefs, International Association of Fire Fighters, National Fire Protection Association, National Volunteer Fire Council, North American Fire Training Directors, International Fire Buff Associates, National Association of Emergency Medical Technicians, American Ambulance Association, the American Federation of State, County and Municipal Employees, along with over 50 additional national organizations. I thank all of these organizations for their unwavering support for this legislation.

Public safety officers are our most brave and dedicated public servants. I applaud the efforts of all members of fire, law enforcement, and EMS providers nationwide who are the first to respond to more than 1.6 million emergency calls annually—whether those calls involve a crime, fire, medical emergency, spill of hazardous materials, natural disaster, act of terrorism, or transportation accident—without reservation. Those men and women act with an unwavering commitment to the safety and protection of their fellow citizens, and forever willing to selflessly sacrifice their own lives to provide safe and reliable emergency services to their communities.

Sadly, that kind of dedication can result in tragedy, which was reaped in abundance at the World Trade Center and the Pentagon on September 11, when scores of firefighters, police officers and medics raced into the jaws of danger with no other goal than to save lives. Every year, hundreds of public safety officers nationwide lose their lives and thousands more are injured while performing duties that subject them to great physical risks. And while we know that PSOB benefits can never be a substitute for the loss of a loved one, the families of all our fallen heroes deserve to collect these funds.

The PSOB Program was established in 1976 to authorize a one-time financial payment to the eligible survivors of Federal, State, and local public safety officers for all line of duty deaths. In 2001, Congress improved the PSOB Program by streamlining the process for families of public safety officers killed or injured in connection with prevention, investigation, rescue or recovery efforts related to a terrorist attack. We also retroactively increased the total benefits available by $100,000 as part of the USA PATRIOT Act. The Program now provides approximately $262,000 in benefits to the families of first responders killed in the line of duty.

Unfortunately, the issue of covering heart attack and stroke victims in the PSOB Program was not addressed at that time.

When establishing the PSOB Program, Congress placed only three limitations on the payment of benefits. No award could be paid, first, if the death was caused by the intentional misconduct of the officer or by such officer's intention to bring about his own death; second, if voluntary intoxication of the officer was the proximate cause of such officer's death; or, third, to any person otherwise entitled to a benefit if such person's action was a substantial contributing factor to the death of the officer.

In years following, however, the Justice Department began to interpret the Program's guidelines to exclude from benefits the survivors of public safety officer who die of a heart attack or stroke while acting in the line of duty, arguing that the attack must be accompanied by a traumatic injury, such as a wound or other condition of the body caused by external force, including injuries by bullets, smoke inhalation, explosives, sharp instruments, blunt objects or other physical blows, chemicals, electricity, climatic conditions, infectious diseases, radiation, and bacteria. Barred are those who suffer from occupational injuries, such as stress and strain.

Service-connected heart, lung, and hypertension conditions are silent killers of public safety officers nationwide. The numerous hidden health dangers dealt with by police officers, fire fighters and emergency medical personnel are widely recognized, but officers face these dangers in order to carry out their sworn duty to serve and protect their fellow citizens.

Our multi-partisan bill would effectively erase any distinction between traumatic and occupational injuries. The Hometown Heroes bill will fix the loophole in the PSOB Program to ensure that the survivors of public safety officers who die of heart attacks or strokes in the line of duty or within 24 hours of a triggering effect while on duty—regardless of whether a traumatic injury is present at the time of the heart attack or stroke—are eligible to receive financial assistance. I was serving my first term in the Senate when the Program was established, and I firmly believe that this is what Congress meant for the survivors of our nation's first responders to receive through the Public Safety Officers Benefits Program.

Heart attacks and strokes are a reality of the high-pressure jobs of police officers, firefighters and medics. These are killers that first responders contend with in their jobs, just like speeding bullets and burning buildings. They put their lives on the line for us, and we owe their families our gratitude, our respect and our help. No amount of money can fill the void that is left by these losses, but ending this disparity can help these families keep food on the table and shelter over their heads. It helps them make the transition into their new lives.

The gap hits families hard when tragedy strikes. Earlier this year, two Vermont firefighters suffered heart attacks while responding to emergencies. According to the Federal Emergency Management Agency, 31 firefighters died of heart attacks relating to their jobs in 2002, and based on statistics from the Officer Down Memorial Page, 8 police officers suffered heart attacks while carrying out their duties. Due to the current loophole in the PSOB Program, though, the families of these individuals will not receive federal survivor benefits without the Hometown Heroes Survivors Benefit Act. For example, in January 1978, special Deputy Sheriff Bernard Demag of the Chittenden County Sheriff's Office in Vermont suffered a fatal heart attack within two hours of his chase and apprehension of an escaped juvenile whom he had been transporting. Mr. Demag's family spent nearly two decades fighting in court for workers' compensation death benefits all to no avail. Clearly, we should be treating surviving family members of officers who die in the line of duty with more decency and respect.

Public safety is dangerous, exhausting, and stressful work. A first responder's chances of suffering a heart attack or stroke greatly increase when he or she puts on heavy equipment and rushes into a burning building to fight a fire and save lives. The families of these brave public servants deserve to participate in the PSOB Program if

their loved ones die of a heart attack or other cardiac related ailments while selflessly protecting us from harm.

First responders across the country now face a new series of challenges as they respond to millions of emergency calls this year. They do this with an unwavering commitment to the safety of their fellow citizens, and are forever willing to selflessly sacrifice their own lives to protect the lives and property of their fellow citizens. I see no reason to hold up this important legislation—last Congress the House passed Congressman ETHERIDGE's identical language, and only a single, anonymous Republican hold in the Senate prevented its final passage. I am proud that the Senate has chosen to do the right thing and shown its support and appreciation for these extraordinarily brave and heroic public safety officers by passing the Hometown Heroes Survivors Benefit Act. I urge the leaders of the House to follow our lead and pass this legislation.

CLARIFICATION OF SECTION 307 OF H.R. 1298

Mr. GREGG. Mr. President, as chairman of the Health, Education, Labor and Pensions Committee, I want to clarify for the record the intent of Section 307 of H.R. 1298, which we debated and passed a few nights ago. Section 307 amends the Public Health Service Act to provide the Director of the Centers for Disease Control and Prevention the authority to ensure that health programs using injection equipment also work to ensure the safety of injections.

This section specifies only that when injections are involved in medical treatment programs of the U.S. Government, CDC should work hard to ensure that injection safety is maximized, including the use of single-use needles and training of health care workers in injection safety.

Since Federal law prohibits Federal funds from being used to provide needles to illegal drug users, I want to make clear that nothing in this section ought to be interpreted to suggest a change in that policy. Since the activities in this section fall under the jurisdiction of the HELP Committee, we will be monitoring the program with great interest.

THE ENFORCEMENT GAP

Mr. LEVIN. Mr. President, earlier this week, the Americans for Gun Safety Foundation released a report entitled the Enforcement Gap: Federal Gun Laws Ignored, analyzing the Justice Department's commitment to enforcing and prosecuting gun laws. The report examines prosecution data acquired under the Freedom of Information Act from the Justice Department for fiscal years 2000 through 2002. The AGS study reveals a significant gap between the number of Federal gun crimes committed and the number of Federal prosecutions initiated.

The report found that 20 of the 22 major Federal gun laws are rarely prosecuted. The two statutes consistently enforced by Federal prosecutors are laws against the use of a firearm in the commission of a Federal crime and a felon in possession of a firearm. The other 20 laws address other illegal firearm activity, including gun trafficking, firearm theft, lying on a criminal background check form, removing firearm serial numbers, and selling guns to minors.

The statistics in the AGS report are startling. According to AGS, in the fiscal year ending September 30, 2002, Federal prosecutors filed 197 cases for gun trafficking, despite 100,000 guns showing signs of trafficking. Only 27 cases were filed against corrupt gun dealers, even though AGS reports that gun dealers are the leading source of firearms recovered in gun trafficking operations. Prosecutors in 22 States filed no cases against individuals committing the 20 least prosecuted crimes. Across the country, only seven cases for illegally selling a gun to a minor were filed, even though more than 30,000 gun crimes were committed by youths age 17 or under. Only 202 cases were filed for possessing or selling a stolen firearm, despite nearly 140,000 reported gun thefts that year in which the make, model, and serial number of a stolen gun was reported to police. And a mere 98 cases for possessing or selling a firearm with an obliterated serial number were prosecuted, despite thousands of these guns being recovered in just a few cities in one year.

I believe vigorous law enforcement is a critical step toward reducing gun violence. I urge the Justice Department to step up its efforts to prosecute not only people who commit gun crimes but those corrupt dealers who put guns in criminal hands.

ARMED FORCES DAY

Mr. BURNS. Mr. President, I rise today to honor our military personnel on the occasion of Armed Forces Day.

As a veteran of the Marine Corps, I believe one of the most important things a person can do is serve this great country through the military. Our nation must honor those who take up the call to defend our freedoms and never take for granted those freedoms that all of us enjoy. These freedoms are only because of our veterans and military personnel.

Our active military forces have seen a lot of action as of late. The Guard and Reserve components have seen an increase in their operations as well. The performance of our military men and women has been outstanding. In my home State of Montana, as many as 750 men and women, Active Duty, Reservists and National Guard Personnel are supporting our ongoing operations, both in the United States and overseas. I am especially proud of these folks that have stepped up to the plate and have gone above and beyond the call to duty during these trying times.

Our military has performed honorably in the latest missions with which they have been tasked—the Global War on Terrorism, Operation Enduring Freedom and Operation Iraqi Freedom. We have seen Americans coming together to support these men and women and their families at home.

The men and women who wear our country's uniform are the keepers of the flame that has been passed down through generations. They are the bearers of our national memory. Each and every veteran and military member understands that the cost of freedom is steep. They were willing to accept that cost, so that we may live in peace. Arlington National Cemetery and veterans' cemeteries across this great land are full of those who understand that ''freedom is not free.'' My thoughts and prayers go out to their loved ones for their loss.

I will continue to do my best to ensure that the United States military has the tools, skills and support needed to maintain its position as the finest fighting force in the world. I will also work to ensure that our veterans receive the benefits that they so richly deserve. It is because of their sacrifices each and every one of us are able to be here today.

God Bless our Military Personnel and God Bless America.

PROPOSED SENATE RULES CHANGE

Mr. LEAHY. Mr. President, Republican partisans are acting as if Senate Democrats were treating President Bush's judicial nominees the way Republicans treated President Clinton's. That is not the case. We have worked hard to repair much of the damage of Republican mistreatment of President Clinton's nominees. When we led the Senate we moved forward at twice the rate that Republicans had and during our leadership 100 of President Bush's judicial nominees were confirmed. This year we have proceeded to consider and confirm another 25 lifetime judicial appointments. I would understand the partisanship if Democrats had held up consideration of 125 judicial nominees and the Senate had only confirmed two, but just the opposite is true.

I understand the frustration that Senator FRIST feels regarding the continuing impasse over the nominations of Mr. Estrada and Judge Owen. I am sorry that the White House has chosen confrontation over cooperation with the Senate on these matters. It is too bad that this White House will not work with us, as Senator BENNETT and others have indicated was reasonable, in order to provide access to the materials we requested from Mr. Estrada and the Justice Department one year ago today. With respect to the renomination of Judge Owen, I have said that unprecedented renomination of a judicial nominee rejected after a hearing and a fair debate and vote before the Judiciary Committee was ill advised. It remains so.

Along with the other members of the Judiciary Committee, I have voted on the Estrada and Owen nominations. We have not taken the course of prior Republican leadership in which any Senator was allowed to block President Clinton's judicial nominees by use of a secret, anonymous hold. Instead, Democrats acted over the last few years to reform the confirmation process. We have added openness and accountability. What we have not been able to do is obtain a fair level of consultation and cooperation from this White House. We made home State Senators' ''blue slips'' matters of public record. When Republican Senators stymied Judiciary Committee consideration of President Clinton's judicial nominations, they were permitted to do so under the cloak of confidentiality. I changed that in 2001.

The Republican myth of a ''crisis'' in the Senate is punctured by the facts, which show the lowest judicial vacancy rate in 13 years—lower than the national jobless rate of 6 percent.

Court-packing by Presidents of either party is harmful, and I have spoken out often about the need to preserve the independence of our Federal judiciary. The world's emerging democracies envy the judicial independence in the American system, and we should make every effort to defend it, not to undermine it, as the escalating tactics of this administration would do. Just last month the administration and congressional Republicans turned a deaf ear when Chief Justice Rehnquist warned against the assault on the independence of the judiciary when so-called sentencing ''reforms'' were tacked on to a popular bill without hearings or careful consideration.

The White House says it opposes judicial activism, but the President sends the Senate activist nominees. The White House itself pushes results-oriented changes in the rules of the Senate, which is a separate branch of Government. This White House is not satisfied with its subjugation of the House and Senate to its will and removing Congress as a check on the Executive. They also want to pack the independent Federal courts. Republicans are not satisfied with means undermining the independence of the Senate, they are embarked on a course to undermine the independence of the Federal judiciary, as well. They already have convinced Senate Republicans to bend and even break the Judiciary Committee's rules in the handling of judicial nominees. Now they want to change the rules of the Senate itself in a raw bid for unitary government, directed by the White House. The American people and their representatives in the Senate should not let the Senate or the Federal judiciary become mere arms of any political party or any President.

The President's charges about obstruction would be easier to understand if the numbers themselves did not disprove them. The President and some Republicans in the Senate seem to be suffering from confirmation amnesia. The Democratic-led Senate confirmed 100 of his judicial nominees, acting far faster than Republicans did with President Clinton's nominees. We have confirmed another 24 this year for a total so far of 125 and achieved the lowest judicial vacancy rate in 13 years. The vacancy rate on the Federal bench today is 5.3 percent, which is lower than the national jobless rate of 6 percent. Unemployment has soared, the deficit has soared, crime is on the rise for the first time in a decade—about the only thing that has gone down significantly over the last 2 years is Federal judicial vacancies. Yet the White House complains that it has not been able to bully the Senate into rubber-stamping every one of the White House's ideological choices. Democratic Senators have cooperated to improve the process so that it has worked much more smoothly for President Bush's nominees than Republicans allowed for President Clinton's nominees.

The fact is that 125 have been confirmed, and two have been held back. You would not know that by listening to the President's remarks last Friday or to Republican talking points or various attack ads now being broadcast around the country in a partisan effort to intimidate Senators.

Democrats held hearings on more nominees faster than Republicans had and proceeded on controversial nominations. We have cooperated this year in bringing many controversial nominations to the floor for votes. When Republicans controlled the Senate during the last Democratic administration, they blocked more than 60 judicial nominees. And they were blocked not with cloture votes in the light of day, but sometimes by a single, anonymous Republican objection. And yes, there were also Republican filibusters of President Clinton's nominees.

The answer for handling the remaining controversial nominees is not reckless rhetoric or undermining the Senate's independence by changing its rules so that the independence of the Federal judiciary can become a victim to partisan court-packing. The answer has to start with the President, where the process begins. Despite his earlier promises, the President has been a divider and not a uniter in choosing many of his nominees, who would roll back the hard-won rights of workers, women, minorities and consumers, and who would side with the big polluters over communities when it comes to clean air and water. Several of his choices have divided the American people, and they have divided the Senate. We have drawn a line with a few of his most extreme choices. Drawing that line has been the responsible response to this President's divisive nominations for lifetime positions on the Federal courts.

This President campaigned saying he wanted to change the tone in Washington. He has—for the worse. The White House has adopted the rabid partisanship of House Republicans. The President of the United States has sunk to name-calling, extreme rhetoric and partisan campaigning against the Senate and individual Senators, which is not helpful to the process or to the institutions of our government.

The answer is for the administration to work with the Senate, as earlier Presidents have done. The process starts with the President, and the buck stops with the President.

Here on the Senate floor, when Senators have opposed the most divisive of the President's nominees with whom he is seeking to pack the courts and ideologically tilt them, we have done so on the record. We have debated and put forth the considerations and reasons. That, too, was something all too often missing from the years in which Republicans defeated judicial nominees through stealth tactics. We have voted on the record in vote after vote required by Republican cloture petitions.

Unfortunately, in the case of Mr. Estrada, the administration has made no effort to work with us and resolve the impasse. Instead, there has been a series of votes on cloture petitions in which the opposition has grown and from time to time the support has waned. Recently, there have been press reports indicating that Mr. Estrada had asked the White House months ago to withdraw his nomination. I understand his frustration. If this administration is not going to follow the practice of every other administration and share with the Senate the government work papers of the nominee—the very practice this administration followed with an EPA nominee in 2001—then I can understand him not wanting to be used as a political pawn by the administration to score partisan, political points. That the administration has not acceded to his reported request but has plowed ahead to force a succession of unsuccessful cloture votes and to foment division in our Hispanic community for partisan gain is another example of how far this administration is willing to go to politicize the process at the expense of its own nominees.

The frustration with these two difficult nominations should not obscure the work that the Senate leadership has done to correct some of the abuses of power earlier this year and pave the way for votes on the nominations of Jeffrey Sutton and Judge Cook to the Sixth Circuit and John Roberts to the DC Circuit. There were more votes against the Sutton nomination than the number required for a filibuster, but there was no filibuster of that nomination. Just as there was no filibuster of the controversial nomination of Mr. Tymkovich to the Tenth Circuit or of the controversial nomination of Judge Dennis Shedd to the Fourth Circuit. All three of these circuit court nominations were controversial and opposed by many Americans and many Senators.

The President's recent comments took the Republican Chairman of the Judiciary Committee to task for, among other things, not holding a hearing on the nomination of Judge Terry Boyle. I understand that Chairman Hatch is following a longstanding tradition of the Senate in not proceeding with a nomination that is opposed by a home State Senator. After all, it was Senator Helms' opposition to Judge Beaty and Judge Wynn, as well as to Roger Gregory and a number of others, that has led to there being numerous vacancies on the Fourth Circuit. Having honored Senator Helms' objections, Chairman HATCH would be seen as hypocritical and partisan if he were to ignore the concerns of Democratic home State Senators. Among the difficulties the chairman of the Judiciary Committee has faced since 2001 are the high number of judicial nominees of this White House that do not have home State Senator support. So when the President attacks the Senate for not having acted on nominations that the White House knows does not have the support of home State Senators, he is not being fair to the Senate, to the chairman or to the nominees. The White House knows that judicial nominations do not proceed without the support of home State Senators. Yet this administration continues to belittle the role of home State Senators in the advice and consent process and ignore the important role they have long played in Senate consideration of judicial nominees.

Another example is the nomination of Judge Carolyn Kuhl to the Ninth Circuit. This is a nomination that is opposed by both home State Senators. Proceeding on such a nomination is unprecedented. Yet Senate Republicans have forced the nomination out of the Judiciary Committee on a party-line vote after knowing that Senator FEINSTEIN and Senator BOXER both oppose confirmation.

The last time the Senate voted on a nomination opposed by both home State Senators was only because the Republican caucus ambushed the nomination of Judge Ronnie White of Missouri on the Senate floor in 1999 after one of the Missouri Senators switched from supporting the nomination to opposing it the day of the vote. They proceeded without telling the administration, Senate Democrats or the nominee of the change of position and a number of Republican Senators who had previously voted in favor of the nomination changed their positions, as well, and the nomination was defeated on the only party-line vote to defeat a judicial nominee in Senate history of which I am aware.

With respect to Senator FRIST's resolution, S. Res. 138, I look forward to the work of the Rules Committee on this proposal. Initially, I would observe that voting on judicial nominations is unlike Senate consideration of legislation in the way that imposing capital punishment is unlike any other criminal sentence. It is final and irrevocable. A bad statute once enacted can be amended or repealed. A bad judge is on the bench for life and will continue to affect American's rights, our freedoms and our environment in case after case for decades to come, long after the President who appointed that judge is gone. Given that dimension, I believe Senator FRIST got his proposal upside down by seeking to exempt judicial nominations from Senate debate rules. It is more important that there be a higher level of confidence and certainty that a judicial nomination being considered for a lifetime appointment be the right person for the job, be a person of fairness, impartiality, judgment and someone committed to our constitutional values. The rights of women, minorities, consumers, workers and those concerned about the environment should not be sacrificed to political expediency and the independence of our federal courts should not be lost to ideological court packing by this administration.

Others will no doubt point out that Senator FRIST voted against a proposal in 1995 to revise the Senate filibuster rules. I have pointed out in other statements how many Republicans supported the filibusters against President Clinton's executive calendar nominees, including the judicial nominations of Judge Marsha Berzon and Judge Richard Paez, the last most recent double filibuster in 2000, and the nominations of Judge Rosemary Barkett and Judge H. Lee Sarokin. In addition, recent Republican filibusters succeeded in defeating the nominations of Dr. Henry Foster to be Surgeon General and Sam Brown to be an ambassador. Republicans have not been shy about using filibusters to defeat the nominees of the most recent Democratic President or stall legislation some of them oppose. Just last year, in their tributes to Senator Thurmond, Republicans extolled his use of the filibuster and his setting a record for the longest individual filibuster in Senate history. What they left out of their tributes was the fact that Senator Thurmond had filibustered civil rights legislation.

Others may also point out how many Republicans have proposed supermajority requirements. Not only have Republicans abandoned their commitment to fiscal responsibility and their call for a balanced budget, they have forgotten that they insisted in recent years on three-fifths requirements to raise the debt ceiling or have taxes apply retroactively. Senator CRAIG and Senator MILLER currently support a proposal, S.J. Res. 2, to require a balanced Federal budget that includes a three-fifths rollcall vote of each chamber to increase the debt limit. Last year Senator SESSIONS introduced a measure, S.J. Res. 11, cosponsored by Senators CRAPO, KYL, FITZGERALD, HAGEL, INHOFE and SHELBY to require a two-thirds vote of each House in order to increase any tax. Of course, in the 105th Congress, along with former Senators Ashcroft and Abraham, who are now Cabinet secretaries in this administration, Senators ALLARD, BENNETT, BOND, BROWNBACK, BURNS, CAMPBELL, COCHRAN, COLLINS, CRAIG, DEWINE, DOMENICI, ENZI, FRIST, GRASSLEY, GREGG, HAGEL, HUTCHISON, INHOFE, KYL, LOTT, LUGAR, MCCAIN, MCCONNELL, NICKLES, ROBERTS, SANTORUM, SESSIONS, SHELBY, SMITH, SNOWE, SPECTER, STEVENS, THOMAS and WARNER all cosponsored S.J. Res. 1 which would have required a three-fifths majority requirement to raise the debt ceiling.

The Senate was not designed by the founders or the Constitution to be a strictly majoritarian institution. To the contrary, the genius of the Framers at the Constitutional Convention was to construct a House of Representatives, structured on majoritarian principles with representatives voting on behalf of relatively equal numbers of constituents, and the Senate using different principles. The Senate has always had two Senators for each State regardless of size. Thus, small States like Vermont and Rhode Island and less populous States like Wyoming, Idaho and Alaska each have equal representation with California, Texas and New York. The Senate and the House are not the same and were not intended to be the same. They were designed to be complimentary institutions of government to form a balanced legislature. I understand why proposals like S. Res. 138 might appeal to newer Republican Senators and to former House Members who are now Republican in the Senate but I fear it would represent another ill-advised step to change the Senate into a second House of Representatives. The Constitution did not assign the advice and consent role to the House but to our distinctive body, the Senate. The Senate has many distinctive traditions including, to me, one of the most significant—that smaller States have a larger role to play in the Senate than in the House.

It is a bit ironic, to say the least, that an administration that was selected with less popular vote than the Democratic Presidential candidate because of a court decision and the workings of the electoral college is now pressing so vociferously to change the Senate rules and allow judicial and executive branch confirmations approved by the barest of ''majorities''—of only those Senators present and voting at the time the Republican Senate majority chooses to call the vote.

In addition, given the Senate's structure, the administration's pretense that somehow the votes of a majority of Senators shows that a majority of Americans favor a nomination may not be factually accurate. For example, Senate Republicans have complained bitterly and resentfully about the Senate's failure to end debate on the nomination of Judge Owen. But the Senators who have voted to end debate represent less than 50 percent of the population of the United States and the Senators who have voted not to end

that debate represent the majority of the American population. Now, put that way, the decision of the Senate on this controversial nominee hardly seem anti-democratic.

I respect the role of the Senate and the ways in which it has traditionally functioned on behalf of the American people. Any rule or practice can be used for ill, of course. For instance, the Senate grants significant authority to committees and to chairs of committees to determine the Senate's agenda and business. Traditionally, when a committee votes down a nominee, that nomination does not go forward. We have made one recent exception for the nomination of Judge Bork to the Supreme Court. That led to a heated battle on the Senate floor that resulted in that nomination ultimately being rejected by the Senate. Never in our history has the Senate or an administration simply overridden the judgment of the Judiciary Committee. That is what this administration chose to do when it renominated Judge Owen after her nomination had been thoroughly and fairly considered last year.

Finally, I am troubled that the administration and Senate Republicans are so intent on changing the rules and procedures and practices of the Senate in so many ways to gerryrig the process in favor of the administration's most extreme, divisive and controversial nominees. That was not the motivation behind the amendment of rule 22 in 1975 that I supported. It used to be rare that judicial nominees would receive so many negative votes and engender so much opposition. In accordance with the consultation and cooperation that prevailed between administrations before this one and Senators from both parties, it was a rarity to have a contested nomination or to have close votes. That this administration is so fixated on forcing through the Senate nominees that do not have the support of more Senators is alarming in itself.

Consensus, mainstream, qualified nominees will get the support of not just a bare majority of Senators voting but the overwhelming majority of Senators. Thus, Judge Prado, and Judge Gregory, and Judge Raggi were confirmed with overwhelming bipartisan support. So, too, I am confident that Judge Consuelo Callahan will be the second Hispanic nominee of this administration to a circuit court to receive the strong support of Democratic Senators, when the leadership decides to schedule a vote on her confirmation. The 125 judicial confirmations to date are by and large conservative nominees but many enjoyed the strong bipartisan vote of Senators from both parties.

Yet Senate Republicans at the behest of the administration want to grant even more power to the administration by encouraging the President to nominate more controversial nominees. I respectfully suggest that the better way to proceed would be for the White House to work more closely with Democrats and Republicans in the Senate to identify consensus nominees who will not generate a close vote and do not need special rules in order to be considered.

I thank the majority leader for working with the Democratic leader and assistant leader to make what he himself recognized as progress over the last weeks. With some cooperation and consideration from the administration we could accomplish so much more.

RECOGNITION OF NATIVE AMERICAN CODE TALKERS

Mr. JOHNSON. Mr. President, throughout the military history of the United States, Native Americans have served their country above and beyond the call of duty. Although they have served in many capacities, perhaps none has been more valuable than the services they have provided as code talkers. Today, I rise to support and cosponsor S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as code talkers during foreign conflicts.

During World War II, the Sioux Indians volunteered their native languages, Dakota, Lakota, and Nakota Sioux, as codes. The Sioux code talkers worked tirelessly around the clock to provide information, such as the location of enemy troops and the number of enemy guns, which saved the lives of many Americans in war theaters in the Pacific and Europe. U.S. military commanders credit the Sioux with saving the lives of countless American soldiers and with being instrumental to the success of the United States in many battles during the war.

Today I would like to acknowledge the following distinguished gentlemen: Eddie Eagle Boy, Simon Brokenleg, Iver Crow Eagle Sr., Edmund St. John, Walter C. John Bear King, Phillip ''Stoney'' LaBlanc, Baptiste Pumpkinseed, Guy Rondell, Charles Whitepipe, and Clarence Wolfguts.

During the D-Day invasion and afterwards in the European theater, the 4th Signal Division employed Comanche code talkers to help the Army develop a code, which proved to be unbreakable by the Axis powers, and which was used extensively throughout Europe. This code was instrumental to winning the war in Europe and saved countless lives. The time has come to honor the Comanche code talkers for their valor and service to the United States. Today I would like to acknowledge the brave accomplishments of Charles Chibitty, Haddon Codynah, Robert Holder, Forrest Kassanovoid, Willington Mihecoby, Perry Noyebad, Clifford Otitivo, Simmons Parker, Melvin Permansu, Dick Red Elk, Elgin Red Elk, Larry Saupitty, Morris Sunrise, and Willie Yackeschi.

During the first year of World War I, when Germany had deciphered all Allied codes, and Allied forces were suffering from heavy casualties, 18 Choctaw Indian soldiers were recruited on the battlefield to use their native language as a new code. This code, which was never successfully deciphered by the Germans, was thereafter used widely throughout the war and was instrumental in the movement of American soldiers, the protection of American supplies, and the preparation for assaults on German positions.

The Choctaw code talkers were highly successful and saved many lives and munitions. Their contribution is just another example of the commitment of Native Americans to the defense of the United States, as well as another example of the proud legacy of the Native Americans. The original 18 Choctaw code talkers have already been honored by a memorial bearing their names located at the entrance of the tribal complex in Durant, OK. Now I would like to continue to honor their legacy by urging my colleagues to vote affirmatively for S. 540.

MEMORIAL DAY

Ms. STABENOW. Mr. President, I rise today to reflect on this year's Memorial Day commemorations and the importance of this holiday in American life.

As I attend Memorial Day parades and commemorations, I'm struck by the spirit of national unity on display because I know that across Michigan—and across our Nation—our fellow Americans are taking part in similar gatherings where we take the time to reflect on our history and the sacrifice that brought us to where we are today.

Memorial Day is unique among American holidays. On Memorial Day we do not honor a particular date or event—a battle or the end of a war. On Memorial Day we do not honor an individual leader—a president or a general. On Memorial Day we do not even honor ourselves—at least not in the present tense.

On Memorial Day we pay homage to the thousands and thousands of individual acts of bravery and sacrifice that stretch back to the battlefields of our Revolution and are on display today in the deserts of Iraq and the mountains of Afghanistan.

We honor the brave men and women who answered their Nation's call to duty. And—making that ultimate sacrifice—never returned to their families and loved ones.

As part of this year's Memorial Day commemorations, I have been paying special respects to our Korean war veterans because this July marks the 50th Anniversary of the armistice that ended that war.

Notice I said Korean war. I did not say ''the Korean Conflict.'' I did not call it a police action. I've met too many Korean war veterans. I've heard too many of their stories.

It was the Korean war.

About 2 million Americans served on active duty with the United States

Armed Forces during the Korean war. And nearly 55,000 never came home.

The Korean war is often called ''the forgotten war.'' Well, it is not forgotten by me. I've met too many Korean war veterans and heard the stories of the hardships they endured defending—in the words of the plaque at the Korean War Memorial—''a country they never knew, and a people they never met.''

So I think that one of the most fitting ways to pay homage to our fallen patriots is to treat their living comrades with the respect and honor they deserve.

Michigan is home to 875,000 veterans, and in personal conversations, letters, phone calls and e-mails I have heard from many who are not being treated fairly by the veterans' health care system or by present pension regulations.

Right now, we are underfunding veterans' health care by close to $2 billion. This means it can take months to see a doctor and delays of a year or longer for some surgical procedures.

I am cosponsoring the Veterans Health Care Funding Guarantee Act of 2003—S. 50—that would order a 20 percent increase in funding for the Veteran's Health Administration by 2005, and adjust the amount upwards every year after that to take into account new enrollees.

Also, antiquated laws have also created an unfair situation wherein a veteran's pension can be reduced by the amount of their disability payment for a service-related disability. In some cases the pension can be wiped out entirely.

This is unfair. Pension and disability payments are two separate and distinct benefits. Our veterans have earned their pensions. And if they also suffered a service-related disability that has cut their ability to earn money outside the military, they are entitled to a separate disability payment as well.

I am cosponsoring the Retired Pay Restoration Act of 2003—S. 392. This bill would require that veterans receive their full pension plus all disability payments to which they are entitled. This issue is also known as full concurrent receipt.

As we observe this holiday we call Memorial Day, let us remember the centuries of sacrifice by thousands and thousands of men and women that this day represents. And let's make sure that all who served with honor are honored in return.

STATEMENT IN MEMORY OF MARY BOWERS

Ms. SNOWE. Mr. President, I rise today to pay tribute to one of the most extraordinary and courageous people I have ever had the privilege to know.

Mary Bowers was an integral and beloved member of my staff who sadly passed away on May 3 at the age of 28. My thoughts and prayers are with her husband, Wayne Rolland; her parents, Betty and Chris Bowers of Hermon, ME; Mary's sister, Melissa; and her entire family who she loved so deeply. Mary's life was all too tragically brief, but how rich it was in experience and love—and how profoundly she taught us all about the art of living.

On a professional level, Mary was a tremendous asset to my staff, and I would be remiss not to recall the myriad ways in which she was the nucleus of the office. As my Maine scheduler and Assistant to the Chief of Staff, she was of extraordinary assistance, and it is no exaggeration to say that through her efforts the people of her home State of Maine—which she loved so dearly—were exceptionally well served. Yet, it should be said that Mary's most significant contributions sprang not from her work in my office—but instead from the positive and irrepressible force of her presence.

I first came to know Mary as a young volunteer on my campaigns for Congress. She was passionate even then about politics, and the role that government and elected officials could play in securing for America the blessings and ideals upon which our Nation was founded. In an era when so many of our young people feel disaffected and disenfranchised, Mary believed deeply that involvement in the process could make a very real difference—that it was a responsibility and an obligation in return for the fruits of freedom and opportunity provided by the basic tenets of this great Nation.

As her high school years drew to a close, Mary sought a nomination to the U.S. Military Academy at West Point. It was obvious by then she was not only a bright young woman, but possessed the kind of exceptional qualities that would make her a success both at the Academy and—even more importantly—in life—honesty, a commitment to service, an unassuming yet unmistakable confidence, and an intangible demeanor that inspired others to their better nature.

Indeed, even early on, Mary embodied the essence of a leader. Later, as a member of my staff, she always took charge without ever ''taking over''. She would have made a brilliant Army officer—people would have followed her anywhere, responding to the genuine persuasiveness of her personality and the clarity of her vision.

But Mary's greatest challenge was thrust upon her while at the Military Academy—one far greater than any obstacle course. Young, vibrant, full of promise—she learned she had cancer. In the months and years that followed, in all of the ways that truly count in this world, she would meet that challenge—and in the process forever change the lives of all who were blessed to know her.

Perhaps what was most heroic about Mary is that she never allowed herself to be defined by her disease—yet the way in which she comported herself while fighting her disease epitomized her very essence—and will surely be the legacy that lives on in our hearts and the way in which we lead our own lives.

Quite simply, Mary was a diminutive dynamo. Tiny in stature, she was a giant in her soul. Even as cancer sapped her physical strength, she possessed a deep, more spiritual reserve from which to draw. Certainly, there appeared no rational explanation for her ability to muster energy. We could no more understand how she defied the realities that cancer imposes on the human body and spirit than we could determine how she summoned such extraordinary courage.

During her 4 years on my staff, she endured numerous, punishing treatments—none of which were subtle in their physical impact—even apologizing for having to go to doctor's appointments! Throughout it all, her attitude was unfailingly positive and gracious. Any of us would most certainly have excused Mary for any moodiness or bristling response, but the opportunity never arose. Rather, she was always more concerned for others than she was for herself.

With unfailing humor, she had a way of disarming even the most stressful of moments and deflating the small absurdities that creep into everyday life. The treats she baked and brought into the office—again, even when she was not feeling well—were a tangible gift from her heart. And while the rest of us would be affected by daily trials and tribulations of a much lesser nature, Mary was the one whose light shined into our lives and lifted our emotions. Indeed—her lifelong love of lighthouses was entirely appropriate, as she stood most firm when the seas were at their roughest . . . she was a beacon of brightness and hope . . . and her presence on the landscape of our lives will be enduring.

Particularly in our line of work, we have the opportunity to meet a great many people—some of high title, others who are the unsung heros of our society. But the universe of those who truly change the course of our own lives by their example is much, much smaller. My staff and I will forever count Mary among those individuals.

In my own life, I have known adversity. And yet, Mary has taught me lessons in living I had not yet fully realized. I know it is the same for my staff—who, to a man and woman loved and respected Mary and the example for which she stood. All of us will now be the personal messengers of her indomitable spirit and, in turn, that part of Mary that lives on within all of us will continue to impact the world forever, for the better.

The measure of Mary's life will never be the crude yardstick of the number of years on earth, but rather the number of lives she touched while she was among us. In the words of the great American author Ralph Waldo Emerson, ''to know even one life has breathed easier because you have lived—this is to have succeeded.'' I

could not agree more, and in that light Mary Bowers was most assuredly one of the most successful people one could ever hope to know. We love her and we will miss her more than words have the power to convey.

I ask unanimous consent that a retrospective on Mary's life published by the Portland Press Herald be printed in the RECORD, as well as a copy of the eulogy delivered at her funeral service by my former Chief of Staff, Kevin Raye.

[From the Portland Press Herald, May 6, 2003]

MARY BOWERS, 28, SMALL SENATE STAFFER WHO MADE GIANT IMPACT

(By Joshua L. Weinstein)

BANGOR.—Ask Mary Bowers' husband if his wife had any subtle ways of letting him know she loved him, and you'll hear:

''There was nothing subtle about Mary. She just told me that she loved me all the time.''

Mrs. Bowers, who died Saturday, was like a summer day in Maine: clear and sunny and not with us nearly long enough. She was only 28 when she died of ovarian cancer.

''She was courageous, she was funny and warm'' said her boss, Jane Calderwood, the chief of staff to U.S. Sen. Olympia Snowe. ''She's mom to all of us . . . She was really the heart of the place.''

Mrs. Bowers doted on people, brought homemade chocolates to work, delighted in the little things.

But she could be fierce.

She was a tiny thing—maybe 5-foot-3, on her toes—but she had a way about her.

Before she got sick, she decided on a career in the military. She was accepted to the U.S. Military Academy at West Point, and studied there two years before being diagnosed with cancer. She rallied, and landed at the University of Maine, where she graduated with high honors in political science.

She worked briefly with Presidential Classroom, a Washington-based program for high school scholars, before joining Snowe's staff, where she was state scheduler and assistant to the chief of staff.

She was beloved in Snowe's office.

''You could tell by her eyes when she was up to no good,'' Calderwood said. ''You could tell because there would be this glint. And if she walked into the room and she had that look, you'd be in trouble.''

Bowers's husband, Wayne Rolland, said his wife loved her nieces, loved her job, loved the Republican Party, loved history, loved politics.

''One of the funny things that she used to say, and it sounds kind of funny coming from a cancer patient, but she used to always say, ''It's better to look good than to feel good.'''

Mrs. Bowers always looked good, Rolland said.

With her deep blue eyes and suits from Talbot's, maybe a few white daisies on her desk, Mrs. Bowers had style.

She was a vegetarian who loved chocolate and the occasional glass of wine.

She liked country music, especially Garth Brooks. She sang in the church choir when she was a girl, and one of her favorite gifts from her husband was a karaoke machine.

She always used to sing Brooks' ''Friend in Low Places.''

She even sang it at her wedding.

Mrs. Bowers loved the ocean, and collected lighthouses, along with Beanie Babies and candles.

Lighthouses and candles made sense, Calderwood said.

''She was always the bright light.''

EULOGY FOR MARY BOWERS

(Offered by Kevin Raye at All Soul's Congregational Church, Bangor, Maine)

May 7, 2003

Good afternoon. Over the course of my life, I have often stood before a congregation to help lead services. I have often been called upon to speak in public. And like everyone in this sanctuary today, I have often shared in joys and sorrows with family and friends. But never in my life have these three things converged in such a profoundly difficult way for me as they do today.

When Wayne called me to convey Mary's request that I speak at her funeral, I was profoundly moved. And to be honest, I was overwhelmed by conflicting emotions. The desire to do absolutely anything in the world for Mary, crushing sadness that her death was now so imminent, a sense of inadequacy to do justice to her life and her courage, and the trepidation that I would not be able to maintain my composure at this moment.

But despite those swirling emotions, I embraced her request. Because finally there was something I could do for Mary.

And because it is an honor to pay tribute to this remarkable young woman whose strength and optimism, whose kindness and thoughtfulness, and whose happiness and loving nature deeply touched so many lives—more deeply than she ever knew.

And whose penchant for taking care of others and getting things in order never wavered. Even in her final weeks, Mary was firmly in charge, busy organizing, checking off her list of things to do, taking care of the details. As a co-worker said upon learning of her death, Mary's up there organizing heaven right now.

But even as she took care of the details, and the strength was ebbing from her body, her first thoughts were with others. At every juncture, she was concerned more about her family and her friends than herself. And when visitors were coming, she summoned every ounce of strength to be her bubbly smiling self and lift them up.

As she said over and over to Wayne, ''It's better to look good than feel good.'' Of course Mary would think that. Because how she looked affected how others felt. She could deal with feeling bad herself, but she wanted others to feel good when they saw her.

My first memories of Mary are of the little girl who tagged along with her mother volunteering at Olympia's campaign office. A sweet and bright and eager and energetic girl.

Even at a young age, she knew how to get things done. Or should I say, get her own way?

Betty told me a great story the other day. When Mary was a little girl, it seems the family pastor had tried in vain to get Mary's father Chris to take on some task or another. When he declined, Mary piped up and said ''You know, Dad's a push-over if you flutter your eyes . . . and if that doesn't work, all you have to do is give him a kiss.''

Well, Mary saved that little tactic for her father—and later used it with great success on Wayne. But for the rest of us, Mary succeeded by working hard and being determined.

She knew at a very young age that she loved politics. Over the years, and during a succession of campaigns, Mary was there. She helped us organize lit drops, she worked in the office, she licked envelopes, she loved politics. In fact, she once told her mother that when she became President, she would have her mother dust the White House and her father trim the rose bushes.

Well not only did Mary love politics, but everybody in politics who met her, loved Mary.

And all of us were so proud of her—her appointment to West Point, her stellar academic accomplishments there and at the University of Maine, where she graduated magna cum laude—and to see what a fine young woman she grew to be.

But we were not only proud, we were humbled and awed by her grace, her dignity, her strength, her determination, her unwavering optimism and her enormous courage as she battled the cancer that invaded her young body. And how she never skipped a beat in her continued daily devotion to her family and friends, and to her work.

After Mary had grown up, and had survived her first bout with cancer, she moved to Washington to work for Presidential Classrooms. As it happened, I was also there, serving as Chief of Staff to Senator Snowe. And soon after learning that Mary was in town, I convinced her to leave her other job behind and come to work for Olympia.

Now, one thing that I have often observed about bright, talented and ambitious young people, college degree in hand, having landed their first job on Capitol Hill, is that they are sometimes disheartened to find themselves answering the phone or entering data, or saddled with other decidedly unglamorous responsibilities. You won't be surprised to know that Mary was different.

She was as bright, talented and ambitious as any young person I ever hired in nearly two decades with Olympia.

But Mary was also determined to be the best at whatever she did. No matter what the task, to Mary, it was important. Whether she was taking a phone call from a veteran in Passadumkeag, giving a tour of the Capitol to a family from Lubec, or greeting a member of the President's Cabinet, Mary accorded every person her full attention and her trademark kindness, genuine interest and sweet smile.

With her extraordinary organizational skills, and penchant for details, she did her work thoroughly and then looked around to see what else needed to be done.

As I observed her in action, I knew Mary was exactly the person I needed at my side to help me fulfill my responsibilities as Chief of Staff. So I made her my assistant—and also put her in charge of Olympia's Maine scheduling. She literally did the work of two people, and it was one of the best decisions I ever made.

As my wife Karen can attest, Mary's competence, her quiet unflappability, her uncanny ability to keep track of ten thousand things at once, and her mischievous sense of humor, combined to make her enormously valuable to me, to my successor who also came to depend on her, to Senator Snowe, and—while most of them never knew her, she was enormously valuable to the people of Maine—whom she served with a passion and commitment to the noble pursuit of public service.

Mary was the epitome of the old adage ''never judge a book by its cover.'' Because this diminutive young woman, who appeared at first blush so small and delicate, and was in truth incredibly sweet, was also as tough as nails. She had a quick wit; she had her own opinions; and she could hold her own in any situation. If you don't think so, you need to see the photograph of her running across a field during her training at West Point, covered in mud, clutching an M–16.

Not much bothered her. In fact, on Monday, Wayne was interviewed by a reporter for the Portland Press Herald, who asked him many questions about Mary. After he hung up, Wayne turned to us and said ''That guy did ask one question that I didn't answer.''

''What was that?'' we asked.

''He asked if there is anything that really drives her nuts. That was a hard question.

And I didn't answer because the only thing I could think of was ''Yes, a Democrat.'' Quickly adding, ''But even for Democrats, she had a place in her heart!''

Yes, that was Mary. She had her opinions, and she was passionate about them, but she had a heart big enough for everyone . . . and the only things that really drove her nuts were racism and sexism, two things for which she had zero tolerance.

On a personal level, I will always be deeply grateful for Mary's selflessness last year, when despite her illness, her loyal friendship brought her home to Maine to be at my side at crucial moments of my campaign for Congress—during the Republican Convention a year ago last weekend, and again during the hectic final weeks of the campaign last fall.

When it was crunch time, and everyone knew I needed someone to help keep me calm amidst the storm, it was Mary we turned to.

Knowing Mary was a joy in every respect. Her curious mind, her cheerful outlook and easy laugh, her grace under pressure, her steely determination and unflinching courage in the face of devastating illness, all combined to make this incredible young woman one of the most remarkable individuals I have ever met—or hope to meet—in my lifetime. They also made her much more than a co-worker. They made her a beloved friend—in the truest sense of the word.

And one of the joys of knowing Mary was that of getting to see her experience the wonder of true love. For that is what she found with Wayne.

No two people could ever have been more right for each other. And while Mary certainly made Wayne sweat it out for a long time before deeming him worthy of her affections, once she made up her mind, it was a true romance.

And it was the best decision of her life, for she got a life's partner who was there for her in every way—and who stayed at her side, giving her strength and support and love through every day of her life, and drawing his own strength and inspiration from Mary.

And while their days together were far too few, they brought each other great happiness and fulfillment.

Among the things Karen and I will always be grateful to Mary for is allowing us to get to know Wayne, and to share in the joy of their loving relationship, and other small joys like our shared passion for good food—especially Indian food. Of course, Mary's had to be vegetarian, while she tolerated Wayne, Karen and I indulging our basic carnivorous instincts.

And our mutual love of movies, cook-outs by the pool, enjoying special occasions together like the Inaugural Ball, the celebration of their long-awaited marriage, and being at their side during the up and down fight against Mary's cancer, and in the bittersweet journey of these last weeks.

Then, of course, there was that picture-perfect summer day in Bar Harbor last August, when Mary and Wayne were married at last. It was the wedding of Mary's dreams, and she was truly a radiant and beautiful bride.

Moments before the ceremony, when most brides are a nervous wreck, Mary took time to play ring-around-the-rosie with Alexa and another of the littlest guests.

At the reception, she danced, she laughed, she mingled and spent precious moments with every person there, and she entertained everyone by singing her trademark karaoke rendition of Garth Brooks's ''I've Got Friends in Lo-o-ow Places.''

And in keeping with the nautical theme of the reception—so in keeping with Mary's love of the ocean and lighthouses, and Wayne's love of the sea—Wayne thoughtfully dubbed every table with the name of a ship.

Ours was, of course, the State of Maine. And the Bride's table? What else but the Queen Mary . . .

For that is what Mary was to Wayne—his Queen.

And she was able to rely on him always. His devotion to her was unwavering and it was boundless. She never made a decision without him, for they were partners in every way—even against cancer.

And through it all, in all the times we spent together, and all the discussions we had, through every hopeful sign, and with every setback, I never heard either one of them ask ''Why me? Why us?'' They just faced every day as a team, determined to get through it together.

That Mary found such a perfect love with Wayne was a very natural thing. Because Mary has been surrounded by love her entire life.

Especially Chris and Betty, the parents she cherished, and about whom she was so concerned throughout her illness. And if you have ever spent time with Chris and Betty Bowers, you will understand how Mary came to be so bright and cheerful and optimistic.

As we heard the beautiful trumpet solo of ''Rock of Ages'' a few moments ago, I couldn't help but think what rocks Chris and Betty have been for Mary. With their frequent journeys to Washington to be at Mary's side at crucial times in her battle against cancer, they were a constant source of support and love for Mary and for Wayne. And I know Mary was so grateful that she was able to spend her last days surrounded by their love.

And Mary took such comfort from the reassuring presence and tender care of her beloved sister Missy, with whom she was so very close, Missy's husband LeRoy, and such joy from time with her precious nieces Jordan and Alexa.

She had a very special bond with Jordan, to whom Mary entrusted the secret of fluttering eyes. Jordan used to say ''Auntie, can I move in with you and Wayne?'' And Mary would say ''But your mother will miss you.'' And Jordan said ''But we'd let her come visit!''

And Alexa, at a different phase in her life. So little, but so precious in her Auntie's eyes. Mary adored them both . . . and the feeling was mutual.

The circle of love that was Mary's family also included her grandmother Phyllis, who is too ill to be here today, but who faithfully traveled from Sherman to Bangor to spend time with Mary these past weeks, and is here in spirit, as well as her aunts and uncles and cousins, and Wayne's parents and grandparents and other family who became her own.

And as her days neared their end, she told Wayne she was looking forward to being reunited with her beloved grandfathers who passed away before her. And we know now in sure and certain faith that she is with them today, and her other grandmother she never knew in this life.

Two summers ago, as Karen and I began building our home in my hometown of Perry, Mary and Wayne and her Uncle Tony and Aunt Carmel bought from us a piece of land that my aunt and uncle had given me at my birth. At a beautiful place called Gin Cove on the Perry shore of Passamaquoddy Bay, overlooking St. Andrews, New Brunswick.

This spot has been near and dear to me for my entire life. It represents a family legacy, a place where I played as a child, learned to dig clams and experienced the joy of living in Maine. And while I knew selling it would be a big help in realizing the dream of building our home, I was reluctant to do so. But seeing how much Mary and Wayne loved it, and knowing that it would fulfill their dream of being on the ocean, and provide us the bonus of bringing them regularly to Perry, made it just right.

Now that beautiful spot represents even more. Its beauty is just one more reminder of the beauty of Mary Bowers, and the legacy she leaves us all.

On Monday, Wayne came down to Perry to his and Mary's spot on Gin Cove, seeking peace and reflection at this place she loved so much.

May each of us find peace—and joy—as we reflect on Mary, and give thanks to God for sharing her with all of us these past 28 years. And while we're at it, let's whisper thanks to Mary for sharing her love and her spirit and her goodness with us.

Mary, to take some liberties at paraphrasing Garth Brooks in that song you loved to sing: now we know we have a friend in high places.

Mary, we love you, we will miss you, and we will never, never, never forget you, for you will be in our hearts until the day each of us join you in Heaven.

ADDITIONAL STATEMENTS

LCOAL LAW ENFORCEMENT ACT OF 2003

● Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, 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 in Aloha, OR. On August 26, 2001, Lorenzo ''Loni Kai'' Okaruru was found dead in an overgrown field with her face smashed in and her fingertips cut off. A biological male born 28 years before in Saipan, Okaruru, Loni began living as a woman before she had migrated to Oregon. Given the savagery of the attack—a telltale sign of a probable hate crime—local police counted Loni's murder as the first official hate crime in the county's history.

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.●

HONORING MIKE MANGEOT

● Mr. BUNNING. Mr. President, I rise today in recognition of Mr. Mike Mangeot of Covington, KY. Mr. Mangeot is a recipient of the 2003 Covington Award presented by the Friends of Covington organization.

Each year the Friends of Covington take the opportunity to honor a business professional who places an equal amount of energy on community development as they place on professional success. Mr. Mangeot was selected for his strong dedication to community affairs and leadership in Covington.

This announcement adds to the long list of achievements that Mr. Mangeot has experienced through his career. Co-founder of the highly successful Century Construction, Mr. Mangeot focuses his attention on helping improve the Covington community through revitalization projects. Currently, Mr. Mangeot also assists several community civic groups, such as the Kiwanis, the Jaycees, and the Covington Business Council.

I am pleased that Mr. Mangeot's dedication to his hometown is being recognized by individuals who know him and his work best. I thank the Senate in allowing me to honor Mr. Mike Mangeot.●

TRIBUTE TO DANVILLE/BOYLE COUNTY CHAMBER OF COMMERCE

● Mr. BUNNING. Mr. President, I rise today to honor and pay tribute to the Danville/Boyle County Chamber of Commerce for earning the 2003 Afterschool Community Champion Award presented by the Afterschool Alliance. The Danville/Boyle County Chamber of Commerce has distinguished itself by creating a high quality afterschool program that implements President Bush's No Child Left Behind Act and the 21st Century Community Learning Centers initiative.

The success of the Danville/Boyle County Chamber of Commerce Business Mentoring Program in building the character and competence of Kentucky's middle school students can be attributed to the five main promises it made to its participants. The program promises to provide ongoing relationships with caring adults with a healthy start for a student's future, offers safe facilities and marketable skills through effective education, and gives opportunities to reciprocate through community service. The chamber's plan coincides with the 21st Century program by instilling mentoring programs in middle schools that provide students with the necessary attention they need to achieve academic success.

I am proud of the Danville/Boyle County Chamber of Commerce. It is a source of great pride to call attention to their excellence. The chamber's contributions have made all the difference in the lives of its participants. The citizens of Danville/Boyle County are fortunate to be served by such fine individuals. Their example should be followed in communities across Kentucky.●

HONORING LINCOLN, NEBRASKA MAYOR DON WESELY

● Mr. NELSON of Nebraska. Mr. President, I rise today to honor Mayor Don Wesely of Lincoln, Nebraska who on this day will relinquish his duties as leader of this great city in order to spend more time with his three children. After serving the Lincoln community for the past 25 years as mayor and a member of the Nebraska legislature, I believe Mayor Wesely has more than earned the opportunity.

Don Wesely began his career in public service in 1978 at the tender age of 24, when he became the third youngest person ever to serve in the unicameral legislature. While serving the 26th legislative district of northeast Lincoln for 20 years, Don sponsored or cosponsored over 300 initiatives that eventually became State law. His accomplishments as the chairman of the Health and Human Services Committee for 14 years have had a lasting effect on the State of Nebraska and his focus on those most in need has inspired his colleagues and constituents. When Don retired from the legislature in 1998, he was the eighth longest serving State senator in Nebraska history and he was only 44 years old.

As mayor, Don Wesely presided over the city during troubled economic times, but managed to leave the city on solid financial footing for his successors. Mayor Wesely is a strong supporter of the largest infrastructure project in the city's history the Antelope Valley Project and I can attest to his persistent advocacy of Federal assistance for all aspects of the project, including flood control, transportation improvements, and community development. Mayor Wesely was also instrumental in crafting a unique and historic public-private partnership that resulted in the baseball-softball complex that is now the home of the minor league Lincoln Salt Dogs baseball team. And in a true measurement of his success in office, Mayor Wesely was a tireless promoter of private investment in the Lincoln area. During his last 2 years in office, over 10,000 new jobs were created.

I had the pleasure and honor of working with Don Wesely both when I was Governor of Nebraska and now during my time in the United States Senate, so I can say with conviction that he has served Lincoln and the State with distinction. I am proud to call Don Wesely a friend, and I join the Senate and all Nebraskans in wishing he and his children Sarah, Amanda, and Andrew all the best as they begin an exciting new chapter in their lives.●

6-MONTH PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO BURMA THAT WAS DECARED IN EXECUTIVE ORDER 13047 OF MAY 20, 1997—PM 33

Under the authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on May 19, 2003, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I am providing a report prepared by my Administration, covering the 6-month period since November 20, 2002, on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 16, 2003.*

NOTICE CONTINUING THE NATIONAL EMERGENCY WITH RESPECT TO BURMA THAT WAS DECLARED IN EXECUTIVE ORDER 13047 OF MAY 20, 1997—PM 34

Under the authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on May 19, 2003, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice, stating that the Burma emergency is to continue beyond May 20, 2003, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on May 17, 2002.

The crisis between the United States and Burma that led to the declaration of a national emergency on May 20, 1997, has not been resolved. The actions and policies of the Government of Burma, including its policies of committing large-scale repression of the democratic opposition in Burma, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 16, 2003.*

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1079. A bill to extend the Temporary Extended Unemployment Compensation Act of 2002.

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–2388. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of a document entitled ''Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 (SAFETEA)'' received on May 14, 2003; to the Committee on Environment and Public Works.

EC–2389. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Increased Assessment Rate (Doc. No. FV03–932–1 FR)'' received on May 14, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2390. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Winter Pears Grown in Oregon and Washington; Order Amending Marketing Agreement and Order No. 927 (Doc. No. FV00–927–03)'' received on May 14, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2391. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grapes Grown in a Designated Area of Southeastern California; Establishment of Safeguards and Procedures for Suspension of Packing Holidays (Doc. No. FV03–925–2 IFR)'' received on May 14, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2392. A communication from the Administrator, Agricultural Marketing Service, PACA Branch, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Perishable Agricultural Commodities Act (PACA): Amending Regulations to Extend PACA Coverage to Fresh and Frozen Fruits and Vegetables that are Coated or Battered (Doc. No. FV02–369)'' received on May 14, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2393. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyraflufen-ethyl; Pesticide Tolerance (7306–1)'' received on May 14, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2394. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyriproxyfen; Pesticide Tolerance (7305–9)'' received on May 14, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2395. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Indoxacard; Pesticide Tolerance for Emergency Exemptions (7305–2)'' received on May 14, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2396. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a document entitled ''Federal Energy Regulatory Commission's Annual Report for Fiscal Year 2002'' received on May 13, 2003; to the Committee on Energy and Natural Resources.

EC–2397. A communication from the Assistant Secretary, Water and Science, Department of the Interior, transmitting, pursuant to law, the report of a document entitled ''Final Engineering Report (FER), Volumes I and II, for the Fort Peck Assiniboine and Sioux Water Supply System and the Dry Prairie Rural Water System'' received on May 12, 2003; to the Committee on Energy and Natural Resources.

EC–2398. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a legislative proposal entitled ''To amend title 28, United States Code, to eliminate the requirements for a separate system of pay and benefits for FBI police'' received on May 14, 2003; to the Committee on the Judiciary.

EC–2399. A communication from the Deputy Assistant Administrator, Office of Diversion Control, transmitting, pursuant to law, the report of a rule entitled ''Exemption of Chemical Mixtures Containing the List I Chemicals: Ephedrine, N-Methylephedrine, N-Methylpseudoephedrine, Nor-pseudo-ephed-rine, Phenylpropanolamine, and Pseudoephedrine''; to the Committee on the Judiciary.

EC–2400. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the report of two documents entitled ''2002 Activities of the Administrative Office of the United States Courts'' and ''2002 Judicial Business of the United States Courts'' received on May 14, 2003; to the Committee on the Judiciary.

EC–2401. A communication from the White House Liaison and Executive Director, White Commission on the National Moment of Remembrance, transmitting, pursuant to law, the first Annual Report of the White House Commission on the National Moment of Remembrance; to the Committee on the Judiciary.

EC–2402. A communication from the Director, Defense Finance and Accounting Service, Department of Defense, transmitting, pursuant to law, the report relative to the decision to perform a competition of the Marine Corps Accounting function, received on May 14, 2003; to the Committee on Armed Services.

EC–2403. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report relative to the transfer of appropriated funds out of the Defense Working Capital Fund to the Operation and Maintenance appropriations of the Army, Navy, Marine Corps, Air Force, and Defense-wide, received on May 14, 2003; to the Committee on Appropriations.

EC–2404. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Exemptions From Premarket Notification; Class II Devices; Optical Impression System for Computer Assisted Design and Manufacturing (Doc. No. 02P–0494)'' received on May 14, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–2405. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report relative to international agreements other than treaties entered into by the United States under the Case-Zablocki Act with Australia, Kazakstan and Egypt, received on May 14, 2003; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–114. A resolution adopted by the Municipal Council, City of Newark, State of New Jersey relative to the Municipal Council opposing any pre-emptive, unilateral United States military offensive against Iraq, without United Nations consensus; to the Committee on Foreign Relations.

POM–115. A resolution adopted by the Senate of the State of California relative to the Armenian Genocide; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION NO. 1

Whereas, the Armenian people, living in their 3,000 year historic homeland in eastern Asia Minor and throughout the Ottoman Empire, were subject to severe persecution and brutal injustice by the rulers of the Ottoman Empire before and after the turn of the twentieth century, including widespread massacres, usurpation of land and property, and acts of wanton destruction during the period from 1894 to 1896, and again in 1909; and

Whereas, the horrible experience of the Armenians at the hands of their oppressors culminated in 1915 in what is known by historians as the ''First Genocide of the Twentieth Century,'' and as the prototype of modern-day mass killing; and

Whereas, the Armenian Genocide began with the arrest, exile, and murder of hundreds of Armenian intellectuals, and political, religious, and business leaders, starting on April 24, 1915; and

Whereas, the regime then in control of the empire, known as the ''Young Turks,'' planned and executed the unspeakable atrocities committed against the Armenian people from 1915 through 1923, which included the torture, starvation, and murder of 1,500,000 Armenians, death marches into the Syrian desert, the forced exile of more than 500,000 innocent people, and the loss of the traditional Armenian homelands; and

Whereas, while there were some Turks and others who jeopardized their safety in order to protect Armenians from the crimes being perpetrated by the Young Turk regime, the genocide of the Armenian people constituted one of the most egregious violations of human rights in the history of the world; and

Whereas, the United States Ambassador to the Ottoman Empire, Henry Morgenthau, Sr., stated ''Whatever crimes the most perverted instincts of the human mind can devise, and whatever refinements of persecutions and injustice the most debased imagination can conceive, became the daily misfortunes of this devoted people. I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915. The killing of the Armenian people was accompanied by the systematic destruction of churches, schools, libraries, treasures of art, and cultural monuments in an attempt to eliminate all traces of a noble civilization with a history of more than 2,000 years''; and

Whereas, Winston Churchill wrote: ''As for Turkish atrocities: . . . massacring uncounted thousands of helpless Armenians, men, women, and children together, whole districts blotted out in one administrative holocaust—these were beyond human redress''; and

Whereas, contemporary newspapers like the New York Times commonly carried headlines such as ''tales of Armenian Horrors Confirmed,'' ''Million Armenians Killed or in Exile,'' and ''Wholesale Massacre of Armenians by Turks''; and

Whereas, Adolph Hitler, in persuading his army commanders on the eve of World War II that the merciless persecution and killing of Poles, Jews, and other peoples would bring no retribution, declared, ''Who, after all,

speaks today of the annihilation of the Armenians''; and

Whereas, unlike other peoples and governments that have admitted and denounced the abuses and crimes of predecessor regimes, and despite the overwhelming weight of evidence, the republic of Turkey has inexplicably and adamantly denied the occurrence of the crimes against humanity committed by the Young Turk rulers, and those denials compound the grief of the few remaining survivors of the atrocities, desecrate the memory of the victims, and cause continuing trauma and pain to the descendants of the victims; and

Whereas, nations that have officially recognized the Armenian Genocide have been subjected to retaliation and condemnation by Turkey; and

Whereas, there have been concerted efforts to revise history through the dissemination of propaganda suggesting that Armenians were responsible for their fate in the period from 1915 through 1923 and by the funding of programs at American educational institutions for the purpose of furthering the cause of this revisionism; and

Whereas, leaders of nations with strategic, commercial, and cultural ties to the Republic of Turkey should be reminded of their duty to encourage Turkish officials to desist from efforts to distort facts and deny the history of events surrounding the Armenian Genocide; and

Whereas, the accelerated level and scope of denial and revisionism, coupled with the passage of time and the fact that few survivors remain who serve as reminders of indescribable brutality and torment, compel a sense of urgency in efforts to solidify recognition and reaffirmation of historical truth; and

Whereas, by honoring the survivors and consistently remembering and forcefully condemning the atrocities committed against the Armenian people as well as the persecution of the Assyrian and Greek populations of the Ottoman Empire, we guard against repetition of the crime of genocide; and

Whereas, California has become home to the largest population of Armenians in the United States, and those citizens have enriched our state through leadership in the fields of academia, medicine, business, agriculture, government, and the arts and are proud and patriotic practitioners of American citizenship; and

Whereas, the State of California has been at the forefront in encouraging and promoting a curriculum relating to human rights and genocide in order to empower future generations to prevent recurrence of the crime of genocide: Now, therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby designates April 24, 2003, as the ''California Day of Remembrance for the Armenian Genocide of 1915–1923''; and be it further

Resolved, That the State of California commends its conscientious educators who teach about human rights and genocide; and be it further

Resolved, That the State of California respectfully memorializes the Congress of the United States to act likewise to commemorate the Armenian Genocide; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, Members of the United States Congress, and the Governor.

POM–116. A resolution from the City Council of Boulder, State of Colorado relative to opposition to the war in Iraq; to the Committee on Foreign Relations.

POM–117. A resolution adopted by the Rapides Parish Police Jury of the State of Louisiana relative to the unwavering support of the United States Armed Forces; to the Committee on Armed Services.

POM–118. A resolution adopted by the Legislature of the State of Washington relative to state and local retail sales taxes for federal income tax purposes; to the Committee on Finance.

POM–119. A joint resolution adopted by the Senate of the State of California relative to immigrant military personnel; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 13

Whereas, immigrants have a long history of service in the United States military, including service in major wars, including, but not limited to, World War I, World War II, the Korean War, the Vietnam War, Operation Desert Storm, and the current war in Iraq; and

Whereas, the number of immigrants serving in the United States military has grown from 28,000 in 2000 to more than 37,000 today, and to date, immigrants comprise nearly 5 percent of all enlisted personnel on active duty in the United States Armed Forces and more than 20 percent of Congressional Medal of Honor recipients; and

Whereas, at least one-half of the first 10 United States soldiers from California killed in Operation Iraqi Freedom were not United States citizens, and California contributes nearly one of every three immigrant soldiers, more than any other state; and

Whereas, Francisco A. Martinez Flores, Jose A. Garibay, Jose Gutierrez, and Joseph Menusa, who were immigrant soldiers serving in the United States Marines, lost their lives in Operation Iraqi Freedom, and service in the United States military, particularly in times of conflict, is the ultimate act of patriotism and duty served to the United States; and

Whereas, many immigrants on active duty are trying to become naturalized citizens and are required by law to be available at all times for military service but are only allowed to apply for United States citizenship after completing three years of service; and

Whereas, President George W. Bush recently, issued an Executive order conferring immediate eligibility for citizenship to immigrants serving on active duty in the United States Armed Forces to reward immigrants serving during the post-September 11 war on terrorism; and

Whereas, Congress should explore implementing an expedited one-year naturalization process beginning on a soldier's first day of service, and granting immediate citizenship to those participating in a war and those who have been honorably discharged from the military: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urges the President and the Congress of the United States to amend federal selective service and immigration laws to grant the right of citizenship to any and all immigrants who honorably serve in the military; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, and to each Senator and Representative from California in the Congress of the United States.

POM–120. A resolution adopted by the House of the Legislature of the State of Louisiana relative to the nomination of the Miguel A. Estrada; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 29

Whereas, on May 9, 2001, President Bush nominated Miguel A. Estrada to fill a vacancy on the United States Court of Appeals for the District of Columbia Circuit; and

Whereas, Mr. Estrada's credentials go uncontested beginning with his mastery of the English language and American culture upon his arrival to the United States as an immigrant from Honduras and his graduation magna cum laude from Columbia University and Harvard Law School; and

Whereas, over a year and a half has passed without a vote on the floor of the United States Senate on Mr. Estrada's nomination; and

Whereas, Mr. Estrada has received support from liberal and conservative colleagues alike who attest that he is one of the most brilliant and effective appellate lawyers in the country; and

Whereas, organizations who support Mr. Estrada include the League of United Latin American Citizens, the United States Hispanic Chamber of Commerce, the Hispanic National Bar Association, the Hispanic Business Roundtable, and the Latino Coalition; and

Whereas, Mr. Estrada would be the first Hispanic in the country to sit on the United States Court of Appeals District of Columbia Circuit, an important and prestigious position within the nation's judiciary: Therefore, be it

Resolved, That the House of Representatives of the State of Louisiana requests our United States senators in the United States Congress to support a floor vote in the United States Senate on the appointment of judicial nominee Miguel A. Estrada and to support his appointment; and be it further

Resoloved, That a suitable copy of this Resolution be sent to the President of the United States Senate and to Senator JOHN BREAUX and Senator MARY LANDRIEU.

POM–121. A concurrent resolution adopted by the Senate of the State of Louisiana relative to the funding for state and local homeland security activities; the Committee on Appropriations.

SENATE CONCURRENT RESOLUTION NO. 22

Whereas, a February, 2003 report issued by the National Conference of State Legislatures indicates that states, after already having reduced their FY 03 budgets by forty-nine billion dollars are facing additional budget cuts of twenty-six billion dollars before the end of the current fiscal year; and

Whereas, that same report indicates that states are facing a sixty-eight billion five hundred million dollar shortfall as they prepare their FY 04 budgets; and

Whereas, as states cope with this growing budget crisis they must also allocate additional resources to agencies engaged in homeland security activities; and

Whereas, local governments who are also facing budget shortfalls have already spent over three billion dollars to upgrade their police, fire, and emergency response agencies in response to growing threats of domestic terrorism; and

Whereas, the state of Louisiana and its political subdivisions, in particular, must be especially vigilant and prepared to combat terrorism because of Louisiana's strategic importance to the national economy stemming from the Mississippi River transportation corridor and its ports to the Gulf of Mexico; and

Whereas, the federal government has both the responsibility and the resources to help finance efforts by state and local governments to secure the homeland; and

Whereas, federal assistance for homeland security projects that was promised to state and local governments needs to be made available by the federal government through supplemental appropriations: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to appropriate for and expedite funding of state and local homeland defense activities; and be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–122. A joint resolution adopted by the Legislature of the State of Montana relative to appropriating just compensation to the State of Montana for the Impact of Federal Land Ownership on the State's Ability to Fund Public Education; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 26

Whereas, for many years western states have grappled with the challenge of providing the best education for their citizens; and

Whereas, western states face unique challenges in achieving this goal; and

Whereas, from 1979 to 1998, the percentage change in expenditures per pupil in 13 western states was 28% compared to 57% in the remaining states; and

Whereas, in 2002 and 2001, the pupil-to-teacher ratio in 13 western states averaged 17.9 to 1 compared with 14.8 to 1 in the remaining states; and

Whereas, the conditions in western states are exacerbated by projections that enrollment will increase by an average of 7.1% compared to an average decrease of 2.6% in the rest of the nation; and

Whereas, despite the wide disparities in expenditures per pupil-to-teacher ratio, western states tax at a comparable rate and allocate as much of their budgets to public education as the rest of the nation; and

Whereas, the ability of western states to fund education is directly related to federal ownership of state lands; and

Whereas, the federal government owns an average of 51.9% of the land in 13 western states compared to 4.1% in the remaining states; and

Whereas, the enablings acts of most western states promise that 5% of the proceeds from the sale of federal lands will go to the states for public education; and

Whereas, a federal policy change in 1977 ended these sales, resulting in an estimated $14 billion in lost public education funding for western states; and

Whereas, the ability of western states to fund public education is further impacted by the fact that state and local property taxes, which public education heavily relies upon to fund education, cannot be assessed on federal lands; and

Whereas, the estimated annual impact of this property tax prohibition on western states is over $4 billion; and

Whereas, the federal government shares only half of its royalty revenue with the states; and

Whereas, royalties are further reduced because federal lands are less likely to be developed, and federal laws often place stipulations on the use of state royalty payments; and

Whereas, the estimated annual impact of royalty payment policies on western states is over $1.86 billion; and

Whereas, much of the land that the federal government transferred to states upon statehood as a trust for public education is difficult to administer and to make productive because it is surrounded by federal land; and

Whereas, federal land ownership greatly hinders the ability of western states to fund public education; and

Whereas, the federal government should compensate western states for the significant impact federal land ownership has on the ability of western states to educate their citizens; and

Whereas, just compensation will allow western states to be on equal footing with the rest of the nation in their efforts to provide education for their citizens: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the State of Montana, That the Montana Legislature strongly urge the United States Congress to appropriate just compensation to the State of Montana for the impact of federal land ownership on the State's ability to fund public education; and be it further

Resolved, That the Secretary of State send a copy of this resolution to the President of the United states, the President of the United States Senate, the Speaker of the United States House of Representatives, and the Montana Congressional Delegation.

POM–123. A joint resolution adopted by the Legislature of the State of Washington relative to the Bonneville Power Administration rate increases; to the Committee on Energy and Natural Resources.

HOUSE JOINT MEMORIAL 4021

Whereas, the State of Washington's economy is constructed on affordable and reliable electricity; and

Whereas, energy prices in the Northwest are threatening businesses and industries, including aluminum companies; and

Whereas, the Bonneville Power Administration is proposing yet anther rate increase to go into effect on October 1, 2003; and

Whereas, the proposed increase is 15% more than the current rates, which are already extremely high due to the more than 50% increase that has already occurred in the last couple of years; and

Whereas, this increase will cost the state's economy one billion dollars over the next three years; and

Whereas, many industries moved to Washington to take advantage of low-cost hydroelectric power. They are now paying more for power in Washington than in most of their other locations in the nation; and

Whereas, without affordable energy for these industries (aluminum, pulp and paper, aerospace, agriculture, etc.), thousands of family-wage jobs will be lost; and

Whereas, many of these jobs are in rural and economically challenged areas. These industries are at the core of many Northwest communities and provide the foundation for numerous secondary employment opportunities and also provide substantial tax revenues; and

Whereas, the proposed rate increase will do more than jeopardize high paying jobs. The nation is suffering a severe recession and the Pacific Northwest is already the hardest hit region in the country; and

Whereas, any increase in Bonneville Power Administration rates will only slow or prevent economic recovery as well as exacerbate the state's budget crisis; and

Whereas, the Bonneville Power Administration has the tools available to meet all of its legal obligations, including protecting fish and wildlife, without raising rates; and

Whereas, as a result of its $500 million prepayments to Treasury to avoid a rate increase, the Bonneville Power Administration can cut costs (not just slow its rate of growth) and utilize its newly acquired additional borrowing authority and the flexibility it has garnered; and

Whereas, this region simply cannot support an additional billion dollar hit to its economy over the next three years: Now therefore, your Memorialists respectfully communicate their request for the Bonneville Power Administration to refrain from adopting rate increases at this time, unless absolutely necessary to preserve its bond rating, and to use other tools at its disposal to manage costs until economic recovery is in sight; and be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States.

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. HAGEL (for himself, Mr. MCCAIN, and Mr. KERRY):

S. 1076. A bill to authorize construction of an education center at or near the Vietnam Veterans Memorial; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 1077. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania; to the Committee on Veterans' Affairs.

By Ms. LANDRIEU:

S. 1078. A bill to provide for military charters between military installations and local school districts, to provide credit enhancement initiatives to promote military charter school facility acquisition, construction, and renovation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself, Ms. COLLINS, Mr. FITZGERALD, Mr. GRASSLEY, Mr. SANTORUM, Ms. SNOWE, Mr. DEWINE, Mr. FRIST, Mr. MCCONNELL, Mr. SMITH, and Mr. STEVENS):

S. 1079. A bill to extend the Temporary Extended Unemployment Compensation Act of 2002; read the first time.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1080. A bill to make amendments to certain antitrust penalties, and for other purposes; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 1081. A bill to amend section 504(a) of the Higher Education Act of 1965 to eliminate the 2-year wait out period for grant recipients; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself, Mr. CORNYN, Mr. COLEMAN, Mr. SANTORUM, and Mr. CAMPBELL):

S. 1082. A bill to provide support for democracy in Iran; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FITZGERALD (for himself and Mrs. FEINSTEIN):

S. Res. 145. A resolution designating June 2003, as ''National Safety Month''; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. Con. Res. 45. A concurrent resolution expressing appreciation to the Government of Kuwait for the medical assistance it provided to Ali Ismaeel Abbas and other children of Iraq and for the additional humanitarian aid provided by the Government and

people of Kuwait, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. ALLARD, the names of the Senator from Nevada (Mr. REID) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 98, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 114

At the request of Mr. COCHRAN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 114, a bill to amend title XVIII of the Social Security Act to remove the 20 percent inpatient limitation under the medicare program on the proportion of hospice care that certain rural hospice programs may provide.

S. 146

At the request of Mr. DEWINE, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 146, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 171

At the request of Mr. DAYTON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 171, a bill to amend title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 215

At the request of Mrs. FEINSTEIN, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard.

S. 313

At the request of Mr. GREGG, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 313, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs.

S. 480

At the request of Mr. HARKIN, the name of the Senator from Alabama (Mr. SESSIONS) 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. 486

At the request of Mr. DOMENICI, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Florida (Mr. GRAHAM) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 486, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 489

At the request of Mr. DEWINE, the names of the Senator from Utah (Mr. HATCH) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 489, a bill to expand certain preferential trade treatment for Haiti.

S. 546

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 546, a bill to provide for the protection of paleontological resources on Federal lands, and for other purposes.

S. 569

At the request of Mr. ENSIGN, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. DASCHLE) 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. 659

At the request of Mr. CRAIG, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 659, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

S. 852

At the request of Mr. DEWINE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 852, a bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

S. 856

At the request of Mr. ROCKEFELLER, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 856, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 874

At the request of Mr. TALENT, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 875

At the request of Mr. KERRY, the names of the Senator from Nevada (Mr. REID) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 887

At the request of Mr. KYL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 887, a bill to amend the Internal Revenue Code of 1986 to apply an excise tax to excessive attorneys fees for legal judgements, settlements, or agreements that operate as a tax.

S. 888

At the request of Mr. GREGG, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Iowa (Mr. HARKIN), the Senator from Virginia (Mr. ALLEN), the Senator from Florida (Mr. GRAHAM), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 888, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 899

At the request of Mrs. HUTCHISON, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 899, a bill to amend title XVIII of the Social Security Act to restore the full market basket percentage increase applied to payments to hospitals for inpatient hospital services furnished to medicare beneficiaries, and for other purposes.

S. 936

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 936, a bill to amend the Internal Revenue Code of 1986 to deny any deduction for certain fines, penalties, and other amounts.

S. 942

At the request of Mr. BROWNBACK, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 942, a bill to amend title XVIII of the Social Security Act to provide for improvements in access to services in rural hospitals and critical access hospitals.

S. 973

At the request of Mr. NICKLES, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Idaho (Mr. CRAPO) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 973, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings.

S. 982

At the request of Mrs. BOXER, the names of the Senator from Kentucky

(Mr. BUNNING), the Senator from Idaho (Mr. CRAPO), the Senator from Oregon (Mr. WYDEN) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 990

At the request of Ms. LANDRIEU, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 990, a bill to amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Challenge Program, and for other purposes.

S. 1001

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1001, a bill to make the protection of women and children who are affected by a complex humanitarian emergency a priority of the United States Government, and for other purposes.

S. 1036

At the request of Mr. ALLARD, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1036, a bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes.

S. 1046

At the request of Mr. HOLLINGS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1046

At the request of Mr. STEVENS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1046, supra.

S. 1057

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1057, a bill to modify the calculation of back pay for persons who were approved for promotion as members of the Navy and Marine Corps while interned as prisoners of war during World War II to take into account changes in the Consumer Price Index.

S. 1066

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1066, a bill to correct a technical error from Unit T-07 of the John H. Chafee Coastal Barrier Resources System.

S.J. RES. 4

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S.J. Res. 4, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. CON. RES. 14

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution expressing the sense of Congress regarding the education curriculum in the Kingdom of Saudi Arabia.

S. CON. RES. 43

At the request of Mr. BROWNBACK, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 43, a concurrent resolution expressing the sense of Congress that Congress should participate in and support activities to provide decent homes for the people of the United States.

S. CON. RES. 44

At the request of Mr. AKAKA, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Maryland (Mr. SARBANES) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Con. Res. 44, a concurrent resolution recognizing the contributions of Asian Pacific Americans to our Nation.

S. RES. 92

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 92 , a resolution designating September 17, 2003 as ''Constitution Day''.

S. RES. 133

At the request of Mr. DURBIN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Res. 133, a resolution condemning bigotry and violence against Arab Americans, Muslim, Americans, South-Asian Americans, and Sikh Americans.

S. RES. 140

At the request of Mr. CAMPBELL, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 140, a resolution designating the week of August 10, 2003, as ''National Health Center Week''.

AMENDMENT NO. 569

At the request of Mr. SPECTER, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of amendment No. 569 proposed to S. 1054, an original bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAGEL (for himself, Mr. MCCAIN, and Mr. KERRY):

S. 1076. A bill to authorize construction of an education center at or near the Vietnam Veterans Memorial; to the Committee on Energy and Natural Resources.

Mr. HAGEL. Mr. President, I rise today to introduce the Vietnam Veterans Memorial Education Center Bill. I am joined by my colleagues and fellow Vietnam veterans, Senators MCCAIN and KERRY, in sponsoring this bill that would authorize the construction of an Education Center near the site of the Vietnam Veterans Memorial.

Twenty-one years ago, the Vietnam Veterans Memorial was built as a permanent testament to the sacrifice of over 58,000 veterans who died during the Vietnam War. It is a place of remembrance for Vietnam veterans and their families.

As the Vietnam War draws further into America's past, it is important for future generations to remember the sacrifices of those who gave their lives in Vietnam, and to understand the lessons learned in Vietnam.

Most visitors to the Wall today were not alive during the Vietnam War. The Education Center would serve as an access point for the next generation. By collecting historic documents, artifacts and the testimony of Vietnam veterans, the Education Center would provide visitors with a better understanding of the Memorial.

The Memorial was designed to accommodate expansion. Over the last two decades, the Wall's reach has extended; names of fallen soldiers have been added to the black granite. Building the Education Center underground would expand the memorial in a new direction—one that does not distract from the natural beauty of the Mall.

The names on the Wall must never become simple, empty etchings. Their individual and collective power must remain connected to the real human sacrifices of war. The Education Center would help preserve this bond. It would affirm the meaning of the Wall, not just as an acknowledgment of a war or a date to be remembered, but as a living memorial with lessons to offer those who come to learn.

Many educators, veterans, lawmakers and organizations have voiced strong support for the proposed Education Center. Like the Wall, the Center would be funded entirely by private donations—evidence of its broad-based public support. There would be no tax payer money involved in building the Center.

Building an Education Center at the Vietnam Veterans Memorial would affirm the belief that we can inspire peace by educating our young people about the consequences of war. For there is no stronger advocate for peace than one who knows war.

I am proud to sponsor this bill authorizing the construction of the Vietnam Veterans Memorial Education Center. I ask my colleagues to join me and Senators KERRY and MCCAIN in support of this effort.

Mr. KERRY. Mr. President, the Vietnam Veterans Memorial is a special place on the national mall. Its design has proven moving to millions of visitors, offering a place of reflection, remembrance, and healing.

Despite the ''Wall's'' success in honoring those who fell in Vietnam, the memorial lacks an appropriate visitors center, a place where the broader story of America's involvement in Vietnam can be told. The legislation we introduce today would authorize the construction of such a center to provide information on the memorial, and to perform appropriate educational and interpretive activities relating to the memorial.

A Visitor's Center at the Vietnam Memorial is important, because the Vietnam War and the men and women who fought it are important. A Visitor's Center can provide a lasting gift of knowledge and understanding to those who visit the memorial, including students—for whom Vietnam is a passage in their history books—and their parents—for whom the memories of Vietnam remain immediate.

Adding a new structure to the national mall is not something we should do without consideration of the impact such an action will have on the open space we so cherish there. This legislation, however, specifies that the Visitor's Center be designed with those concerns in mind—and in fact we expect the structure to be built underground. In addition, the design, construction, and operation of this center will be borne by the Vietnam Veterans Memorial Fund. In this legislation, we seek only to authorize their work—not pay for it.

Vietnam left its imprint on a generation. It remains a touchstone of the American experience in the twentieth century. A Visitors Center at the Vietnam Veterans Memorial will help educate a new generation about the heros who served their country in the Vietnam War, and I am delighted to introduce this legislation with my fellow Vietnam veterans, Senator HAGEL and Senator MCCAIN.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 1077. A bill to direct the Secretary of Veterans' Affairs to establish a national cemetery for veterans in southeastern Pennsylvania; to the Committee on Veterans' Affairs.

Mr. SPECTER. Mr. President, I am introducing legislation today to direct the Department of Veterans Affairs, VA, to construct a national cemetery in southeastern Pennsylvania. In order to facilitate the construction of a cemetery, as mandated, this bill would also require VA to consult with Federal State, and local government entities, and with Pennsylvania's veterans' service organizations, to locate land for a new cemetery in the Philadelphia area—a process of stakeholder collaboration that worked well to identify a site for a cemetery in southwestern Pennsylvania that is currently under construction—and require VA to report, no later than six months after enactment, on the status of its efforts to construct the cemetery.

It is clear to a number of observers—including, as I will discuss in a moment, the Secretary of Veterans Affairs—that Southeastern Pennsylvania needs a national cemetery. The Philadelphia area has one of the largest veterans' populations in the Nation, currently estimated at over 350,000. The fact that Pennsylvania has the second oldest veterans' population in the country makes the need for a new cemetery particularly acute. Yet the closest existing VA cemetery—the Philadelphia National Cemetery—has been closed to in-ground, casket burials since 1962 and, by 2005, will even lose the capacity to inurn or inter cremated remains, leaving area veterans with only one alternative: burial at Indiantown Gap National Cemetery, as a site as much as two hours removed, by car, from their loved ones' homes. This is not acceptable.

The VA is currently reassessing its needs for cemetery construction nationwide, and I have every expectation that VA will conclude that the Philadelphia area is a site that should be at, or near, the top if its listing of priorities. I draw this expectation from a statement made by VA Secretary Anthony J. Principi who testified at a hearing before the Senate Committee on Veterans' Affairs, which I chair, on February 26, 2003, that ''there is clearly a need'' for a national cemetery in the Philadelphia area. He stated further ''that a national cemetery is necessary in that area to meet the interment needs of the veterans of Pennsylvania.'' Why, then, the need for legislation? This legislation is needed to assure that the Secretary's personal commitment becomes VA policy.

VA has compiled a list of areas where national cemeteries will be built over the next 20 years using a methodology which I, and the entire southeastern Pennsylvania delegation in Congress, believe is seriously flawed. The first flaw of VA's methodology is its assumption that a locality has a ''need'' for a cemetery if a veterans' population of more than 170,000 resides more than 75 miles from an open State or national cemetery. This assumption gives no consideration to the fact that heavily-congested areas, like southeastern Pennsylvania, may have thousands, or even ten of thousands, of veterans residing just under 75 miles from the nearest cemetery. The second flaw of VA's methodology is its assumption that veterans are adequately provided a burial option if a national cemetery is close proximity offers the option of inurning or interring cremated remains. For many reasons, cremation is not an option. Indeed, while cremation is growing in popularity, it is not yet the preferred burial method among most Americans.

The entire southeastern Pennsylvania delegation to Congress has expressed these objections to Secretary Principi by a letter dated July 26, 2002, which I ask be printed in the RECORD. It is these objectionable VA policy impediments which cause me to introduce this bill despite Secretary Principi's statements of agreement on the need for a Philadelphia area cemetery. I hope—and I expect—that the mandate of this legislation will not need to be triggered, though I do anticipate that the consultation procedures specified in my bill will, in any case, be useful in identifying a proper site for a Philadelphia area cemetery.

One final note on the issue of proper siting of a cemetery. During the 107th Congress, I introduced a bill, S. 618, that would have designate lands within the boundaries of Valley Forge National Park as a national cemetery. In a development that was surprising to me, some argued that Valley Forge lands would be an inappropriate resting place for veterans. I believed then—and I believe now—that the sensitive designation of Valley Forge lands in areas, for example, north of the Schuylkill River that were not encampments for Washington's Army, would be entirely appropriate. In any case, the legislation I have introduced today would allow for—but not compel—the location of a national cemetery in Valley Forge.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 26, 2002.

Hon. ANTHONY J. PRINCIPI,
Secretary of Veterans Affairs,
Washington DC.

DEAR MR. SECRETARY: We recently received volume one of VA's contractor-prepared ''Study on Improvements to Veterans Cemeteries,'' a publication designed to guide VA and the Congress in identifying where national cemeteries should be constructed over the next 20 years. We understand that you have directed that National Cemetery Administration construction planning be guided by the study's underlying assumption that locales with an ''unserved'' veterans' population of 170,000 or more be given priority. The use of that assumption, it appears to us, might leave Philadelphia out of VA's plans. By this letter, we seek to point out flaws in the study, and to inform you of the unique circumstances in which Philadelphia veterans find themselves. We also seek to show you why exclusion of Philadelphia from national cemetery construction planning would be a mistake.

The study concludes—we think erroneously—that the need for cemetery space in the Philadelphia area is not imminent. It bases this conclusion on the observation that, until 2010, space will be available in two Philadelphia-area veterans cemeteries for the interment or inurnment of cremated remains. We understand that cremation is

increasingly popular. But traditional, in-ground burial remains the preferred option—and it is an option that Philadelphia-area veterans do not now have. Moreover, Philadelphia has large Roman Catholic and Jewish populations whose respective faiths, at minimum, strongly encourage traditional burials. To state that Philadelphia-area veterans are now served by a burial option due to availability of cremation services is to disregard the preferences of most veterans—and the religious guidance respected by many veterans.

The study also underestimates the size of the Philadelphia-area population which is, in fact, ''unserved.'' It adopts the assumption that those who live within 75 miles of an open national cemetery—in this case, the Indiantown Gap National Cemetery—are ''served'' without taking into account local circumstances. While it may be true that some portions of Phildelphia—though not the Center City—are within 75 miles of Indiantown Gap, anyone who has driven from the Center City though the sprawl west of Philadelphia will tell you that the distance, in practical terms, far exceeds a ''normal'' 75 mile drive. More fundamentally, while it may be true (as VA's contractor concludes) that ''only'' 152,000 Philadelphia-area veterans will be outside that 75 mile radius in 2010, over 173,000 veterans are outside that radius now—an it is those 21,000 veterans who Philadelphia will ''lose'' who will need to be buried. Further, given the fact that the five PA counties that comprise metropolitan Philadelphia alone contain over 340,000 veterans, you will not be surprised to learn that the number of currently ''unserved'' Philadelphia-area veterans swells to almost 290,000 if one measures by reference to a 65 mile radius from Indiantown Gap. And it is wholly reasonable to assume that had a radius of 73 or 74 miles from Indiantown Gap been adopted as the reference line, Philadelphia would have made the arbitrary ''170,000-veterans-in-2010'' cut.

We recognize that VA must have some standard by which to measure the need for national cemeteries. But we also believe that a rigid-based standard is inherently arbitrary if local circumstances and population patterns are not taken into account by the decision maker. We who know you understand that you do not inflexibly place form over substance when it would yield an absurd result. We ask that in assessing the need for national cemetery space, you maintain a degree of flexibility. If you do, we trust that you will conclude that, whatever the merits of the VA contractor's methodology, Philadelphia needs a new national cemetery.

Sincerely,

Joe Hoeffel, Chaka Fattah, Rob A. Brady, Tim Holden, James Greenwood, Pat Toomey, Arlen Specter, Joseph R. Pitts, Curt Weldon, John P. Murtha, Robert A. Borski, Rick Santorum.

S. 1077

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

SECTION 1. ESTABLISHMENT OF NATIONAL CEMETERY IN SOUTHEASTERN PENNSYLVANIA.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in southeastern Pennsylvania to serve the needs of veterans and their families.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Pennsylvania and local officials of southeastern Pennsylvania,

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in that area that would be suitable for the purpose of establishing the national cemetery under subsection (a); and

(3) representatives of veterans service organizations.

(c) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for the establishment of such cemetery and an estimate of the costs associated with the establishment of such cemetery.

By Ms. LANDRIEU:

S. 1078. A bill to provide for military charters between military installations and local school districts, to provide credit enhancement initiatives to promote military charter school facility acquisition, construction, and renovation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. 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. 1078

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

TITLE I—STABLE TRANSITIONS IN EDUCATION FOR ARMED SERVICES' DEPENDENT YOUTH

SEC. 101. SHORT TITLE.

This title may be cited as the ''Stable Transitions in Education for Armed Services' Dependent Youth Act''.

SEC. 102. FINDINGS.

Congress finds that—

(1) States are establishing new and higher academic standards for students in kindergarten through grade 12;

(2) no Federal funding streams are specifically designed to help States and school districts with the costs of providing military or mobile students who are struggling academically, with the extended learning time and accelerated curricula that the students need to meet high academic standards;

(3) forty-eight States now require State accountability tests to determine student grade-level performance and progress;

(4) nineteen States currently rate the performance of all schools or identify low-performing schools through State accountability tests;

(5) sixteen States now have the power to close, take over, or overhaul chronically failing schools on the basis of those tests;

(6) fourteen States provide high-performing schools with monetary rewards on the basis of those tests;

(7) nineteen States currently require students to pass State accountability tests to graduate from secondary school;

(8) six States currently link student promotion to results on State accountability tests;

(9) thirty-seven States have a process in place that allows charters to be a useful tool to bridge the gap created by frequent school changes;

(10) excessive percentages of students are not meeting their State standards and are failing to perform at high levels on State accountability tests; and

(11) among mobile students, a common thread is that school transcripts are not easily transferred and credits are not accepted between public school districts in the United States.

SEC. 103. PURPOSE.

The purpose of this title is to provide Federal support through a new demonstration program to States and local educational agencies, to enable the States and local educational agencies to develop models for high quality military charter schools that are specifically designed to help mobile military dependent students attending public school make a smooth transition from one school district to another, even across State lines, and achieve a symbiotic relationship between military installations and these school districts.

SEC. 104. DEFINITIONS.

In this title:

(1) ELEMENTARY SCHOOL; SECONDARY SCHOOL; LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms ''elementary school'', ''secondary school'', ''local educational agency'', and ''State educational agency'' have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) MILITARY INSTALLATION.—The term ''military installation'' has the meaning given such term in section 2687(e)(1) of title 10, United States Code.

(3) MILITARY DEPENDENT STUDENT.—The term ''military dependent student'' means an elementary school or secondary school student who has a parent who is a member of the Armed Forces, including a member of a reserve component of the Armed Forces, without regard to whether the member is on active duty or full-time National Guard duty (as defined in section 101(d) of title 10, United States Code).

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

(5) STUDENT.—The term ''student'' means an elementary school or secondary school student.

SEC. 105. GRANTS TO STATES.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts appropriated under section 110, the Secretary, in consultation with the Secretary of Education, shall establish a demonstration program through which the Secretary shall make grants to State educational agencies, on a competitive basis, to enable the State educational agencies to assist local educational agencies in establishing and maintaining high quality military charter schools.

(2) DISTRIBUTION RULE.—In awarding grants under this title the Secretary shall ensure that such grants serve not more than 10 States and not more than 35 local educational agencies with differing demographics.

(3) SPECIAL LOCAL RULE.—

(A) NONPARTICIPATING STATE.—If a State chooses not to participate in the demonstration program assisted under this title or does not have an application approved under subsection (c), then the Secretary may award a grant directly to a local educational agency in the State to assist the local educational agency in carrying out high quality military charter schools.

(B) LOCAL EDUCATIONAL AGENCY APPLICATION.—To be eligible to receive a grant under this paragraph, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(C) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines necessary to carry out this paragraph.

(b) ELIGIBILITY AND SELECTION.—

(1) ELIGIBILITY.—For a State educational agency to be eligible to receive a grant under subsection (a), the State served by the State educational agency shall—

(A) have in effect all standards and assessments required under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311);

(B) compile and annually distribute to parents a public school report card that, at a minimum, includes information on student and school performance for each of the assessments required under section 1111 of the Elementary and Secondary Education Act of 1965;

(C) require each military charter school assisted under this title to be an independent public school;

(D) require each military charter school assisted under this title to operate under an initial 5-year charter granted by a State charter authority, with specified check points and renewal, as required by State law; and

(E) require each military charter school assisted under this title to participate in the State's testing program.

(2) SELECTION.—In selecting State educational agencies to receive grants under this section, the Secretary shall make the selections in a manner consistent with the purpose of this title.

(c) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) CONTENTS.—Such application shall include—

(A) information describing specific measurable goals and objectives to be achieved in the State through the military charter schools carried out under this title, which may include specific measurable annual educational goals and objectives relating to—

(i) increased student academic achievement;

(ii) decreased student dropout rates;

(iii) governance, parental involvement plans, and disciplinary policies;

(iv) a military charter school admissions policy that requires a minimum of 60 percent military dependent elementary school or secondary school students, and a maximum of 80 percent of military dependent students, except where such percentages are impossible to maintain because of the demographics of the area around the military installation;

(v) liability and other insurance coverage, business and accounting practices, and the procedures and methods employed by the chartering authority in monitoring the school; and

(vi) such other factors as the State educational agency may choose to measure; and

(B) information on criteria, established or adopted by the State, that—

(i) the State will use to select local educational agencies for participation in the military charter schools carried out under this title; and

(ii) at a minimum, will assure that grants provided under this title are provided to—

(I) the local educational agencies in the State that are sympathetic to, and take actions to ease the transition burden upon, such local educational agencies' military dependent students;

(II) the local educational agencies in the State that have the highest percentage of military dependent students impacting the local school system or not meeting basic or minimum required standards for State assessments required under section 1111 of the Elementary and Secondary Education Act of 1965; and

(III) an assortment of local educational agencies serving urban, suburban, and rural areas, and impacted by a local military installation.

SEC. 106. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—

(1) FIRST YEAR.—Except as provided in paragraph (3), for the first year that a State educational agency receives a grant under this title, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of planning for or carrying out the military charter school programs.

(2) SUCCEEDING YEARS.—Except as provided in paragraph (3), for the second and third year that a State educational agency receives a grant under this title, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of carrying out the military charter school programs.

(3) TECHNICAL ASSISTANCE AND PLANNING ASSISTANCE.—The State educational agency may use not more than 5 percent of the grant funds received under this title for a fiscal year—

(A) to provide to the local educational agencies technical assistance that is aligned with the curriculum of the local educational agencies for the programs;

(B) to enable the local educational agencies to obtain such technical assistance from entities other than the State educational agency that have demonstrated success in using the curriculum; and

(C) to assist the local educational agencies in evaluating activities carried out under this title.

(b) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the Secretary or the State educational agency may require.

(2) CONTENTS.—Each such application shall include, to the greatest extent practicable—

(A) information that—

(i) demonstrates that the local educational agency will carry out a military charter school program funded under this section—

(I) that provides intensive high quality programs that are aligned with challenging State content and student performance standards, and that is focused on reinforcing and boosting the core academic skills and knowledge of students who are struggling academically, as determined by the State;

(II) that focuses on accelerated learning, rather than remediation, so that students served through the program will master the high level skills and knowledge needed to meet the highest State standards or to perform at high levels on all State assessments required under section 1111 of the Elementary and Secondary Education Act of 1965;

(III) that is based on, and incorporates best practices relating to the charter schools including practices relating to the ''academic passport'' concept, which would ease transitions for mobile students;

(IV) that has a proposed curriculum that is directly aligned with State student performance standards, and which may incorporate a curriculum from the Department of Defense Education Activity;

(V) for which only teachers who are certified and licensed, and are otherwise fully qualified teachers, provide academic instruction to students enrolled in the program;

(VI) that offers to staff in the program professional development and technical assistance that are aligned with the approved curriculum for the program; and

(VII) that incorporates a parental involvement component that seeks to involve parents in the program's topics and students' daily activities; and

(ii) may include—

(I) the proposed curriculum for the military charter school program;

(II) the local educational agency's plan for recruiting highly qualified and highly effective teachers (including encouraging members of the Reserves and Guard who possess all required qualifications to serve as teachers) to participate in the program; and

(III) a schedule for the program that indicates that the program is of sufficient duration and intensity to achieve the State's goals and objectives described in section 105(c)(2)(A);

(B) an outline indicating how the local educational agency will utilize applicable Federal, State, local, or public funds, other than funds made available through the grant, to support the program;

(C) an explanation of how the local educational agency will ensure that the instruction provided through the program will be provided by qualified teachers;

(D) an explanation of the types of intensive training or professional development, aligned with the curriculum of the program, that will be provided for staff of the program;

(E) an explanation of the facilities to be used for the program;

(F) an explanation regarding the duration of the periods of time that students and teachers in the program will have contact for instructional purposes (such as the hours per day and days per week of that contact, and the total length of the program);

(G) an explanation of the proposed student-to-teacher ratio for the program, analyzed by grade level;

(H) an explanation of the grade levels that will be served by the program;

(I) an explanation of the approximate cost per student for the program;

(J) an explanation of the salary costs for teachers in the program;

(K) a description of a method for evaluating the effectiveness of the program at the local level;

(L) information describing specific measurable goals and objectives, for each academic subject in which the program will provide instruction, that are consistent with, or more rigorous than, the adequate yearly progress goals established by the State under section 1111 of the Elementary and Secondary Education Act of 1965;

(M) a description of how the local educational agency will involve parents and the community in the program in order to raise academic achievement;

(N) a description of how the local educational agency will acquire any needed technical assistance that is aligned with the curriculum of the local educational agency for the program, from the State educational agency or other entities with demonstrated success in using the curriculum; and

(O) a statement of a clearly defined goal for providing counseling and other transition burden relief for military dependent children.

(c) PRIORITY.—In making grants under this section, the State educational agency shall give priority to local educational agencies that demonstrate a high level of need for the military charter school programs.

(d) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsection (a) is 50 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

SEC. 107. SUPPLEMENT NOT SUPPLANT.

Funds appropriated pursuant to the authority of this title shall be used to supplement and not supplant other Federal, State, local, or private funds expended to support military charter school programs.

SEC. 108. REPORTS.

(a) STATE REPORTS.—Each State educational agency that receives a grant under this title shall annually prepare and submit to the Secretary a report. The report shall describe—

(1) the method the State educational agency used to make grants to eligible local educational agencies and to provide assistance to schools under this title;

(2) the specific measurable goals and objectives described in section 105(c)(2)(A) for the State as a whole and the extent to which the State met each of the goals and objectives in the year preceding the submission of the report;

(3) the specific measurable goals and objectives described in section 106(b)(2)(L) for each of the local educational agencies receiving a grant under this title in the State and the extent to which each of the agencies met each of the goals and objectives in that preceding year;

(4) the steps that the State educational agency will take to ensure that any such local educational agency that did not meet the goals and objectives in that year will meet the goals and objectives in the year following the submission of the report, or the plan that the State educational agency has for revoking the grant awarded to such an agency and redistributing the grant funds to existing or new military charter school programs;

(5) how eligible local educational agencies and schools used funds provided by the State educational agency under this title;

(6) the degree to which progress has been made toward meeting the goals and objectives described in section 105(c)(2)(A); and

(7) best practices for the Secretary to share with interested parties.

(b) REPORT TO CONGRESS.—The Secretary shall annually prepare and submit to Congress a report. The report shall describe—

(1) the methods the State educational agencies used to make grants to eligible local educational agencies and to provide assistance to schools under this title;

(2) how eligible local educational agencies and schools used funds provided under this title; and

(3) the degree to which progress has been made toward meeting the goals and objectives described in sections 105(c)(2)(A) and 106(b)(2)(L).

(c) GOVERNMENT ACCOUNTING OFFICE REPORT TO CONGRESS.—The Comptroller General of the United States shall conduct a study regarding the demonstration program carried out under this title and the impact of the program on student achievement. The Comptroller General shall prepare and submit to Congress a report containing the results of the study.

SEC. 109. ADMINISTRATION.

(a) FEDERAL.—The Secretary shall develop program guidelines for and oversee the demonstration program carried out under this title.

(b) LOCAL.—The commander of each military installation served by a military charter school assisted under this title shall establish a nonprofit corporation or an oversight group to provide the applicable local educational agency with oversight and guidance regarding the day-to-day operations of the military charter school.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) $5,000,000 for fiscal year 2004;

(2) $7,000,000 for fiscal year 2005;

(3) $9,000,000 for fiscal year 2006;

(4) $11,000,000 for fiscal year 2007; and

(5) $13,000,000 for fiscal year 2008.

SEC. 111. TERMINATION.

The authority provided by this title terminates 5 years after the date of the enactment of this Act.

TITLE II—CREDIT ENHANCEMENT INITIATIVES TO PROMOTE MILITARY CHARTER SCHOOL FACILITY ACQUISITION, CONSTRUCTION, AND RENOVATION

SEC. 201. CREDIT ENHANCEMENT INITIATIVES TO PROMOTE MILITARY CHARTER SCHOOL FACILITY ACQUISITION, CONSTRUCTION, AND RENOVATION.

Title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.) is amended by adding at the end the following:

"PART E—CREDIT ENHANCEMENT INITIATIVES TO PROMOTE MILITARY CHARTER SCHOOL FACILITY ACQUISITION, CONSTRUCTION, AND RENOVATION.

"SEC. 5701. PURPOSE.

''The purpose of this part is to provide grants to eligible entities to permit the eligible entities to establish or improve innovative credit enhancement initiatives that assist military charter schools to address the cost of acquiring, constructing, and renovating facilities.

"SEC. 5702. GRANTS TO ELIGIBLE ENTITIES.

''(a) GRANTS FOR INITIATIVES.—

''(1) IN GENERAL.—The Secretary shall use 100 percent of the amount available to carry out this part to award grants to eligible entities that have applications approved under this part, to enable the eligible entities to carry out innovative initiatives for assisting military charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

''(2) NUMBER OF GRANTS.—The Secretary shall award not less than 4 grants under this part in each fiscal year.

''(b) GRANTEE SELECTION.—

''(1) DETERMINATION.—The Secretary shall evaluate each application submitted, and shall determine which applications are of sufficient quality to merit approval and which are not.

''(2) MINIMUM GRANTS.—The Secretary shall award at least—

''(A) 1 grant to an eligible entity described in section 5710(1)(A);

''(B) 1 grant to an eligible entity described in section 5710(1)(B); and

''(C) 1 grant to an eligible entity described in section 5710(1)(C),

if applications are submitted that permit the Secretary to award the grants without approving an application that is not of sufficient quality to merit approval.

''(c) GRANT CHARACTERISTICS.—Grants under this part shall be in sufficient amounts, and for initiatives of sufficient scope and quality, so as to effectively enhance credit for the financing of military charter school acquisition, construction, or renovation.

''(d) SPECIAL RULE.—In the event the Secretary determines that the funds available to carry out this part are insufficient to permit the Secretary to award not less than 4 grants in accordance with subsections (a) through (c)—

''(1) subsections (a)(2) and (b)(2) shall not apply; and

''(2) the Secretary may determine the appropriate number of grants to be awarded in accordance with subsections (a)(1), (b)(1), and (c).

"SEC. 5703. APPLICATIONS.

''(a) IN GENERAL.—To receive a grant under this part, an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

''(b) CONTENTS.—An application submitted under subsection (a) shall contain—

''(1) a statement identifying the activities proposed to be undertaken with funds received under this part, including how the eligible entity will determine which military charter schools will receive assistance, and how much and what types of assistance the military charter schools will receive;

''(2) a description of the involvement of military charter schools in the application's development and the design of the proposed activities;

''(3) a description of the eligible entity's expertise in capital market financing;

''(4) a description of how the proposed activities will—

''(A) leverage private sector financing capital, to obtain the maximum amount of private sector financing capital, relative to the amount of government funding used, to assist military charter schools; and

''(B) otherwise enhance credit available to military charter schools;

''(5) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a military charter school program for which facilities financing is sought;

''(6) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that military charter schools within the State receive the funding the schools need to have adequate facilities;

''(7) an assurance that the eligible entity will give priority to funding initiatives that assist military charter schools in which students have demonstrated academic excellence or improvement during the 2 consecutive academic years preceding submission of the application; and

''(8) such other information as the Secretary may reasonably require.

"SEC. 5704. MILITARY CHARTER SCHOOL OBJECTIVES.

''An eligible entity receiving a grant under this part shall use the funds received through the grant, and deposited in the reserve account established under section 5705(a), to assist 1 or more military charter schools to access private sector capital to accomplish 1 or more of the following objectives:

''(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a military charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a military charter school.

''(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a military charter school.

''(3) The payment of startup costs, including the costs of training teachers and purchasing materials and equipment, including instructional materials and computers, for a military charter school.

"SEC. 5705. RESERVE ACCOUNT.

''(a) IN GENERAL.—For the purpose of assisting military charter schools to accomplish the objectives described in section 5704, an eligible entity receiving a grant under this part shall deposit the funds received through the grant (other than funds used for

administrative costs in accordance with section 5706) in a reserve account established and maintained by the eligible entity for that purpose. The eligible entity shall make the deposit in accordance with State and local law and may make the deposit directly or indirectly, and alone or in collaboration with others.

''(b) USE OF FUNDS.—Amounts deposited in such account shall be used by the eligible entity for 1 or more of the following purposes:

''(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in section 5704.

''(2) Guaranteeing and insuring leases of personal and real property for such an objective.

''(3) Facilitating financing for such an objective by identifying potential lending sources, encouraging private lending, and carrying out other similar activities that directly promote lending to, or for the benefit of, military charter schools.

''(4) Facilitating the issuance of bonds by military charter schools, or by other public entities for the benefit of military charter schools, for such an objective, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple military charter school projects within a single bond issue).

''(c) INVESTMENT.—Funds received under this part and deposited in the reserve account shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

''(d) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this part shall be deposited in the reserve account established under subsection (a) and used in accordance with subsection (b).

''SEC. 5706. LIMITATION ON ADMINISTRATIVE COSTS.

''An eligible entity that receives a grant under this part may use not more than 0.25 percent of the funds received through the grant for the administrative costs of carrying out the eligible entity's responsibilities under this part.

''SEC. 5707. AUDITS AND REPORTS.

''(a) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under this part shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

''(b) REPORTS.—

''(1) ELIGIBLE ENTITY ANNUAL REPORTS.—Each eligible entity receiving a grant under this part annually shall submit to the Secretary a report of the eligible entity's operations and activities under this part.

''(2) CONTENTS.—Each such annual report shall include—

''(A) a copy of the eligible entity's most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant auditing the financial records of the eligible entity;

''(B) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

''(C) an evaluation by the eligible entity of the effectiveness of the entity's use of the Federal funds provided under this part in leveraging private funds;

''(D) a listing and description of the military charter schools served by the eligible entity with such Federal funds during the reporting period;

''(E) a description of the activities carried out by the eligible entity to assist military charter schools in meeting the objectives set forth in section 5704; and

''(F) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this part during the reporting period.

''(3) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under paragraph (1) and shall provide a comprehensive annual report to Congress on the activities conducted under this part.

''SEC. 5708. NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATIONS.

''No financial obligation of an eligible entity entered into pursuant to this part (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds that may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this part.

''SEC. 5709. RECOVERY OF FUNDS.

''(a) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

''(1) all of the funds in a reserve account established by an eligible entity under section 5705(a), if the Secretary determines, not earlier than 2 years after the date on which the entity first received funds under this part, that the entity has failed to make substantial progress in carrying out the purposes described in section 5705(b); or

''(2) all or a portion of the funds in a reserve account established by an eligible entity under section 5705(a), if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 5705(b).

''(b) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used to achieve 1 or more of the purposes described in section 5705(b).

''(c) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act (20 U.S.C. 1234, 1234a, 1234g) shall apply to the recovery of funds under subsection (a).

''(d) CONSTRUCTION.—This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

''SEC. 5710. DEFINITIONS.

''In this part:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a public entity, such as a military installation as defined in section 2687(e)(1) of title 10, United States Code;

''(B) a private nonprofit entity; or

''(C) a consortium of entities described in subparagraphs (A) and (B).

''(2) MILITARY CHARTER SCHOOL.—The term 'military charter school' has the meaning given such term by regulations promulgated by the Secretary of Defense.

''SEC. 5711. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $10,000,000 for fiscal year 2004 and each succeeding fiscal year.''.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1080. A bill to make amendments to certain antitrust penalties, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the ''Antitrust Improvements Act of 2003.'' I want to thank the Ranking Democrat Member from the Judiciary Committee, Senator LEAHY, for joining me in introducing this measure as an original cosponsor. I hope that we can expeditiously report this measure from the Judiciary Committee and bring it to the Senate floor.

The Hatch-Leahy Antitrust Improvements Act of 2003 is long overdue. The bill updates the criminal penalties applicable to antitrust criminal violations and repeals the archaic Title VIII of the ''Antidumping Act of 1916,'' as requested by the administration.

After careful examination and study of the current penalty structure for antitrust criminal offenses, Senator LEAHY and I have come to agreement that the law needs to be modernized in a number of areas. Under current law, a person who commits a criminal violation of the antitrust laws can be subject to maximum punishment of 3 years imprisonment, while a corporation can be fined a maximum of $10 million. These punishments need to be updated to reflect changes in market conditions, as well as to make them consistent with other changes we enacted last year to white collar criminal offenses as part of the Sarbanes-Oxley bill. Under the Hatch-Leahy proposal, the maximum punishment for an individual would be raised to 10 years imprisonment, and for a corporation the maximum fine would be increased to $100 million.

These changes are long overdue and will eliminate the huge disparity present in our laws between the treatment of criminal white collar offenses and antitrust criminal violations. The Sarbanes-Oxley Act passed last year raised the criminal penalties for a number of white collar offenses, but did not do so for antitrust criminal violations. An antitrust price-fixer who defrauds consumers for a total of $5 million should be subject to a penalty which is more consistent with the penalty scheme for other white collar offenses. There is little difference, in my mind, between a market place criminal who takes advantage of consumers and a white collar cheater who steals money from his victims.

The Hatch-Leahy proposal also will raise the maximum fines applicable to corporations and other legal entities from $10 million to $100 million per violation. Such a change is needed to reflect the change in our economy and the importance of maintaining a credible deterrent against such conduct by corporations and other entities.

It is also essential to note that all criminal fines are paid into a Victims Fund, which is administered by the Justice Department, and ultimately disbursed to support victims' advocacy groups. Criminals who have assets must first pay restitution to any identifiable victims to compensate them for their suffering, and then must pay

fines to the Victims Fund. The increased criminal fines will enhance the Justice Department's ability to support advocacy groups who work so hard on behalf of the victims of crime across America.

The Antitrust Division's criminal enforcement program has been very successful in the past years, particularly in the area of criminal enforcement against international cartels affecting well over $10 billion in commerce. With these new tools, the Antitrust Division can be even more effective in enforcing our antitrust criminal laws and deterring and preventing future offenses against American consumers.

This bill also repeals an archaic provision of law, enacted in 1916, that allows private lawsuits with potential of treble damages against importers or producers for unfair pricing provided they had the intent to injure a U.S. industry. The World Trade Organization, WTO, has ruled that this act violates the United States obligations to address unfair pricing through the specified administrative measures of the Antidumping Agreement. Repealing this statute is an important and necessary step in complying with our obligations under negotiated international treaties.

I urge my colleagues to support these important measures and support the Antitrust Improvements Act of 2003.

Mr. LEAHY. Mr. President, I am pleased to join Senator HATCH today in offering this bill to increase criminal penalties against those who monopolize or restrict the market using unfair and illegal business practices.

In an age that combines robust levels of international trade with the threats of Enron-style accounting, we must be increasingly vigilant to the threats of white-collar crime to our economy. Legitimate business can only thrive when bad actors realize that violations of antitrust law will be met with the strictest of penalties. Our bill increases the maximum sentence for a violation of the Sherman antitrust laws from 3 to 10 years. Fines to corporations are increased tenfold to a maximum of $100 million per infraction. This increase will make it clear to corporate wrongdoers that no antitrust violation is affordable. These changes bring antitrust penalties in line with other white-collar crimes and send a clear message that the United States will not allow any company to abuse its consumers by misusing market power.

Our bill also repeals an old and rarely used provision, the Antidumping Act of 1916. Congress must eliminate this provision in order to come into compliance with a ruling by the World Trade Organization. The U.S. Trade Representative and the Department of Justice both support the repeal of this act, and indeed have made a joint request for such legislation to the Congress.

I am pleased to have worked with the chairman on this important legislation and urge my colleagues to support this bill.

I ask unanimous consent to print in the RECORD the joint request by the U.S. Trade Representative and the Department of Justice.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE,

Washington, DC, July 20, 2001.

Hon. RICHARD B. CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: We are transmitting the enclosed draft bill to repeal a provision of law enacted on September 8, 1916, regarding prevention of unfair methods of competition (15 U.S.C. §72, c. 463, Title VIII, §801, 39 Stat. 798). That provision provides for a private right of action for treble damages, as well as for criminal penalties in an action brought by the U.S. government, for international price discrimination.

The Administration proposes repeal of this provision because it is redundant of other U.S. laws providing remedies for international price discrimination. To our knowledge, during the past 85 years no plaintiff has obtained a final judgment on the merits under this rarely-invoked law and no government enforcement action has been taken. Furthermore, this provision is inconsistent with the obligations of the United States under the Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement).

We would appreciate it if you would lay the draft bill before the Senate. An identical proposal is being transmitted to the Speaker of the House.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal to Congress and that its enactment would be in accord with the program of the President.

Sincerely,

JOHN ASHCROFT,
Attorney General.
ROBERT B. ZOELLICK,
United States Trade Representative.

By Mr. DOMENICI:

S. 1081. A bill to amend section 504(a) of the Higher Education Act of 1965 to eliminate the 2-year wait out period for grant recipients; to the Committee on Health, Education, Labor, and Pensions.

Mr. DOMENICI. Mr. President, I rise today to introduce a bill that will amend Title V of the Higher Education Act. Specifically, this bill will eliminate the 2-year wait-out period now required between applications by eligible Hispanic Serving Institutions for grants under Title V of the Higher Education Act.

Title V of the Higher Education Act is the primary vehicle used to target urgently needed funds to Hispanic Serving Institutions. Grants under this section can be used by higher education institutions to strengthen academic quality, institutional management, and financial stability. These grants are essential to institutions that provide and increase the number of educational opportunities available to Hispanic students.

Under current guidelines, in order to qualify for a grant under Title V, an institution must have at least 25 percent full time, Hispanic undergraduate student enrollment, and not less than 50 percent of its Hispanic student population must be low income. Title V grants are awarded for 5 years, with a minimum 2-year wait-out period after the termination of a grant period before eligibility to apply for another grant. During Fiscal Year 2002, 191 institutions were awarded grants.

Title V's 2-year wait-out period impedes Hispanic Serving Institutions' efforts to implement continuing programs with long range solutions to Hispanic higher education challenges. Eliminating the 2-year wait-out period will be of great importance to equipping our Nation's Hispanic Serving Institutions with the continuous funding that they need to best answer complex challenges. In 2000, Congress eliminated the wait-out period for Tribally Controlled Colleges and Universities, Alaskan Native and Native Hawaiian-serving institutions. Historically Black Colleges and Universities also do not have a wait-out period. It is now time for us to eliminate the wait-out period for Hispanic Serving Institutions.

Hispanic Serving Institutions provide the quality education essential to full participation in today's society. Many students in my home State of New Mexico have benefited from the academic excellence that Hispanic Serving Institutions seek to provide. Title V grants are intended to provide assistance to these less advantaged, developing institutions, and preventing these institutions from reapplying for grants for 2 successive years is obstructing their development.

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. 1081

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

SECTION 1. ELIMINATION OF THE 2-YEAR WAIT OUT PERIOD FOR GRANT RECIPIENTS.

Section 504(a) of the Higher Education Act of 1965 (20 U.S.C. 1101c(a)) is amended—

(1) by striking ''PERIOD.—'' and all that follows through ''The Secretary'' and inserting ''PERIOD.—The Secretary''; and

(2) by striking paragraph (2).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 145—DESIGNATING JUNE 2003 AS ''NATIONAL SAFETY MONTH''

Mr. FITZGERALD (for himself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 145

Whereas the mission of the National Safety Council is to educate and influence society to adopt safety, health, and environmental policies, practices, and procedures

that prevent and mitigate human suffering and economic losses arising from preventable causes;

Whereas the National Safety Council works to protect lives and promote health with innovative programs;

Whereas the National Safety Council, founded in 1913, is celebrating its 90th anniversary in 2003 as the premier source of safety and health information, education, and training in the United States;

Whereas the National Safety Council was congressionally chartered in 1953, and is celebrating its 50th anniversary in 2003 as a congressionally chartered organization;

Whereas, even with advancements in safety that create a safer environment for Americans, such as improvements in technology and new legislation, the unintentional-injury death toll is still unacceptable;

Whereas citizens deserve a solution to nationwide safety and health threats;

Whereas such a solution requires the cooperation of all levels of government, as well as the general public; and

Whereas the summer season, traditionally a time of increased unintentional-injury fatalities, is an appropriate time to focus attention on both the problem and the solution: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2003, as ''National Safety Month''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities that promote acknowledgement, gratitude, and respect for the advances of the National Safety Council and its mission.

Mr. FITZGERALD. Mr. President, I rise today to submit a resolution that would designate June 2003 as National Safety Month.

National Safety Month is not just a tribute to our Nation's advances in health and safety and our never-ending efforts to protect lives. It represents a standard of excellence in safety to which we as a Nation must continue to aspire. While our Nation has enjoyed great advances in safety, we must continue to work to reduce the number of unintentional and preventable injuries and deaths. As summer is traditionally a time in which the number of unintentional deaths increases, it is appropriate to dedicate a month at the beginning of the season to the improvement of safety and health in our country.

During National Safety Month, the National Safety Council will provide tips, articles and information to raise awareness and promote safe driving, home and community safety, general preparedness, and workplace safety.

I would like to commend the National Safety Council for the contributions that it has made to public safety. I am proud that the National Safety Council is headquartered in my home State of Illinois. The National Safety Council is celebrating its 90th anniversary as an organization this year, and its 50th anniversary as a federally chartered organization. Congress chartered the National Safety Council in 1953 to educate and influence society to adopt safety, health, and environmental policies, practices, and procedures that prevent and mitigate human suffering and economic loss arising from preventable causes. The National Safety Council fulfills its mission through a network of approximately 50 local and regional chapters that provide safety and health programs and services to communities across the United States. The Council currently has 37,500 members.

I thank Senator FEINSTEIN for joining me to submit this resolution that declares June 2003 National Safety Month and recognizes the National Safety Council for its important work. During a time when homeland security is foremost on the minds of Americans, this month will continue to heighten public awareness of the ongoing quest to save and protect lives. I urge all of my colleagues to join me in supporting this resolution.

SENATE CONCURRENT RESOLUTION 45—EXPRESSING APPRECIATION TO THE GOVERNMENT OF KUWAIT FOR THE MEDICAL ASSISTANCE IT PROVIDED TO ALI ISMAEEL ABBAS AND OTHER CHILDREN OF IRAQ AND FOR THE ADDITIONAL HUMANITARIAN AID PROVIDED BY THE GOVERNMENT AND PEOPLE OF KUWAIT, AND FOR OTHER PURPOSES

Ms. LANDRIEU submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 45

Whereas the plight of Ali Ismaeel Abbas, 12, of Baghdad, Iraq, who lost his parents and several other relatives, suffered severe burns, and lost both his arms on March 29, 2003, during the military conflict in Iraq, has aroused concern on the part of people all around the world;

Whereas, with the approval of the Cabinet of the Government of Kuwait, First Deputy Prime Minister and Foreign Minister of Kuwait Shaykh Sabah al-Ahmed al-Jabir Al-Sabah personally called for Ali to receive medical treatment in Kuwait;

Whereas the Ministry of Health of Kuwait has agreed to care for the orphaned Ali;

Whereas Dr. Ahmad al-Shatti, spokesman for the Ibn Sina Hospital for Specialized Surgery, which has expertise in burn surgery, expressed welcome for Ali on behalf of the hospital;

Whereas Ali was successfully medically evacuated by United States military airlift from Baghdad, Iraq, to Nassiriya for medical tests and then to Kuwait City, Kuwait, on April 15, 2003;

Whereas doctors at the sophisticated Saud A. Albabtain Center for Burns and Plastic Surgery at Ibn Sina Hospital immediately provided medical care to stabilize Ali and then performed surgery to treat his burns; and

Whereas the Government and people of Kuwait are providing medical supplies and hospital assessment missions in Iraq, supplying water pumped through a pipeline they laid to the Iraqi city of Umm Qasr, and operating the Kuwait Humanitarian Operations Center, where the United States military coordinates relief operations with nongovernmental organizations, United Nations agencies, and the Government of Kuwait: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States—

(1) formally expresses its gratitude to the Government of Kuwait for its magnanimity in receiving Ali Ismaeel Abbas, for providing Ali life-saving medical care, and for undertaking to provide for his long-term recuperation and rehabilitation;

(2) commends the Government and people of Kuwait for their support of and welcome for Ali and other wounded children of Iraq;

(3) conveys the goodwill of Congress and the people of the United States that has been engendered by the medical assistance, water, and other humanitarian aid that the Government and people of Kuwait have provided their neighbors;

(4) encourages the Government and people of Kuwait to continue their humanitarian efforts; and

(5) expresses firm confidence that such humanitarian action will not only help heal the wounds of Ali, but will also restore comity between Kuwait and Iraq and within the region and deepen the friendship between the peoples of Kuwait and the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 687. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 688. Mr. KENNEDY (for himself, Mrs. FEINSTEIN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 689. Mr. DASCHLE proposed an amendment to the bill S. 1050, supra.

SA 690. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 691. Mrs. MURRAY (for herself, Ms. SNOWE, Mrs. BOXER, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 1050, supra; which was ordered to lie on the table.

SA 692. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 693. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 694. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 695. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 696. Mr. GRAHAM, of South Carolina proposed an amendment to the bill S. 1050, supra.

SA 697. Mr. REID (for himself, Mr. DORGAN, and Mr. NELSON, of Florida) proposed an amendment to the bill S. 1050, supra.

SA 698. Mr. NELSON, of Florida (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the

bill S. 1050, supra; which was ordered to lie on the table.

SA 699. Mr. WARNER (for Mr. MCCONNELL) proposed an amendment to the resolution S. Res. 100, recognizing the 100th anniversary year of the founding of the Ford Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations, and a revolutionary industrial and global institution, and congratulating Ford Motor Company for its achievements.

TEXT OF AMENDMENTS

SA 687. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEPARTMENT OF DEFENSE PAYMENT FOR CONTINUATION OF NON-TRICARE HEALTH BENEFITS COVERAGE FOR CERTAIN MOBILIZED RESERVES.

(a) PAYMENT OF PREMIUMS.—

(1) REQUIREMENT TO PAY PREMIUMS.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

''§ 1078b. Continuation of non-TRICARE health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents

''(a) PAYMENT OF PREMIUMS.—The Secretary concerned shall pay the applicable premium to continue in force any qualified health benefits plan coverage for an eligible reserve component member for the benefits coverage continuation period if timely elected by the member in accordance with regulations prescribed under subsection (h).

''(b) ELIGIBLE MEMBER.—A member of a reserve component who is called or ordered to active duty for a period of more than 30 days under a provision of law referred to in section 101(a)(13)(B) of this title is eligible for payment of the applicable premium for continuation of qualified health benefits plan coverage under subsection (a).

''(c) QUALIFIED HEALTH BENEFITS PLAN COVERAGE.—For the purposes of this section, health benefits plan coverage for a member called or ordered to active duty is qualified health benefits plan coverage if—

''(1) the coverage was in force on the date on which the Secretary notified the member that issuance of the call or order was pending or, if no such notification was provided, the date of the call or order; and

''(2) on that date, the coverage applied to the member and dependents of the member.

''(d) APPLICABLE PREMIUM.—The applicable premium payable under this section for continuation of health benefits plan coverage in the case of a member is the amount of the premium payable by the member for the coverage of the member and dependents.

''(e) BENEFITS COVERAGE CONTINUATION PERIOD.—The benefits coverage continuation period under this section for qualified health benefits plan coverage in the case of a member called or ordered to active duty is the period that—

''(1) begins on the date of the call or order; and

''(2) ends on the earlier of the date on which—

''(A) the member's eligibility for transitional health care under section 1145(a) of this title terminates under paragraph (3) of such section;

''(B) the member or the dependents of the member eligible for benefits under the qualified health benefits plan coverage become covered by another health benefits plan that is not TRICARE; or

''(C) the member elects to terminate the continued qualified health benefits plan coverage of the dependents of the member.

''(f) EXTENSION OF PERIOD OF COBRA COVERAGE.—Notwithstanding any other provision of law—

''(1) any period of coverage under a COBRA continuation provision (as defined in section 9832(d)(1) of the Internal Revenue Code of 1986) for a member under this section shall be deemed to be equal to the benefits coverage continuation period for such member under this section; and

''(2) with respect to the election of any period of coverage under a COBRA continuation provision (as so defined), rules similar to the rules under section 4980B(f)(5)(C) of such Code shall apply.

''(g) SPECIAL RULE WITH RESPECT TO INDIVIDUAL HEALTH INSURANCE COVERAGE.—With respect to a member of a reserve component described in subsection (b) who was enrolled in individual health insurance coverage (as such term is defined in section 2791(b)(5) of the Public Health Service Act) on the date on which the member was called or ordered to active duty, the health insurance issuer may not—

''(1) decline to offer such coverage to, or deny re-enrollment of, such individual during the benefits coverage continuation period described in subsection (e);

''(2) impose any preexisting condition exclusion (as defined in section 2701(b)(1)(A) of the Public Health Service Act) with respect to the re-enrollment of such member for such coverage during such period; or

''(3) increase the premium rate for re-enrollment of such member under such coverage during such period above the rate that was paid for the coverage prior to the date of such call or order.

''(h) NONDUPLICATION OF BENEFITS.—A dependent of a member who is eligible for benefits under qualified health benefits plan coverage paid on behalf of a member by the Secretary concerned under this section is not eligible for benefits under TRICARE during a period of the coverage for which so paid.

''(i) REVOCABILITY OF ELECTION.—A member who makes an election under subsection (a) may revoke the election. Upon such a revocation, the member's dependents shall become eligible for TRICARE as provided for under this chapter.

''(j) REGULATIONS.—The Secretary of Defense shall prescribe regulations for carrying out this section. The regulations shall include such requirements for making an election of payment of applicable premiums as the Secretary considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078a the following new item:

''1078b. Continuation of non-TRICARE health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents.''.

(b) APPLICABILITY.—Section 1078b of title 10, United States Code (as added by subsection (a)), shall apply with respect to calls or orders of members of reserve components of the Armed Forces to active duty as described in subsection (b) of such section, that are issued by the Secretary of a military department on or after the date of the enactment of this Act.

SA 688. Mr. KENNEDY (for himself, Mrs. FEINSTEIN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3131.

SA 689. Mr. DASCHLE proposed an amendment to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 157, strike line 8 and all that follows through ''time of war,'' on line 14, and insert the following:

''(f)(1) At any time after the Secretary concerned notifies members of the Ready Reserve that the members are to be called or ordered to active duty,

On page 157, line 19, strike '' '(2)'' and insert the following:

''(2) The screening and care authorized under paragraph (1) shall include screening and care under TRICARE, pursuant to eligibility under paragraph (3), and continuation of care benefits under paragraph (4).

''(3)(A) Members of the Selected Reserve of the Ready Reserve and members of the Individual Ready Reserve described in section 10144(b) of this title are eligible, subject to subparagraph (I), to enroll in TRICARE.

''(B) A member eligible under subparagraph (A) may enroll for either of the following types of coverage:

''(i) Self alone coverage.

''(ii) Self and family coverage.

''(C) An enrollment by a member for self and family covers the member and the dependents of the member who are described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

''(D) The Secretary of Defense shall provide for at least one open enrollment period each year. During an open enrollment period, a member eligible under subparagraph (A) may enroll in the TRICARE program or change or terminate an enrollment in the TRICARE program.

''(E) A member and the dependents of a member enrolled in the TRICARE program under this paragraph shall be entitled to the same benefits under this chapter as a member of the uniformed services on active duty or a dependent of such a member, respectively. Section 1074(c) of this title shall apply with respect to a member enrolled in the TRICARE program under this section.

''(F)(i) The Secretary of Defense shall charge premiums for coverage pursuant to enrollments under this paragraph. The Secretary shall prescribe for each of the TRICARE program options a premium for self alone coverage and a premium for self and family coverage.

''(ii) The monthly amount of the premium in effect for a month for a type of coverage under this paragraph shall be the amount equal to 28 percent of the total amount determined by the Secretary on an appropriate

actuarial basis as being reasonable for the coverage.

''(iii) The premiums payable by a member under this subparagraph may be deducted and withheld from basic pay payable to the member under section 204 of title 37 or from compensation payable to the member under section 206 of such title. The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums by members not entitled to such basic pay or compensation.

''(iv) Amounts collected as premiums under this subparagraph shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subparagraph (B) of such section for such fiscal year.

''(G) A person who receives health care pursuant to an enrollment in a TRICARE program option under this paragraph, including a member who receives such health care, shall be subject to the same deductibles, copayments, and other nonpremium charges for health care as apply under this chapter for health care provided under the same TRICARE program option to dependents described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

''(H) A member enrolled in the TRICARE program under this paragraph may terminate the enrollment only during an open enrollment period provided under subparagraph (D), except as provided in subparagraph (I). An enrollment of a member for self alone or for self and family under this paragraph shall terminate on the first day of the first month beginning after the date on which the member ceases to be eligible under subparagraph (A). The enrollment of a member under this paragraph may be terminated on the basis of failure to pay the premium charged the member under this paragraph.

''(I) A member may not enroll in the TRICARE program under this paragraph while entitled to transitional health care under subsection (a) of section 1145 of this title or while authorized to receive health care under subsection (c) of such section. A member who enrolls in the TRICARE program under this paragraph within 90 days after the date of the termination of the member's entitlement or eligibility to receive health care under subsection (a) or (c) of section 1145 of this title may terminate the enrollment at any time within one year after the date of the enrollment.

''(J) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this paragraph.

''(4)(A) The Secretary concerned shall pay the applicable premium to continue in force any qualified health benefits plan coverage for an eligible reserve component member for the benefits coverage continuation period if timely elected by the member in accordance with regulations prescribed under subparagraph (J).

''(B) A member of a reserve component is eligible for payment of the applicable premium for continuation of qualified health benefits plan coverage under subparagraph (A) while serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of this title during a war or national emergency declared by the President or Congress.

''(C) For the purposes of this paragraph, health benefits plan coverage for a member called or ordered to active duty is qualified health benefits plan coverage if—

''(i) the coverage was in force on the date on which the Secretary notified the member that issuance of the call or order was pending or, if no such notification was provided, the date of the call or order;

''(ii) on such date, the coverage applied to the member and dependents of the member described in subparagraph (A), (D), or (I) of section 1072(2) of this title; and

''(iii) the coverage has not lapsed.

''(D) The applicable premium payable under this paragraph for continuation of health benefits plan coverage in the case of a member is the amount of the premium payable by the member for the coverage of the member and dependents.

''(E) The total amount that may be paid for the applicable premium of a health benefits plan for a member under this paragraph in a fiscal year may not exceed the amount determined by multiplying—

''(i) the sum of one plus the number of the member's dependents covered by the health benefits plan, by

''(ii) the per capita cost of providing TRICARE coverage and benefits for dependents under this chapter for such fiscal year, as determined by the Secretary of Defense.

''(F) The benefits coverage continuation period under this paragraph for qualified health benefits plan coverage in the case of a member called or ordered to active duty is the period that—

''(i) begins on the date of the call or order; and

''(ii) ends on the earlier of the date on which the member's eligibility for transitional health care under section 1145(a) of this title terminates under paragraph (3) of such section, or the date on which the member elects to terminate the continued qualified health benefits plan coverage of the dependents of the member.

''(G) Notwithstanding any other provision of law—

''(i) any period of coverage under a COBRA continuation provision (as defined in section 9832(d)(1) of the Internal Revenue Code of 1986) for a member under this paragraph shall be deemed to be equal to the benefits coverage continuation period for such member under this paragraph; and

''(ii) with respect to the election of any period of coverage under a COBRA continuation provision (as so defined), rules similar to the rules under section 4980B(f)(5)(C) of such Code shall apply.

''(H) A dependent of a member who is eligible for benefits under qualified health benefits plan coverage paid on behalf of a member by the Secretary concerned under this paragraph is not eligible for benefits under the TRICARE program during a period of the coverage for which so paid.

''(I) A member who makes an election under subparagraph (A) may revoke the election. Upon such a revocation, the member's dependents shall become eligible for benefits under the TRICARE program as provided for under this chapter.

''(J) The Secretary of Defense shall prescribe regulations for carrying out this paragraph. The regulations shall include such requirements for making an election of payment of applicable premiums as the Secretary considers appropriate.

''(5) For the purposes of this section, all members of the Ready Reserve who are to be called or ordered to active duty include all members of the Ready Reserve.

''(6) The Secretary concerned shall promptly notify all members of the Ready Reserve that they are eligible for screening and care under this section.

SA 690. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXXI, add the following:

SEC. 3155. COVERAGE UNDER ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM OF INDIVIDUALS EMPLOYED AT ATOMIC WEAPONS EMPLOYER FACILITIES DURING PERIODS OF RESIDUAL CONTAMINATION.

Paragraph (3) of section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l) is amended to read as follows:

''(3) The term 'atomic weapons employee' means an individual employed at an atomic weapons employer facility during a period when—

''(A) the employer was processing or producing, for the use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling; or

''(B) as specified by the National Institute for Occupational Safety and Health in the final report required by section 3151(b)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2002 (42 U.S.C. 7384 note) or any supplement thereto or subsequent report, significant contamination (as that term is defined in section 3151(b)(4)(B) of that Act) remained after such facility discontinued activities described in subparagraph (A).''.

SA 691. Mrs. MURRAY (for herself, Ms. SNOWE, Mrs. BOXER, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 708. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking ''RESTRICTION ON USE OF FUNDS.—''.

SA 692. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 313. INFORMATION OPERATIONS SUSTAINMENT FOR LAND FORCES READINESS OF ARMY RESERVE.

(a) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2004 by section 301(6) for operation and maintenance for

the Army Reserve, $3,000,000 may be available for Information Operations (Account #19640) for Land Forces Readiness–Information Operations Sustainment.

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available under subsection (a) for the purpose specified in that subsection is in addition to any other amounts available for that purpose under this Act.

SA 693. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In subtitle B of title I, add after the subtitle heading the following:

SEC. 111. RAPID INFUSION PUMPS.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 101(5) for other procurement for the Army, $2,000,000 may be available for medical equipment for the procurement of rapid infusion (IV) pumps.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(b) OFFSET.—Of the amount authorized to be appropriated by section 101(5) for other procurement for the Army, the amount available for the procurement of automated data processing equipment is hereby reduced by $2,000,000.

SA 694. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. NON-THERMAL IMAGING SYSTEMS.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated for fiscal year 2004 by section 201(2) for research, development, test, and evaluation, Navy, $2,000,000 may be available for Power Projection Applied Research (PE 602114N) for non-thermal imaging systems.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(b) OFFSET.—Of the amount authorized to be appropriated for fiscal year 2004 by section 201(2) for research, development, test, and evaluation, Navy, the amount available for Retract Maple (PE 603746N) is hereby reduced by $2,000,000.

SA 695. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. PORTABLE MOBILE EMERGENCY BROADBAND SYSTEMS.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, $2,000,000 may be available for the development of Portable Mobile Emergency Broadband Systems (MEBS).

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, the amount made available for Missile and Rocket Advanced Technology (PE 603313A) is hereby reduced by $2,000,000.

SA 696. Mr. GRAHAM of South Carolina proposed an amendment to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 157, line 8:

In lieu of the matter proposed to be inserted insert the following:

''(f)(1) At any time after the Secretary concerned notifies the commander of a unit of the Selected Reserve of the Ready Reserve that all members of the unit are to be called or ordered to active duty under a provision of law referred to in section 101(a)(13(B) in support of an operation, mission, or contingency operation during a national emergency or in time of war. This shall become effective one day after enactment of the bill.

On page 157, line 19, in lieu of the matter to be inserted insert the following:

''(2) A member provided medical or dental screening or care under paragraph (1) may not be charged for the screening or dental care. This section shall become effective two days after enactment.

SEC. . EXPANDED ELIGIBILITY OF READY RESERVISTS FOR TRICARE.

(a) ELIGIBILITY.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1097b the following new section:

§ 1097c. TRICARE program: Reserves not on active duty

''(a) ELIGIBILITY.—A member of the Selected Reserve of the Ready Reserve of the armed forces not otherwise eligible for enrollment in the TRICARE program under this chapter for the same benefits as a member of the armed forces eligible under section 1074(a) of this title may enroll for self or for self and family for the same benefits under this section.

''(b) PREMIUMS.—(1) An enlisted member of the armed forces enrolled in the TRICARE program under this section shall pay an annual premium of $330 for self only coverage and $560 for self and family coverage for which enrolled under this section.

''(2) An officer of the armed forces enrolled in the TRICARE program under this section shall pay an annual premium of $380 for self only coverage and $610 for self and family coverage for which enrolled under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1097b the following new item:

''1097c. Section 101 head.''.

SA 697. Mr. REID (for himself, Mr. DORGAN, and Mr. NELSON of Florida) proposed an amendment to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 644. FULL PAYMENT OF BOTH RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES.

(a) RESTORATION OF FULL RETIRED PAY BENEFITS.—Section 1414 of title 10, United States Code, is amended to read as follows:

''§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation

''(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

''(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

''(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

''(d) DEFINITIONS.—In this section:

''(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

''(2) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38.''.

(b) REPEAL OF SPECIAL COMPENSATION PROGRAMS.—Sections 1413 and 1413a of such title are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 1413, 1413a, and 1414 and inserting the following:

''1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

(e) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as amended by subsection (a), for any period before the effective date applicable under subsection (d).

SA 698. Mr. NELSON of Florida (for himself, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table, as follows:

At the end of title VI, add the following:

Subtitle F—Citizenship for Servicemembers

SEC. 661. SHORT TITLE.

This subtitle may be cited as the ''Citizenship for Servicemembers Act of 2003''.

SEC. 662. REQUIREMENTS FOR NATURALIZATION THROUGH SERVICE IN THE ARMED FORCES OF THE UNITED STATES.

(a) REDUCTION OF PERIOD FOR REQUIRED SERVICE.—Section 328(a) of the Immigration and Nationality Act (8 U.S.C. 1439(a)) is amended by striking ''three years'' and inserting ''2 years''.

(b) PROHIBITION ON IMPOSITION OF FEES RELATING TO NATURALIZATION.—Title III of the Immigration and Nationality Act (8 U.S.C. 301 et seq.) is amended—

(1) in section 328(b)—

(A) in paragraph (3)—

(i) by striking ''honorable. The'' and inserting ''honorable (the''; and

(ii) by striking ''discharge.'' and inserting ''discharge); and''; and

(B) by adding at the end the following:

''(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.''; and

(2) in section 329(b)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.''.

(c) NATURALIZATION PROCEEDINGS OVERSEAS FOR MEMBERS OF THE ARMED FORCES.—Notwithstanding any other provision of law, the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense shall ensure that any applications, interviews, filings, oaths, ceremonies, or other proceedings under title III of the Immigration and Nationality Act (8 U.S.C. 301 et seq.) relating to naturalization of members of the Armed Forces are available through United States embassies, consulates, and as practicable, United States military installations overseas.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 328(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1439(b)(3)) is amended by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

SA 699. Mr. WARNER (for Mr. MCCONNELL) proposed an amendment to the resolution S. Res. 100, recognizing the 100th anniversary year of the founding of the Ford Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations, and a revolutionary industrial and global institution, and congratulating Ford Motor Company for its achievements; as follows:

In the third clause of the preamble, strike '', which was advertised as the 'Fordmobile' and had'' and insert ''with''.

In the ninth clause of the preamble, strike '', completed in 1925,''.

In the tenth clause of the preamble, strike ''196'' and insert ''199''.

In the twelfth clause of the preamble, strike ''models through 1937 (Ford and Lincoln)'' and insert ''automotive brands (Ford and Lincoln) through 1937''.

In the seventeenth clause of the preamble, strike ''the first major change in a Ford body since 1922,''.

In the seventeenth clause of the preamble, strike the comma after ''1932''.

In the eighteenth clause of the preamble, strike ''Ford 'woodies',''.

In the eighteenth clause of the preamble, strike ''Galaxy'' and insert ''Galaxie''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a business meeting on May 21, 2003 in SR–328A at 9:30 a.m. The purpose of this meeting will be to consider the nominations of Glen Klippenstein, Julia Bartling, and Lowell Junkins to be members of the Board of Directors of the Federal Agricultural Mortgage Corporation and Tom Dorr to be a member of the Board of Directors of the Commodity Credit Corporation and to be Under Secretary of Agriculture for Rural Development.

PRIVILEGES OF THE FLOOR

Mr. SESSIONS. Mr. President, I ask unanimous consent that my legislative fellow, John Beaver, be granted the privilege of the floor for the remainder of the debate on the National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent that Carol Madonna, my legislative fellow, be allowed floor privileges for the duration of the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

100TH ANNIVERSARY OF FORD MOTOR COMPANY

Mr. WARNER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further action on S. Res. 100 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 100) recognizing the 100th anniversary of the founding of Ford Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations, and a revolutionary industrial and global institution, and congratulating Ford Motor Company for its achievements.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 699

Mr. WARNER. There is an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCONNELL, proposes an amendment numbered 699.

(Purpose: To make technical corrections)

In the third clause of the preamble, strike '', which was advertised as the 'Fordmobile' and had'' and insert ''with''.

In the ninth clause of the preamble, strike '', completed in 1925,''.

In the tenth clause of the preamble, strike ''196'' and insert ''199''.

In the twelfth clause of the preamble, strike ''models through 1937 (Ford and Lincoln)'' and insert ''automotive brands (Ford and Lincoln) through 1937''.

In the seventeenth clause of the preamble, strike ''the first major change in a Ford body since 1922,''.

In the seventeenth clause of the preamble, strike the comma after ''1932''.

In the eighteenth clause of the preamble, strike ''Ford 'woodies',''.

In the eighteenth clause of the preamble, strike ''Galaxy'' and insert ''Galaxie''.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 100) was agreed to.

The amendment (No. 699) was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

(The resolution will be printed in a future entry in the RECORD.

RECOGNIZING THE CONTRIBUTIONS OF ASIAN PACIFIC AMERICANS

Mr. WARNER. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Con. Res. 44, and that

the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 44) recognizing the contributions of Asian Pacific Americans to our Nation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WARNER. I ask unanimous consent the concurrent resolution be agreed to, and the preamble be agreed to, and the motion to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 44), was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

Whereas at the direction of Congress in 1978, the President proclaimed the week beginning May 4, 1979, as Asian Pacific American Heritage Week, providing the people of the United States with an opportunity to recognize the achievements, contributions, history, and concerns of Asian Pacific Americans;

Whereas the seven day period starting May 4 was designated Asian Pacific Heritage Week as it marks two historical dates—May 7, 1843, when the first Japanese immigrants arrived in the United States, and May 10, 1869, Golden Spike Day, when, with substantial contributions from Chinese immigrants, the first transcontinental railroad was completed;

Whereas the 102nd Congress by law designated that the month of May be annually observed as Asian Pacific American Heritage Month;

Whereas according to the U.S. Census Bureau an estimated 12.5 million United States residents trace their ethnic heritage, in full or in part, to Asia and the Pacific Islands;

Whereas Asian Americans and Pacific Islanders can list innovative contributions to all aspects of life in the United States ranging from the first transcontinental railroad to the Internet;

Whereas in the mid-1700's Filipino sailors formed the first Asian American and Pacific Islander communities in the bayous of Louisiana;

Whereas Asian Americans and Pacific Islanders have added to the vast cultural wealth of our Nation; and

Whereas Americans of Asian Pacific heritage, who include immigrant and indigenous populations, have honorably served to defend the United States in times of armed conflict from the Civil War to the present: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes that the United States draws its strength from its diversity, including contributions made by Asian Americans and Pacific Islanders;

(2) recognizes that the Asian American and Pacific Islander community is a thriving and integral part of American society and culture;

(3) supports the goals of Asian Pacific Heritage Month; and

(4) recognizes the prodigious contributions of Asian Americans and Pacific Islanders to the United States.

MEASURE READ THE FIRST TIME—S. 1079

Mr. WARNER. With regard to rule 14, I understand S. 1079, which was introduced earlier today by Senator MURKOWSKI, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1079) to extend the Temporary Extended Unemployment Compensation Act of 2002.

Mr. WARNER. Mr. President, I now ask for its second reading and object to further proceeding on this matter.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDER FOR STAR PRINT—S. 1040

Mr. WARNER. Mr. President, I ask unanimous consent that S. 1040 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the First Session of the 108th Congress, to be held in Prague, Czech Republic, May 23–26, 2003: Senator JEFF SESSIONS of Alabama; Senator GEORGE VOINOVICH of Ohio; Senator JOHN CORNYN of Texas; Senator ERNEST F. HOLLINGS of South Carolina; Senator CHRISTOPHER J. DODD of Connecticut.

UNANIMOUS CONSENT REQUEST—S. 1079

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. 1079, Senator MURKOWSKI's bill to extend the Temporary Extended Unemployment Compensation Act of 2002; provided further the Senate proceed to its consideration, the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, this is a step in the right direction. We are very fortunate there has been movement by the majority toward doing something about unemployment insurance benefits. The problem with this as it now stands is with those people who have been so long unemployed that they are no longer on the unemployment rolls. They have been off so long that under statute and regulation they are no longer part of the unemployed of this country.

We want to make sure they are helped also. They are in dire need of help. Everyone needs help. We hope in the next few days we could work something out so these people can also be covered.

As that is the case, I hope the two leaders can get together, as I have indicated, in the near future and work to have a bill both sides can agree on.

As a result of this statement, I object.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR TUESDAY, MAY 20, 2003

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. Tuesday, May 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business with the time until 10 a.m. equally divided between Senator CORNYN and the minority leader or their designees, provided that at 10 a.m. the Senate resume consideration of S. 1050, the Department of Defense authorization bill.

I further ask consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party lunches.

Mr. REID. It is my understanding the two leaders are going to attempt to arrange votes on the two matters now pending before the Senate; that is, the Daschle amendment and the amendment offered by the Senator from South Carolina, and we would like to see if that be can be arranged prior to the recess Tuesday. That is not done yet, but Members should contemplate two votes before our noon recess.

Mr. WARNER. I understand the representation is accurate.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. For the information of all Senators, tomorrow the Senate will resume debate on the Department of Defense authorization bill. We have two amendments relating to TRICARE on the bill. I will be talking to the sponsors of those amendments and the ranking member, as stated by the distinguished minority whip.

We are encouraging other Members to come forward and work with the ranking member and myself in order to schedule consideration of amendments. Senators should expect rollcall votes on amendments throughout the day tomorrow.

I also think it could be into the night, Mr. President, because we are anxious to complete this bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:32 p.m., adjourned until Tuesday, May 20, 2003, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate May 19, 2003:

THE JUDICIARY

S. MAURICE HICKS, JR., OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. GRAVES. Mr. Speaker, on Wednesday, May 14, 2003, I was unavoidably delayed and thus missed rollcall vote No. 189. Had I been present, I would have voted ''yea,'' to pass H.R. 1000, the Pension Security Act of 2003.

IN RECOGNITION OF THE SAMUEL J. TILDEN DEMOCRATIC CLUB ON THEIR 50TH ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the Samuel J. Tilden Democratic Club on the occasion of its 50th anniversary. In the past half-century, the organization has consistently led its community in discussing, addressing, and resolving important political issues.

Since 1953, when a group of Democrats became fed up with Tammany Hall and turned to the notion of an open political forum for inspiration, Tilden has prided itself on its diverse membership and progressive views. Tilden members represent a cross-section of the constituency, and the diversity of opinion makes the club a driving force and leader of the community. Tilden embraces the philosophical principles of Eleanor Roosevelt and Herbert Lehman and has led the efforts to address and resolve community issues for over five decades. Tilden's contributions to the community include improvements in healthcare, housing, education, social services, senior citizen needs, crime prevention, transportation and landmark designation.

The local reform Democratic club of the 74th Assembly District, the Tilden club is named after Samuel J. Tilden, Governor of New York from 1875–1876. During his ten years as state party chairman from 1865–1875, Mr. Tilden made history by successfully leading the overthrow of the Tammany Hall Boss Tweed. As the Democratic Party's candidate for President of the United States in 1876, he became the first candidate to win the popular vote but lose the Electoral College vote, and the election. Mr. Tilden's legacy of community activism and reform is reflected in the Tilden club.

Tilden serves its community and its members by facilitating open communication between constituents and their representatives in government. Tilden hosts forums where constituents meet and are able to speak with their elected officials and political candidates. As a result, the residents of the district are given an opportunity to directly voice their concerns about their state and government to those who serve it.

In addition to these activities, Tilden spearheads community service projects including annual street fairs, the proceeds of which are donated to community groups, hospitals, hospices, senior support groups, charities and social service organizations. Their annual ''Toys for Tots'' drive provides needy children with toys throughout New York City. Further, Tilden hosts an annual celebration honoring community and political heroes, recognizing those men and women whose efforts have made a difference in the community. Through all its efforts, Tilden focuses on improving the quality of life in our community, just as Governor Tilden worked to accomplish over a century ago.

The dedication and enthusiasm of the many members and friends of Tilden have made it an extraordinary and invaluable community organization. Over the last 50 years, Tilden has helped shape the development of the community, advocating for and preserving the quality of life for residents and families of the east side of Manhattan.

In recognition of these outstanding contributions, I ask my colleagues to join me in honoring the Samuel J. Tilden Democratic Club on the occasion of their 50th Anniversary.

RECOGNIZING JONATHAN H. WEAVER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jonathan H. Weaver, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 99, and in earning the most prestigious award of Eagle Scout.

Jonathan has been very active with his troop, participating in many Scout activities. Over the 2 years he has been involved in Scouting, he has earned 30 merit badges. Additionally, Jonathan has held numerous leadership positions in his troop, serving as troop guide and junior assistant scout master. Jonathan also has been honored for his numerous Scouting achievements with such awards as the Silent Canoe and the Tom-Tom Beater in the Tribe of Mic-O-Say.

For his Eagle Scout project, Jonathan repaired and refurbished the deck and porch of the local women's and children's shelter.

Mr. Speaker, I proudly ask you to join me in commending Jonathan H. Weaver for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING DR. FRANK PINKARD, JR. AND KATHI MARTIN-PINKARD

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Ms. LEE. Mr. Speaker, I rise today to honor Reverend Doctor Frank Pinkard, Jr. and the marvelous First Lady Mrs. Kathi Martin-Pinkard of Evergreen Missionary Baptist Church for their lifetime of ministry and community service. They have served as champions of faith and love for their congregation at Evergreen Missionary Baptist Church in Oakland, California for 18 years.

Pastor Pinkard began his higher education at Bishop College in Dallas, Texas, where he received his B.A. A self-reliant over-achiever, he then completed a three-year seminary program in just two years at the San Francisco Theological Seminary in San Anselmo, California, earning his Master's of Divinity. He then went on to receive a Doctrine of Divinity from the Urban Black Study Center in Affiliation with the Graduate Theological Union at Berkeley. Kathi Martin-Pinkard is also a source of joy and endless compassion. Together they have changed the lives of many people for the better.

Pastor Pinkard has demonstrated leadership skills which have established his reputation in national and international religious circles, as well as the political realm. Among his other roles, Pastor Pinkard has served as President of the Interdenominational Ministerial Alliance of the East Bay, President of the Baptist Ministers Union of Oakland and surrounding vicinity, Moderator of the Oakland Council Churches, First Vice President of the United California Baptist State Convention, President of the Board of Directors for the African-American Church Health and Economic Services (ACHES), President of the St. Luke's Society, Moderator of the Mt. Zion District Association, and Executive Secretary of the Publishing Board of the National Baptist Convention of America, Inc. His service to the community is just as impressive: Administrative Assistant to the late Assemblyman John J. Miller, Commissioner for the Prevention of Juvenile Delinquency in Alameda, and Member of the Alameda County Grand Jury. Between January 1993 and April 1996, Pastor Pinkard three times received a special invitation to the White House by President William J. Clinton. In 1996, he served as a member of the National Committee of the Re-Election of the President.

Reverend Pinkard is first and foremost a Pastor. For thirteen years he was Pastor of the Faith United Presbyterian Church of Oakland, where he oversaw the construction of a new worship facility. He then went on to become the Association Executive of the Presbytery of San Francisco. On Tuesday, April 9, 1985, he was called by the Evergreen Missionary Baptist Church to become their Pastor, succeeding his late Pastor and Organizer, Dr. J.L. Richard. For the past eighteen years Pastor Pinkard and First Lady Kathi Martin-

Pinkard have provided devout and dedicated leadership to the Evergreen family. He has also been blessed to direct and oversee the construction of Evergreen's new worship facility, which was dedicated during a month-long celebration in July 2000. Presently, they are overseeing construction of Evergreen's Children's Center, which will include a ''Maya Angelou Reading Room.''

Finally as we honor Reverend Doctor and First Lady Pinkard today, I want to thank them on behalf of the entire 9th Congressional District for being great religious and community leaders. Reverend Pinkard and Mrs. Kathi Martin-Pinkard have shared their wisdom and provided me tremendous support. Most of all, I thank them for their friendship and for their prayers.

I take great pride in joining their friends, colleagues, and members of the congregation to salute the extraordinary Pastor Frank Pinkard, Jr. and the magnificent First Lady Kathi Martin-Pinkard.

RECOGNIZING ERIC DANIEL LORENZ FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Eric Daniel Lorenz, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 99, and in earning the most prestigious award of Eagle Scout.

Eric has been very active with his troop, participating in many Scout activities. Over the 6 years he has been involved in Scouting, he has earned 28 merit badges. Additionally, Eric has held numerous leadership positions in his troop, serving as junior leader, assistant patrol leader, patrol leader, and junior assistant scoutmaster. Eric also has been honored for his numerous Scouting achievements with such awards as the Bright Eyed Buffalo and the Tom-Tom Beater in the Tribe of Mic-o-Say.

For his Eagle Scout project, Eric cleaned up and maintained a playground, including the installation of a mulched area, at First Step Preschool of the Hodge Presbyterian Church.

Mr. Speaker, I proudly ask you to join me in commending Eric Daniel Lorenz for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO PASTOR JERRY EDWARD MOE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and sincerity that I wish to congratulate Pastor Jerry Edward Moe as he celebrates the 50th anniversary of his ordination in ministry. His parishioners at Prince of Peace Lutheran Church in Merrillville, Indiana will honor him on Sunday, May 18, 2003.

Pastor Moe was born on July 16, 1927, in Chicago, Illinois, to Walter and Edna Moe. He was educated in the Chicago public schools and graduated from Taft High School in 1945. Pastor Moe received his call to ministry during his teenage years and after high school went on to attend Luther College in Decorah, Iowa. After graduating with a bachelor of arts, he attended Luther Theological Seminary in St. Paul, Minnesota. Pastor Moe graduated from the seminary on May 17, 1953 and was ordained the same day at Central Lutheran Church located in Minneapolis, Minnesota. As an ordained minister, Pastor Moe's first call was to the Air Force Chaplainry. He attended basic training at Lackland Air Force Base and was assigned to Patrick Air Force Base in Florida until 1955.

After completing his duty with the Air Force, Pastor Moe served as interim pastor at Trinity Lutheran Church in Jersey City, New Jersey. In 1956, Pastor Moe moved to Edinburgh, Scotland, where he studied post-graduate theology at the University of Edinburgh.

Upon his return to the United States, Pastor Moe accepted a call to the Valders Lutheran Parish in Wisconsin and served there from July 1957 to January 1960. From 1960 to 1963, Pastor Moe continued his service to God as the director of the Lutheran Center at Hothorpe Hall in Theddingworth, England.

Returning to the United States in 1963, Pastor Moe accepted the challenge of leading Christ Lutheran Church, a new mission church in Las Vegas, Nevada. During his tenure with Christ Lutheran, Pastor Moe was able to see the congregation grow. When Pastor Moe left this place of worship after seven years of service, the congregation consisted of more than 700 members.

Pastor Moe left Las Vegas to come back to his home state of Illinois where he served as pastor at Faith Lutheran Church for 22 years until his retirement in 1993. Since his official retirement, Pastor Moe has continued his call to worship at a variety of establishments in the state of Indiana. He served as Chaplain at St. Joseph's Medical Center in South Bend, as interim pastor at St. John Lutheran Church in Kokomo, and at St. John Lutheran Church in Marion. Today, Pastor Moe serves as the interim pastor at Prince of Peace Church in Merrillville.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in congratulating Pastor Jerry Moe as he celebrates the 50th anniversary of his ordination in ministry. Throughout Pastor Moe's career in ministry he has touched the lives of many throughout the community. His unselfish and lifelong dedication to those in need is worthy of the highest commendation, and I am proud to represent him in Congress.

RECOGNIZING PHILLIP STEWART ELLIOTT FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Phillip Stewart Elliott, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 99, and in earning the most prestigious award of Eagle Scout.

Phillip has been very active with his troop, participating in many scout activities. Over the five years he has been involved in scouting, he has earned 27 merit badges. Additionally, Phillip has held numerous leadership positions in his troop, serving as Quartermaster and Junior Assistant Scout Master. Phillip also has been honored for his numerous scouting achievements with such awards as the Spotted War Shirt and the Runner in the Tribe of Mic-O-Say.

For his Eagle Scout project, Phillip repaired and refurbished picnic tables for Trenton Park System, in Trenton, Missouri, which included making some tables handicapped accessible.

Mr. Speaker, I proudly ask you to join me in commending Phillip Stewart Elliott for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATIONS MONSIGNOR WILLIAM LINDER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Ms. KAPTUR. Mr. Speaker, it is with the greatest pleasure that I recognize the awarding of an honorary Doctorate degree to Monsignor William L. Linder by John Carroll University. Msgr. William Linder had the vision thirty-five years ago to give new life and hope to people who lived in Newark, New Jersey, then one of America's lowest income communities, with the establishment of New Community Corporation. Indeed, the city had experienced urban riots and destruction related to the awakening of modern civil rights in America.

A Roman Catholic priest for nearly forty years, Msgr. Linder has spent his ministry in Newark, New Jersey, still one of the poorest cities in the country. For 28 years, he has been the pastor of St. Rose of Lima Catholic Church, a somewhat unique congregation comprised of people from thirty different national backgrounds. A Doctor of Sociology, Msgr. Linder is an adjunct professor at Columbia University's School of International and Public Affairs. He has received dozens of national and community awards honoring his pathbreaking work to build a new city out of the old.

When rioting in 1967 devastated much of Newark's Central Ward, Msgr. Linder founded New Community. Working with a coalition of local residents and others, Msgr. Linder grew New Community into a development encompassing fourteen city blocks in the heart of the Central Ward. New Community is a thriving venture of people in safe, attractive, affordable housing with an intricate network of employment, day care, education, training, health care, credit unions, banking and human services focused on economic development which benefits its people. New Community employs 2,300 people in sixteen separately funded efforts. Its capital assets now exceed over $375 million.

New Community offers people from childhood through old age myriad opportunities for

success and positive quality of life experiences. Thousands of people have benefited from New Community's operations, in addition to the hundreds who participate daily in its success. It is a true example of a community at work as they thrive, live and grow and build America's story. At the same time as it transforms the lives of Newark's Central Ward residents, so too has it transformed the ward itself into an attractive and vital urban neighborhood. New Community is the driving force behind new investment in long-term housing, day care and economic stability in Newark's central neighborhood.

With a mission to ''empower low-income individuals to determine their own destiny'' New Community will continue to live the adage ''of, by, and for the people'' well into future decades. Msgr. William Linder's selfless gift is imprinted on all aspects of New Community, as his quiet strength lovingly guides it forward, block by block and life by life. His contributions as shepherd and engineer embody the living Gospel. Congratulations to Msgr. William Linder on this special recognition from John Carroll University. His legacy is one of extraordinary achievement that serves as a model of human and community development at home and abroad.

RECOGNIZING SETH COX FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Seth Cox, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 99, and in earning the most prestigious award of eagle scout.

Seth has been very active with his troop, participating in many scout activities. Over the five years he has been involved in scouting, he has earned 30 merit badges. Additionally, Seth has held numerous leadership positions in his troop, serving as Assistant Patrol Leader, Patrol Leader, Scribe, Chaplain, Troop Guide, and Junior Assistant Scout Master. Seth also has been honored for his numerous scouting achievements with such awards as the little paper image and the runner in the tribe of Mic-O-Say.

For his Eagle Scout project, Seth built and installed playground equipment at the First Christian Church.

Mr. Speaker, I proudly ask you to join me in commending Seth Cox for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING MR. FRANK LOTTS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. MORAN of Virginia. Speaker, I rise today to honor Mr. Frank Lotts. Mr. Lotts is a native Virginian who has served his nation through superior service in the military and the federal government for the past 35 years.

Born in Staunton, Virginia, Mr. Lotts completed his education at several Virginia state universities and joined the United States Army in 1967 where he served until 1970. During this time he attended Officer Candidate School at Fort Knox and served as a Platoon Leader and Troop Commander in the 4th Squadron, 7th U.S. Cavalry, 2nd Infantry Division.

After leaving the Army, Frank Lotts began an internship with the Defense Logistics Agency. His training began as an inventory manager with the Directorate of Supply Operations at the Defense Supply Center Richmond.

Due to his exemplary work, Mr. Lotts was assigned to the task force for the implementation of the Standard Automated Material Management System. In January, 1973, he accepted a position at the DLA headquarters within the Directorate of Supply Operations.

In 1974, Mr. Lotts returned to the Defense Supply Center Richmond as a member of the Operations Research Group. Three years later, he served as a Senior Program Manager and went on to serve as Chief, Requirements Branch and Chief, Logistics Division at the Directorate of Supply Operations. As a result of his tremendous work ethic, Mr. Lotts continued his ascent at DSCR by becoming Director of Plans and Policies and, in 1990, the Comptroller and Chief Financial Officer.

In 2000, he assumed his current position as Deputy Director of Logistics Management at the DLA Headquarters. He is responsible for providing the Army, Navy, Air Force, Marine Corps and other federal agencies with a variety of logistics, acquisition and technical services in times of peace and war. This mission is performed by approximately 23,000 civilian and military personnel and it is through Mr. Lotts's hard work and management that it is accomplished efficiently.

Due to his service at DLA, Mr. Lotts is a Senior Executive Fellow at the John F. Kennedy School of Government at Harvard University and has been honored with several awards, including the 2002 and 1999 Presidential Rank Award, the 1998 Defense Civilian Distinguished Service Award and the 1993 DLA Exceptional Civilian Service Award.

As he retires from this service to the United States, I am grateful for all Frank Lotts has accomplished during his tenure with the government, and I know he has had a strong impact on several projects throughout the Defense Logistics Agency. His service will be missed. I wish him the best of luck in his retirement.

HONORING THE DEDICATED LIFE AND WORK OF MR. ART KELLAR

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Mr. Art Kellar, an outstanding citizen of Fairfax, Virginia, who, for over half a century, has served his community and country.

Art and his wife Betty made the initial gift to establish the Inova Kellar Center in 1992. The Kellars personally understood the need for a mental health care facility for children and adolescents—and their families—suffering from substance abuse and mental health problems, so they decided to do something about the lack of such a facility in our area by starting the Inova Kellar Center. The Center reaches out to children and families suffering from the effects of mental health and substance abuse problems. The Center offers programs ranging from in-home services for families with at-risk adolescents to a fully certified, accredited therapeutic day school providing comprehensive treatment to its pupils. Children and adolescents from Northern Virginia, DC, and suburban Maryland currently come to the Inova Kellar Center for treatment. A not-for-profit outpatient mental health and substance abuse treatment center, the Inova Kellar Center has filled what was a gaping void in our community since its founding over a decade ago.

Mr. Kellar's contributions to the community, however, began long before 1992. He served our country in the Second World War in Italy, moving to Fairfax upon his return from service. He has long been an innovator and creator—a quick glance at his biography reveals the word ''founder'' perhaps more often than any other word! He founded OK Broadcasting in 1955 with George Olsen and sold it in 1978. He also founded EZ Communications in Fairfax in 1967 with WEZR–FM, which then expanded to Charlotte, New Orleans, Pittsburgh, Miami, and St. Louis. At the same time he acquired 9 stations in other cities, finally selling the flagship station in 1996 at a sizable profit for his many investors.

A generous philanthropist, Mr. Kellar has used his high earnings to make the community a better place, giving kindly to the aforementioned Inova Kellar Center and George Mason University. Here is a man who donates his resources to bettering two crucial pillars of society: Health and Education. And he understands that the way to make a difference in the world is to start in your local community. Mr. Kellar loves golf and the Redskins—it seems to follow naturally that he loves and works to improve northern Virginia. Literally thousands of workers owe their careers to Mr. Kellar. Northern Virginia joins these people in their debt of gratitude to Art Kellar, and extends him heartfelt thanks for his continuing role in bettering the lives of children, adolescents, and families. Mr. Chairman, the life and service of this Virginian serve as a shining example to all who wish to improve health and education through civic and philanthropic involvement.

HONORING MR. DWIGHT THOMPSON

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. ISSA. Mr. Speaker, I rise today to honor the memory of Bonsall, CA, community leader Dwight Thompson who passed away on May 13 at the age of 57 after a battle with cancer. He will be missed.

Thomas Jefferson once wrote, ''Give to every citizen, personally, a part in the administration of the public affairs.''

Dwight, however, wasn't one to wait for someone to give him a role in public affairs. In

the arena of public service and civic involvement he had a virtue that is, unfortunately, too rare: initiative.

A teacher who retired early and moved to Bonsall 14 years ago, Dwight served on the Bonsall School Board from 1990 to 2002. He also took on active roles with the Fallbrook Healthcare District Board and the Bonsall Chamber of Commerce.

Last September Dwight organized a picnic in honor of local firefighters, rescue workers, and law enforcement personnel which I attended. This event was one of the many ways that Dwight would say thank you to his neighbors and strengthen community pride in Bonsall.

My fondest memories of Dwight were observing his enthusiasm and optimistic approach to challenges. When we agreed on a community need, no one worked harder than Dwight to do what was needed. On the occasions when we disagreed, he always took a constructive approach to find common ground and, above all, the best solution for the community.

Dwight Thompson is survived by his wife Beverly, four children, and four grandchildren. My prayers are with them.

Dwight Thompson's legacy in Bonsall and the lives he touched with his generosity, public service, and care for others lives on in the community he helped build and the hearts of those who knew him. A model citizen and loyal friend, Dwight used his freedom as an American to participate in the administration of public affairs simply because he had a gift to share and a genuine concern for others.

A TRIBUTE TO DAVE KULCHIN

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. CUNNINGHAM. Mr. Speaker, it gives me great pleasure to honor Dave Kulchin completing his term as the president of the Carlsbad Hi-Noon Rotary Club on June 30, 2003. Dave is a dedicated community leader who has contributed enormously and made a tremendous difference to the Rotary Club and the citizens of Carlsbad.

Under Dave's leadership, the Carlsbad Hi-Noon Rotary Club accomplished many achievements. They sponsored a Rotary Youth Leadership Awareness Conference RYLA, for high school students to reinforce ethical values and to train students in the Principles of Leadership. The Carlsbad Hi-Noon Rotary Club provided and delivered food, clothing, blankets, and other items to the homeless at the La Posada Homeless Shelter in Carlsbad. Also, Dave led the Oktoberfest fundraiser which raised over $12,000 for both the Carlsbad Women's Resource Center and the Carlsbad Boys and Girls Club.

In addition to his accomplishments as a Rotarian, Dave Kulchin also volunteers his time to serve on the Executive Board of the Carlsbad Boys and Girls Club, was past chairman of the Hospice of North County, served on the Executive Board of Scripps Hospital, was past president and founder of the North County Personnel Association and serves as an elected official on the Leucadia County Water District Board.

I ask my colleagues to join me today in recognizing Dave Kulchin for all the dedication and contributions he has made to the Rotary Club and the citizens of Carlsbad.

CONGRATULATING THE WESTERN PRELACY OF THE ARMENIAN APOSTOLIC CHURCH OF AMERICA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Western Prelacy of the Armenian Apostolic Church of America on the occasion of celebrating 30 years of dedication and service to the needs of the Armenian Church and Community. The 30th Anniversary Banquet will be held at the Holy Trinity Armenian Apostolic Church Social Hall in Fresno, California on Saturday, May 17th.

In 1973, the Western Prelacy of the Armenian Apostolic Church of America (WPAACA) was established. The purpose of the Prelacy is to preserve the traditions and the cultural values of the Armenian Church and provide spiritual, religious, and cultural services to the Armenian Community. WPAACA is a non-profit organization that depends upon the benevolent donations of philanthropists in the community. Their field of services extends throughout California, and provides support and spiritual assistance to Armenian communities in other regions of the Western United States such as Utah, Oregon, Colorado, and Nevada as well.

The Western Prelacy of the Armenian Apostolic Churches is under the jurisdiction of the Catholicosate of the Holy See of the Great House of Cilicia. The Catholicosate was established during the 11th century in Cilicia and later relocated in the coastal city of Antelias, Lebanon. This occurred after the Armenian Genocide and the persecutions of the Armenians from their homeland in Armenia and Cilicia.

Functioning under the guidance of the Western Prelacy, there are eight churches and over a dozen schools. The oldest of the churches is the Holy Trinity Armenian Apostolic Church in Fresno, California. It was founded in 1900 as the first Armenian Apostolic Church in the Western United States. The Armenian community is actively involved in the religious, educational, and spiritual activities of the Prelacy, churches, and schools of the Armenian Apostolic Church.

Mr. Speaker, it is my pleasure to congratulate the Western Prelacy of the Armenian Apostolic Church of America on the occasion of their 30th year anniversary. I urge my colleagues to join me in wishing the Prelacy many years of continued success.

CONGRATULATIONS TO TAIWAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. BURTON. Mr. Speaker, I would like to congratulate the Republic of China as it prepares to celebrate President Chen Shui-bian's third anniversary in office. President Chen should be commended for his leadership in guiding Taiwan through many challenges and maintaining prosperity and democracy for its 23 million people on the island.

Despite economic downturns in many parts of the world, Taiwan has maintained a healthy, albeit slow, growth. Taiwan's substantive relations with nearly all the free countries have been steadily improving, especially with Taiwan's recent accession to the World Trade Organization. However, much more needs to be done to expand Taiwan's international presence.

For years, I have been sympathetic to Taiwan's goals of obtaining a greater international presence. With the recent outbreak of SARS, I feel even stronger that Taiwan needs to be included in any and all international medical cooperation and collaboration. With the spread of SARS, the importance of public health information disclosure is paramount. As Secretary of State Colin Powell recently said, ''infectious disease knows no borders and requires an effective and coordinated response at local, national and international levels.'' Time has come for Taiwan to be included in all World Health Organization activities. For a start, I believe the United States should strongly support Taiwan's efforts to obtain observer status at The World Health Assembly this May.

Moreover, I believe we should support Taiwan's bid to be a member of the International Civil Aviation Organization (ICAO) in view of the fact there are 270 direct flights a week between the United States and Taiwan. There is no doubt in my mind that we should give Taiwan all the support, including Taiwan's bid to return to the United Nations.

On the eve of President Chen Shui-bian's third anniversary in office, I. join my colleagues in wishing President Chen all the best.

THE CONTINUING PLIGHT OF ROMA IN GREECE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. SMITH of New Jersey. Mr. Speaker, the European Roma Rights Center, ERRC, and Greek Helsinki Monitor, GHM, have just published a report on the human rights situation of Roma in Greece. ''Cleaning Operations: Excluding Roma in Greece'' documents the plight of the inhabitants of the Romani settlement of Aspropyrgos, outside Athens, and details the problems of Roma across the country. Illustrated with stark scenes of bulldozed homes and marginalized and neglected Romani communities, a picture disturbing in more ways than one has been painted.

In particular, the report supports the accusation that the Government of Greece has used preparations for the 2004 Olympics as justification for the campaign to uproot Roma. Ironically, Greece currently holds the presidency of the European Union.

The Helsinki Commission, which I cochair, held hearings in 1998, 2000, and in 2002 focused on the human rights problems faced by Roma with the intent of raising the awareness of these problems amongst the governments of the OSCE participating States. The plight of the Roma has also been addressed in specific

hearings or briefings covering Greece, Russia, Serbia, Kosovo, and Romania, as well as the OSCE process.

Members of the Commission have also sent several letters to Greek leaders in recent years addressing longstanding human rights concerns in the Hellenic Republic, including those affecting the Romani community. These expressions of concern have specifically addressed forced evacuations of Roma from numerous villages, the abusive application of the use of national identity cards issued to Roma, the inability of Roma children to have access to schools on a nondiscriminatory basis and other matters of blatant racial discrimination.

This newly released report on Roma clearly indicates that the Greek Government has failed to properly address many of these ongoing concerns. At a June 2002 Commission hearing on Greece, in fact, I raised the specter of an intensified campaign targeting Roma to obtain land for use as venues for the 2004 Olympics. This campaign is well documented in this report.

Notwithstanding the assertions of Greek officials at the Commission hearing that ''everything is done (concerning the relocation) in consultation with, and with the consent of, the Roma involved,'' numerous non-governmental organizations have raised such issues with Athens. Greek human rights activists have stepped forward.

As an original signatory to the 1975 Helsinki Final Act, Greece has accepted numerous commitments pertaining to the treatment of Roma and joined in condemning discrimination against Roma, a provision found in the 1999 Istanbul OSCE Summit Document. Regrettably, the Greek Government has failed to fulfill these commitments, as documented in the new ERRC/GHM report on Roma in Greece.

The ERRC and GHM conducted intensive field missions that revealed several patterns of human rights abuse against Roma in Greece: cruel and inhuman or degrading treatment of Roma in housing; police violence against Roma; exclusion of Roma from the educational system; and, barriers to access to health care and other social support services for Roma.

Based on the facts in this report and the discussions I have had over the years in my leadership capacity with the Helsinki Commission, I urge the Government of Greece to take corrective measures, without delay, along the lines recommended by the ERRC and the GHM:

1. Facilitate access to Greek citizenship for those Roma residing in Greece who are stateless and provide the necessary legal documents, such as identity cards, to all Roma.
2. Use all appropriate means to guarantee protection against forced evictions outside the rule of law and without due process.
3. Bring to justice public officials and private individuals responsible for forced evictions of Roma in breach of Greek law.
4. Carry out thorough and timely investigations into all alleged instances of police abuse.
5. Undertake effective measures to ensure that local authorities register all persons factually residing in a given municipality, without regard to ethnicity.
6. Ensure that Romani schoolchildren have equal access to education in a desegregated school environment.
7. Without delay, adopt comprehensive anti-discrimination legislation, as called for in the 1999 OSCE Istanbul Summit Document.
8. Conduct public information campaigns on human rights and remedies available to victims of human rights abuse, and distribute in both the Greek and Romani languages.
9. Conduct comprehensive human rights and anti-racism training for national and local administrators, members of the police force, and the judiciary.
10. At the highest levels, speak out against racial discrimination against Roma and others, and make clear that racism will not be tolerated.

The Helsinki Commission will continue to monitor the situation of Roma in the Hellenic Republic with the aim of encouraging the Government of Greece to implement commitments it has agreed to within the framework of the Organization for Security and Cooperation in Europe. The Commission will also work to ensure that the plight of Roma in Greece is raised at the Human Dimension Implementation Meeting to be held this Fall in Warsaw.

PAYING TRIBUTE TO CHAD MOORING AND DOUG JONES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise before you today to honor Doug Jones and Chad Mooring, two brave paramedics from Pueblo, Colorado. Their lives and service are supreme examples of dedication to, and self-sacrifice for, their fellow citizens. It gives me great pleasure to recognize them before this Congress and this nation.

Chad has served the people of Pueblo as a firefighter and paramedic for many years. His life of service is all the more remarkable because he suffers from kidney failure and must undergo frequent dialysis. Were it not for the compassion and bravery of his friend Doug, who plans to donate one of his kidneys to Chad, Colorado might very well lose a firefighter and friend. Instead, seeing his friend in need, Doug offered to undergo surgery in order to help a fellow hero. Men like Chad and Doug inspire us all to face hardship with dignity and strength.

Mr. Speaker, I am honored to rise today to recognize the uncommon heroism and sacrifice of these two men. They exemplify friendship, commitment and selflessness. They have shown steadfast loyalty and dedication to each other and to their community. Undoubtedly, the many people who have benefited from their public service realized this fact long ago. This nation is a better place because of men like Doug Jones and Chad Mooring, and I am proud they are Coloradans and proud to represent them in this Congress.

TRIBUTE TO LARRY COMBEST

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. BOEHNER. Mr. Speaker, I join with my House colleagues of the past and present and especially those with whom I have served on the House Agriculture Committee, to extend my best wishes to LARRY COMBEST as he embarks on a new direction in life after serving the people of Texas' 19th District with distinction and honor for 18 years.

Over the course of our 12½ years together on the House Agriculture Committee, I enjoyed the relationship we were able to build and the spirit with which we pursued the best policy for rural America and for America's farmers and ranchers.

There can be no doubt that LARRY has been a strong voice in Congress and a consistent advocate for our nation's agriculture community. I congratulate my friend LARRY on all of his accomplishments here in Congress and I know that all his friends and House colleagues will sorely miss him.

TRIBUTE TO NANCY LUKENBILL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. FARR. Mr. Speaker, I rise today to honor the public service and personal commitment of Nancy Lukenbill to the Monterey County government of the State of California. She joined the Monterey County workforce on October 6, 1969 as staff clerk in the Office of the Monterey County Clerk where she began a career of service that lasted 34 years. She has provided the County with dedicated and reliable work, characteristics in line with the quality of her person. Her poise and helpfulness moved her quickly up the ranks and she became the Clerk to the Board of Supervisors of Monterey County in January of 1976, a position she has held until her recent retirement.

Nancy's attention to detail and extraordinary intelligence make her a treasure trove of Monterey County stories over the last 34 years. She starred in my County Supervisor TV commercial, displaying her on-camera hair-dos that attest to her stylish and tremendous personality. Her office was a place of comfort for Supervisors and county employees, and never letting her personal politics intrude, Nancy's discretion around politicians made her stand out as the resource for impartial information. She was the pulse, the heartbeat of the Monterey County Board of Supervisors because supervisors would come and go, including yours truly, but for 27 years, Nancy was the rock. She was the go-to person if you needed something done. Everybody knows she makes the County function, and the County has been fortunate to have her for so long.

Instrumental in bringing the 21st Century and the Internet to the Board's office, Nancy constantly appealed to her wholehearted conviction that local citizens have the untouchable right to access the business of their County electeds. However, with all of the technological advancement, she never lost touch with the County scribe's necessary skills from when she first signed up for the job. She always took shorthand notes of County meetings despite the presence of videotapes and tape-recorders. This makes her one for the ages.

The County has enjoyed her loyalty and her impeccable work for almost 34 years, and she will be sorely missed. On behalf of this House, I want to commend Nancy Lukenbill on her commitment to the people of Monterey County

and her commitment to public's right to access their government. Monterey County is a far better government because of her service. I join all the Supervisors she served under in wishing her husband Larry, her son Lance and her grandchildren a great new life together and thanking her for making the job of Clerk of the Board an exemplary one.

TRIBUTE TO RUSSELL LARSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. McINNIS. Mr. Speaker, I have the distinct honor to stand before this Congress today and honor an individual who knows the meaning of sacrifice, duty, and honor. In 1942 Russell Larson was a 17-year-old high school junior with a lot to look forward to. He was a young man who loved his country, a country that had recently been forced into World War II. Motivated by his deep sense of patriotism, Russell quit school, joined the Navy, and spent the next six years in service to his nation.

When Russell came home from the war, he married his beloved Marie and eventually settled down as a splicer for the phone company, a job he held for 31 years. Today Russell and Marie are the proud parents of two children and three grandchildren. They live in Grand Junction, Colorado, where they are retired and enjoy bowling, traveling, and staying fit. Despite all of their blessings, there is one thing that has eluded Russell—the diploma he sacrificed in the service of his country.

Russell gave up the chance to graduate from high school 50 years ago when he entered our armed forces—or so he thought. This week, at the age of 77, Russell Larson will march in ceremonies at Fruita Monument High School to receive his high school diploma. Thanks to a law recently passed by the state of Colorado, Russell and his fellow veterans who left high school early in the service of their nation can now receive their high school diploma.

Mr. Speaker, it is an honor to recognize Russell Larson and commend him for his service to his country. He and the other heroes of ''the greatest generation'' defeated totalitarianism and fascism, ensuring the freedom of all Americans. Russell left the simple pleasures of being a high school student for the serious work of defending this great nation. It gives me great pleasure to honor Russell and offer my congratulations on his graduation. We will always be grateful for his service.

FEDERAL COMMUNICATIONS COMMISSION'S TRIENNIAL REVIEW

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. BOEHNER. Mr. Speaker, the telecommunications sector of the economy has taken a real battering. Market caps are a fraction of what they were 2 or 3 years ago. Companies such as Lucent continue to lay off employees and cut back operations. Even the large telephone companies have taken significant hits in the market and laid off thousands.

The Federal Communications Commission had an opportunity to give these companies a boost. In its Triennial Review decision, it could have eliminated some regulations that have stifled investment and created uncertainty.

Unfortunately they did not, and to make matters worse, here we are 3 months later and we still have not seen the FCC's final order. The telecom sector continues to languish under burdensome outdated regulations.

Mr. Speaker, it is vital to our nation's economy that we promote policies that will encourage investment and create jobs and reviving the telecom sector is an important part of rejuvenating the nation's economy.

TRIBUTE TO MR. RALPH W. THOMPSON III

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. FARR. Mr. Speaker, I rise today to honor Mr. Ralph W. Thompson III for his ongoing contributions to the Monterey Peninsula in my Central California district. On May 19th, 2003, the Monterey County Bar Association will honor Mr. Thompson with the Chief Justice Phil Gibson award. The award is named in honor of the late California Supreme Court Chief Justice and Carmel neighbor of my parents, Phil Gibson. Chief Justice Gibson served from 1939 to 1964 and was know for his comprehensive reorganization of the California court system and for his lonely stance against the internment of Japanese-American citizens during WWII. The award recognizes service in the legal profession that follows in the tradition of integrity and innovation set by Chief Justice Gibson.

Mr. Thompson has practiced law in Monterey, California, for many years. He is a graduate of Loma Linda University and California Western School of Law. He also holds a California teaching credential. His professional career has included stints with the U.S. Treasury Department, the Monterey County District Attorney's Office, and various teaching positions with Monterey Peninsula College, Golden Gate University, and the University of California. But the bedrock of Mr. Thompson's career has been his stellar legal practice helping the people of Monterey County.

Mr. Thompson enjoys the very highest reputation amongst his peers. He is known for his high ethical standards, fair client representation, and universal courtesy. He is also an innovator in his field, having founded one of the leading mediation and arbitration practices in Central California. He has served in numerous professional leadership positions, including president of the Monterey County Trial Lawyers Association, the Monterey County Bar Association, and a member of the Consumer Attorneys of California Board of Governors.

Beyond the professional achievements, Mr. Thompson has been a leader in the community. He has served in leadership roles with Legal Services for Seniors, the American Cancer Society of Monterey, the Monterey Bay Center for the Arts, Rotary, and the Pacific Grove Unified School District. The totality of this service, both professional and public, warrants the recognition of the Gibson award as well as this House.

COMMUNITY HOSPITAL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. McINNIS. Mr. Speaker, it is my privilege to inform this body today of a truly exceptional hospital from my district. Community Hospital in Grand Junction, Colorado has recently been recognized in the 100 Top Hospitals Study for its consistent quality of care and efficient operations. The study noted that if other hospitals gave the same quality care as Community Hospital and the others on this list, about 66,000 lives could be saved every year. At the same time, healthcare costs would decrease by about $8.9 billion.

Community Hospital has also recently won four ''Patient First Awards'' for its leadership in the healthcare community. These areas—inpatient services, ambulatory surgery, outpatient tests and treatment, and emergency services—are indicative of the overall high quality of care that patients receive at Community Hospital. Although this great facility won ''Patient First Awards'' for a hospital of its size, its inpatient services were ranked first overall for hospitals in the survey, regardless of size.

Mr. Speaker, no matter how you measure it, Community Hospital sets a standard of excellence. The hospital is a vital part of the Grand Junction Community, and I am truly honored to recognize such an outstanding healthcare provider and its outstanding team of dedicated employees here today.

TRIBUTE TO EAST HIGH SCHOOL TEAM IN THE WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION 2003 NATIONAL FINALS

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Ms. DEGETTE. Mr. Speaker, on April 26–28 2003, more than 1200 students from across the United States visited Washington, D.C. to compete in the national finals of the We the People: The Citizen and the Constitution program, the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by an Act of Congress.

I am proud to announce that the class from East High School in Denver, representing the State of Colorado won the Mountain/Plains Regions award at the finals. This award is presented to the school in each of five geographic regions with the highest cumulative score during the first two days of the national finals. These outstanding students competed against 48 other classes from throughout the nation and demonstrated a remarkable understanding of the fundamental ideals and values of America constitutional government. These

young scholars have worked conscientiously to reach the national finals by participating at local and statewide competitions. As a result of their experience they have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The students are Nate Allen, James Berry, Andrew Brown, Ryan Buescher, Susan Creighton, Patrick Cunningham, Ashley Eppler, Kari Fulton, Joseph Garvin, Steve Harlor, Russell Hedman, Alex Home, Ali Kimmell, Eimear Lynch, Suzanne McCartney, Jacob Pearson, Emily Schulman, Joseph Tabano, Marta Thompson, Maria Velazquez and Trevor Wolfson. Kudos to them and their leader, East High teacher Edna Sutton. I would also like to recognize the State Coordinator Jackie Johnson and District Coordinator Loyal Darr whose hard work and dedication helps make it all possible.

The three-day We the People national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students are given an opportunity to demonstrate their knowledge while they evaluate, take and defend positions on relevant historical and contemporary issues. Their testimony is followed by a period of questioning by the judges who probe the students' depth of understanding and ability to apply their constitutional knowledge.

The We the People program provides curricular materials at upper elementary, middle, and high school levels. The curriculum not only enhances students' understanding of the institutions of American constitutional democracy, it also helps them identify the contemporary relevance of the Constitution and Bill of Rights. Critical thinking exercises, problem-solving activities, and cooperative learning techniques help develop participatory skills necessary for students to become active, responsible citizens.

Independent studies by the Educational Testing Service (ETS) revealed that students enrolled in the We the People program at upper elementary, middle, and high school levels ''significantly outperformed comparison students on every topic of the tests taken.'' Another study by Richard Brody at Stanford University discovered that students involved in the We the People program develop greater commitment to democratic principles and values than do students using traditional textbooks and approaches.

The class from East High School is currently preparing for their participation in the national competition. It is inspiring to see these young people advocate the fundamental ideals and principles of our government, ideas that identify us as a people and bind us together as a nation. It is important for future generations to understand these values and principles which we hold as standards in our endeavor to preserve and realize the promise of our constitutional democracy. I wish these young ''constitutional experts'' the best of luck at the We the People national finals.

PAYING TRIBUTE TO ELIZABETH GUYTON GIRCH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I rise today to pay tribute to the life and legacy of Elizabeth Guyton Girch of Rocky Ford, Colorado. Elizabeth gave selflessly of her time and her money in order to help the developmentally disabled. Elizabeth also distinguished herself and made Colorado proud as one of the first women in the state to become an attorney. Several years ago, Denver University honored Elizabeth's achievements, presenting her with the first Mary Lathrop Trailblazer Award for excellence and accomplishment by female attorneys.

It is not Elizabeth's accomplishments as a woman that I wish to extol here today; though they are a testament to her tenacity. Instead, I wish to honor a life that helped protect some of the most disadvantaged members of our society, the developmentally disabled. Elizabeth was instrumental in establishing the Arkansas Valley Community Center, which serves people in the counties of Otero, Bent and Crowley. This was the culmination of her many years advocating for the developmentally disabled.

Mr. Speaker, we are all terribly saddened by the loss of Elizabeth Guyton Girch, but we take comfort in the knowledge that Elizabeth's legacy of compassion, courage and selflessness overshadows our grief. Elizabeth's life embodied both the resolve and the empathy that makes this country great, and I am deeply honored to be able to recognize Elizabeth's life before this body of Congress.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2003

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1527) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003 through 2006, and for other purposes:

Mrs. MALONEY. Mr. Chairman, I rise to express my deep frustration with the Majority's refusal to bring legislation to the Floor that will extend unemployment benefits for the nation's unemployed workers.

Two point seven million jobs have been lost in the first two years of this Administration. Millions of working men and women are facing difficult budget decisions in their own homes everyday. Parents are wondering if they will be able to send their children to college. They are wondering how they will pay their bills without spiraling further into debt. Yet the Republican Majority and this White House insist on more tax cuts. Mr. Chairman, our constituents have to balance their checkbooks each month. We could learn a lot from their example.

New York City has faced especially difficult times during the past two years. I have heard countless stories from my constituents who cannot find jobs in this uncertain economy. The effects of 9/11, especially on New Yorkers, cannot be ignored.

Why can't the House leadership bring to the Floor legislation that will actually help workers? It's time to help thousands of New York families and families across the country keep their homes, put food on the table, and avoid a devastating financial crisis.

It's time for the leadership to get serious about unemployment relief and to give us the opportunity to vote for legislation that will make a difference in the lives of workers.

I wholeheartedly support legislation introduced by Congressman RANGEL which would extend Temporary Extended Unemployment Compensation for an additional 6 months. We must provide this necessary relief to America's unemployed.

Mr. Chairman, I urge a ''no'' vote on the previous question.

CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Teusday, May 13, 2003

Mr. CAMP. Mr. Speaker, I rise today to support H.R. 517, and to honor the U.S. Coast Guard Cutter *Bramble* and her crew for its many years of faithful service. Commissioned in 1944, the *Bramble* began her service in San Diego providing navigational assistance.

In 1957, the Coast Guard Cutters *Spar* and *Storis* joined the *Bramble* for a historic journey around the northern coast of Canada from the Pacific to the Atlantic. This trip lasted 64 days and made the trio the first surface ships to circumnavigate the continent of North America.

After her historic and successful mission, the *Bramble* was relocated to Detroit in 1962, and Port Huron in 1975, where the *Bramble* would finish her career. Through her primary mission of aiding navigation, the *Bramble* has assisted merchant and private vessels as they navigate the Saginaw Bay, Lake Huron, and Lake Erie. The *Bramble* has also provided much needed assistance with law enforcement operations, ice breaking, and by serving as the Patrol Commander for the Port Huron to Mackinac Sailboat race.

The *Bramble* will now be placed in the Port Huron Museum of Arts and History, and will opens it doors to allow the public a glimpse of history. On behalf of the 4th Congressional District of Michigan, I would like to again honor the BRAMBLE and her for her many years of service in the Great Lakes.

TRIBUTE TO ARMY SGT. JOE GARZA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to another fallen soldier who gave the last full

measure of devotion to his nation while serving in Iraq: Army Sgt. Joe Garza of Robstown, Texas.

Robstown, my hometown also, is the biggest little town in Texas and we all felt this loss deeply. Army 1st Sgt. Joe Garza, 43, died on April 28 in Baghdad while serving in the war with Iraq.

He was a role model for young people growing up in Robstown, serving even as a surrogate father to others in his family and his community. He enjoyed his family and his friends. He made them laugh, and played games with them.

He left Robstown and Texas to make a life in the military, where he served honorably in Ft. Stewart, Georgia. So the memories of Joe in Robstown were as a student, a classmate, a son and a Cotton Picker, the mascot of Robstown High School.

The memories of Sgt. Garza in Robstown were that he was a good man that fought for justice all of his life. His service in the military was just one more step in this lifelong philosophy. He wanted to bring justice to the world. We find some level of comfort knowing he died bringing peace to the people of Iraq.

We also know that our way of life in the United States and the free world is possible because of our military and those who comprise it—men like Sgt. Joe Garza.

Sgt. Garza is survived by—and lives on in the minds of—his family: his wife of 24 years, Mary Garza, their children, Joe, Jr., John Paul, and Myra Ann, and his mother, Enes Garza, of Robstown.

Mr. Speaker, I ask my colleagues to join me today in commending the life and service of Sgt. Joe Garza, and in expressing the condolences of the House of Representatives to his family.

TRIBUTE TO THE 110TH FIGHTER WING OF THE MICHIGAN AIR NATIONAL GUARD

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. UPTON. Mr. Speaker, I rise today to congratulate the brave men and women of the 110th Fighter Wing of the Michigan Air National Guard as they returned this past Saturday from a successful completion of Operation Iraqi Freedom. Often overlooked, our National Guard personnel provide an invaluable service to our country and to our Armed Forces. The men and women of the 110th Fighter Wing have shown the utmost courage, traveling a world away to help remove a threat to civilization. These folks made a great sacrifice, departing from families, careers, and livelihoods to preserve our way of life. Because of their sacrifices, the Hussein regime is gone and our world is a more secure place. Freedom isn't free; it comes at a price—and individuals like these are the ones who bear the cost. I wish them well as they are reunited with their families and loved ones.

IN HONOR OF FATHER FLOYD LOTITO

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to a very special friend of the City of San Francisco Reverend Floyd Alfonso Joseph Lotito. Father Lotito is being recognized by the San Francisco Forum as the ''San Franciscan of the Year'' for his lifetime of service and advocacy for poor and homeless people. A devoted educator, social activist, and spiritual leader, Father Lotito epitomizes San Francisco's most cherished values.

Born and raised in Southern California, Father Lotito began his theological training in 1949, eventually becoming an ordained priest at Old Mission Santa Barbara in 1960. He earned Bachelor of Arts and Bachelor of Sacred Theology degrees before joining St. Mary's Parish of Stockton, California in 1961. He came to San Francisco in 1968, where he became Associate Pastor for St. Boniface Parish and St. Anthony Parish, the same position he holds today. Father Lotito later received a Master of Arts in Speech and Communication degree and a Lifetime California Standard Teaching Credential.

Father Lotito has kept learning his entire life, most recently conducting research in theology, psychology, sociology, education, speech, and counseling. He has taught many subjects at the high school, college, and graduate school levels. He excelled as a theatre director and forensics coach, taking his students to the state competition level.

Father Lotito served in a number of parishes in California, Oregon, and Wisconsin before coming to San Francisco, but it was at St. Anthony's that he found his home. The St. Anthony Foundation provides social services and resources in the neighborhood of St. Boniface Church, an area that is home to the poor, the sick, and a burgeoning immigrant population. St. Anthony's Dining Room serves 2,000 meals a day, 365 days a year. Father Lotito has served in many capacities at St. Anthony's including Deputy Executive Director, Director of Public Relations, Director of the Dining Room and Chaplain. His work there has earned him our eternal admiration and gratitude.

Father Lotito's efforts to combat poverty and homelessness have received local, national and international recognition. He has addressed numerous audiences, including President Clinton and members of Congress, concerning poverty at home and abroad. In 1984, he delivered the benediction at the Democratic National Convention in San Francisco. He has helped develop a number of charity and volunteer organizations through the church and the community and serves as spiritual advisor to many community groups.

A Franciscan friar, Father Lotito believes in blessing all of God's creations. Many look forward to the ''Blessing of the Animals'' he holds every year in our city of St. Francis. He also delights us with an annual blessing of the City's taxicab drivers. These wonderful rituals are just a small part of what make him a true San Francisco treasure.

I am proud to join the San Francisco Forum as well as his friends, family, and loved ones in saluting Father Lotito and to congratulate him on being named the ''San Franciscan of the Year.''

TRIBUTE TO REV. M. MASON WALKER

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. JIM DAVIS of Florida. Mr. Speaker, I rise in honor of Rev. M. Mason Walker, a prominent civil rights activist in Florida and the beloved pastor of St. James AME Church, who lost his battle with cancer last week.

Raised in Dade City, Florida, Rev. Walker was only a teenager when he began speaking out for equal rights. In the mid 1960s, he joined other African-American students in integrating Pasco High School and was instrumental in organizing the Great Pasco County NAACP Youth Organization.

Unafraid to fight for his beliefs, in 1964, Rev. Walker walked into the segregated Crest Restaurant in Dade City and demanded service. When asked to leave, he bravely said ''When I'm finished eating, I will leave.''

After moving to St. Petersburg, Rev. Walker continued his leadership in the civil rights movement. In 1973, Rev. Walker went to court to contest a provision in the City of St. Petersburg's charter which denied him a slot on the ballot for St. Petersburg City Council because he was not a property owner. Thanks to his efforts, the provision was ruled unconstitutional.

Rev. Walker was an active member in the St. Petersburg chapter of the NAACP and a member of the executive board. He also served as Commissioner on the St. Petersburg Housing Authority Board, chairman of the Martin Luther King Commemorative Commission, board member of the Tampa Bay Holocaust Memorial Museum and Educational Center, as well as member of the Pinellas County Millennium Committee, the Community Alliance, Fair Housing Board, Southern Christian Leadership Conference, United Way advisory board, and the Interdenominational Ministerial Alliance.

However, the members at St. James AME Church and Moore's Chapel AME Church, where he served as pastor, will best remember Rev. Walker for his selfless dedication to his congregations.

On behalf of the entire Tampa Bay area, I extend my deepest sympathies to all his friends and family. Rev. Walker's fight for equality will never be forgotten.

L–1 VISA REFORM

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. MICA. Mr. Speaker, today I have introduced a bill which seeks to close a loophole in immigration law by prohibiting the outsourcing of L–1 intracompany transferee visa holders, similar to a provision contained in the H–1B visa program.

The L–1 visa allows companies with subsidiaries abroad the ability to transfer employees

from foreign countries to the United States as long as the intracompany transferees have been employed with the company for at least six months. Once in the country, those employees can then be outsourced to American firms at a significantly lower wage. As a result, many Americans have found themselves in the unemployment line. Simply put, this is a back door to cheap labor.

In 1998, as the economy was soaring and demand for IT workers was rising faster than supply, Congress passed S. 2045, the American Competitiveness in the Twenty-first Century Act. This legislation temporarily increased the cap on H–1B visa holders allowed into the country. In doing so, we also protected American jobs by adding restrictions to the program. However, the L–1 visa remains unchecked, unrestricted and unfortunately, abused.

Unfortunately, thousands of Americans are unfairly losing their jobs through the abuse of the L–1 temporary work visa program. There are currently over 325,000 L–1 visa holders in the United States. In my 7th Congressional District of Florida, there are hundreds of cases of the displacement of American workers. In many of these instances, American workers are forced to train their own L–1 replacements or suffer the loss of their severance pay. Examples of similar replacements of American workers by lower paid foreign workers arrive in my office daily. This situation is deplorable. Mr. Speaker, during this time of economic downturn we need to be creating jobs for Americans, not putting more of them at risk by allowing firms to replace American workers with foreign nationals who are not subject to the same wage restrictions as holders of the H–1B visa.

Finally, I want to point out that American companies will still be permitted to employ L–1 visa holders. However, those employees will have to transfer from their own subsidiaries, not from a third party outsource.

Mr. Speaker, I urge prompt consideration of this legislation.

CBR ENTRY FOR THE CONGRESSIONAL RECORD TO HONOR THE BIRTHDAY OF MALCOLM X

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. RANGEL. Mr. Speaker, today, on what would have been his 78th birthday, I rise to honor one of the great leaders of this nation, El-Hajj Malik El-Shabazz, also known as Malcolm X. As an African-American advocate of racial pride and self-determination, Malcolm X was one of the premier leaders during a point in history where African-Americans were systematically denied the rights enjoyed by White Americans. His teachings during the civil rights era focussed on helping African-Americans to deny negative stereotypes impressed upon them by the greater White society and economic empowerment through community building with other African-Americans. His contributions to the civil rights movement were instrumental in helping African-Americans and other minorities achieve access to social and economic institutions historically denied to them. It is for these reasons that I feel it is necessary to acknowledge him on this day—his birthday. While I will provide a short biography of Malcolm X in these remarks, I encourage you to read the Autobiography of Malcolm X and come to more intimately know one of the 20th century's Renaissance figures.

Malcolm X was born as Malcolm Little to a Baptist minister in Omaha, Nebraska on May 19, 1925. As a sad foreshadowing of Malcolm X's own life, Malcolm's father was killed in Michigan for his attempts to fight racial oppression. He lost his mother to a mental institution. Arrested in 1946 for burglary, Malcolm gained knowledge of the Black Muslim movement in prison and joined the Nation of Islam. After leaving prison in 1952, like other members of the Nation of Islam, he changed his last name to ''X'' as a means of shedding linkages to the White slaveholders that had given him and other African Americans their family names. Malcolm became one of the most effective speakers for the Nation of Islam. He increased membership, founded new mosques, and was eventually assigned to be Minister of the Nation of Islam's Harlem mosque in New York. In 1963, disagreements with Elijah Muhammad, leader of the Nation of Islam, caused Malcolm to leave the Nation of Islam and make his pilgrimage to Mecca, Saudi Arabia in search of knowledge about the international Islamic Movement. In Mecca he witnessed the union of all races and developed an approach to ending racial oppression that differed from that of the Nation of Islam. Upon returning to the United States, he formed his own organizations, the Organization of Afro-American Unity and the Muslim Mosque Inc. Malcolm became a victim of death threats as a result of his views. On February 14, 1965, Malcolm's home was firebombed, with his wife and children escaping unharmed. Just a week later, Malcolm was shot to death at the Audubon Ballroom in Harlem, where he was preparing to speak.

Malcolm X had a profound influence on Americans of all races and around the world. Black and White Americans alike responded to Malcolm's forceful speech, and his strength in the face of hostility. African-Americans viewed him as a beacon of hope and strength that could help to end racial oppression in America. While he is often portrayed as a black militant leader, encouraging the concepts of black nationalism or separatism and black pride, his later years focussed increasingly on forming a framework for world brotherhood and human justice. He is often quoted as saying that race is ''not a Negro problem, nor an American problem. This is a world problem, a problem of humanity.''

RECOGNIZING THE 25TH ANNIVERSARY OF SMITHTOWN CHRISTIAN SCHOOL

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. SHAW. Mr. Speaker, I rise today to recognize the 25th anniversary of Smithtown Christian School, located in Smithtown, NY and to congratulate the faculty, staff, students and alumni on this special occasion.

Located in my colleague TIM BISHOP's district, SCS was established in 1978, and since its inception, Smithtown Christian School has become an academic and athletic leader among private schools on Long Island. Over its 25 years of educating children, SCS originally began as an elementary school with 59 students and 4 teachers. Under the direction of Pastor Salvatore Greco and the SCS administration, Smithtown Christian added a middle school in 1986, followed by a full registered four-year high school in 1991. SCS made history in June of 1991, by graduating its first high school class. Today, 25 years following the first lesson, first exam, and first Chapel service, 650 students grace the halls of SCS with 40 full-time faculty. More importantly, over its 25 years, an estimated 10,000 students have attended Smithtown Christian. Truly a great testament to the original vision in 1978.

Mr. Speaker, SCS is a special place for it's the elementary and middle school of my Chief of Staff, Eric Eikenberg. Born and raised on Long Island, Eric attended SCS from kindergarten thru ninth grade, 1981–1991. Also, Eric's sister Christina attended SCS from kindergarten thru sixth grade, 1984–1991. They both cherish their years at SCS.

Mr. Speaker, on behalf of the entire Eikenberg family, I salute Pastor Greco and the entire Smithtown Christian School family on reaching this historic plateau. May God bless Smithtown Christian School throughout its next 25 years.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 20, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 21

9 a.m.

Governmental Affairs

Investigations Subcommittee

To hold hearings to examine the scope of the SARS outbreak, focusing on the coordination of response to individual outbreaks among local, state, and Federal officials, as well as between government officials and the private sector, and what state and local officials are doing to anticipate and respond to the disease.

SD–342

9:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting to consider the nominations of Glen Klippenstein, of Missouri, Julia Bartling, of South Dakota, and Lowell Junkins, of Iowa, each to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation, Farm Credit Administration, and Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development, and to be a Member of the Board of Directors of the Commodity Credit Corporation.
SR–328A

Commerce, Science, and Transportation
To hold hearings to examine issues related to computer spam.
SR–253

Foreign Relations
Business meeting to consider an original bill to authorize foreign assistance for fiscal year 2004, to make technical and administrative changes to the Foreign Assistance and Arms Export Control Acts and to authorize a Millennium Challenge Account.
SD–419

Joint Economic Committee
To hold hearings to examine the economy.
SH–216

10 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings to examine the national export strategy.
SD–538

Energy and Natural Resources
Business meeting to consider.
SD–366

Health, Education, Labor, and Pensions
To hold hearings to examine proposed legislation entitled ''Genetics Non-Discrimination Act''.
SD–430

Indian Affairs
To hold oversight hearings to examine the proposed reorganization of the Bureau of Indian Affairs.
SR–485

Judiciary
To hold hearings to examine the nomination of R. Hewitt Pate, of Virginia, to be an Assistant Attorney General.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine proposed legislation authorizing funds for programs of the Transportation Equity Act for the 21st Century (TEA–21).
SR–253

MAY 22

9:30 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Agriculture and the Food and Drug Administration, Department of Health and Human Services.
SD–192

Appropriations
Interior Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Energy.
SD–124

Judiciary
Business meeting to consider pending calendar business.
SD–226

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine federal funding for stem cell research.
SR–418

10 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings to examine the economy, focusing on increasing investment in the equity markets.
SD–538

Commerce, Science, and Transportation
To continue hearings to examine media ownership.
SR–253

Indian Affairs
To hold oversight hearings to examine the status of telecommunications in Indian Country.
SR–485

10:30 a.m.
Appropriations
Transportation, Treasury and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for highway safety initiatives.
SD–138

2 p.m.
Judiciary
To hold hearings to examine the nominations of Richard C. Wesley, of New York, to be United States Circuit Judge for the Second Circuit, J. Ronnie Greer, to be United States District Judge for the Eastern District of Tennessee, Thomas M. Hardiman, to be United States District Judge for the Western District of Pennsylvania, Mark R. Kravitz, to be United States District Judge for the District of Connecticut, and John A. Woodcock, Jr., to be United States District Judge for the District of Maine.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
To hold closed hearings to examine proposed legislation authorizing funds for programs of the National Highway Traffic Safety Administration, Department of Transportation.
SR–253

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine wireless broadband in rural areas.
SD–562

Foreign Relations
To hold hearings to examine Iraq stabilization and reconstruction, focusing on U.S. policy and plans.
SD–106

JUNE 3

10 a.m.
Indian Affairs
To hold oversight hearings to examine the status of tribal fish and wildlife management programs.
SR–485

JUNE 4

9:30 a.m.
Foreign Relations
To hold hearings to examine Iraq stabilization and reconstruction, focusing on international contributions and resources.
SD–419

10 a.m.
Indian Affairs
To hold hearings to examine S. 281, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, and S. 725, to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads.
SR–485

2 p.m.
Indian Affairs
To hold oversight hearings to examine the impacts on tribal fish and wildlife management programs in the Pacific Northwest.
SR–485

JUNE 10

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the Head Start program.
SD–430

JUNE 11

10 a.m.
Indian Affairs
To hold hearings to examine the nomination of Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services.
SR–485

JUNE 18

10 a.m.
Indian Affairs
To hold oversight hearings to examine Native American sacred places.
SR–485

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S6571–S6639

Measures Introduced: Seven bills and two resolutions were introduced, as follows: S. 1076–1082, S. Res. 145, and S. Con. Res. 45. **Pages S6624–25**

Measures Passed:

Recognizing Ford Motor Company: Committee on the Judiciary was discharged from further consideration of S. Res. 100, recognizing the 100th anniversary year of the founding of the Ford Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations, and a revolutionary industrial and global institution, and congratulating Ford Motor Company for its achievements, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Page S6637**

Warner (for McConnell) Amendment No. 699 (to the preamble), to make technical corrections. **Page S6637**

Recognizing the Contributions of Asian Pacific Americans: Committee on the Judiciary was discharged from further consideration of S. Con. Res. 44, recognizing the contributions of Asian Pacific Americans to our Nation, and the resolution was then agreed to. **Pages S6637–38**

Department of Defense Authorization: Senate began consideration of S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on the following amendments: **Pages S6575–86, S6587–98**

Withdrawn:

Reid Amendment No. 697, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability. **Pages S6597–98**

Pending:

Daschle Amendment No. 689, to ensure that members of the Ready Reserve of the Armed Forces are treated equitably in the provision of health care benefits under TRICARE and otherwise under the Defense Health Program. **Pages S6587–97**

Graham (SC) Amendment No. 696 (to Amendment No. 689), in the nature of a substitute. **Pages S6594–97**

During consideration of this measure today, the Senate also considered the following action:

Reid Amendment No. 697 (listed above) was ruled not relevant. **Page S6598**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m. on Tuesday, May 20, 2003. **Page S6638**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to the National Emergencies Act, a 6-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs. (PM–33) **Page S6621**

Transmitting, pursuant to the National Emergencies Act, a notice continuing the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs. (PM–34) **Page S6621**

Appointments:

NATO Parliamentary Assembly: The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the First Session of the 108th Congress, to be held in Prague, Czech Republic, May 23–26, 2003: Senators Sessions, Voinovich, and Cornyn. **Page S6638**

NATO Parliamentary Assembly: The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the First Session of the 108th Congress, to be held in Prague, Czech Republic, May 23–26, 2003: Senators Hollings and Dodd. **Page S6638**

Nominations Confirmed: Senate confirmed the following nomination:

By unanimous vote of 86 yeas (Vote No. Ex. 184), S. Maurice Hicks, Jr., of Louisiana, to be United States District Judge for the Western District of Louisiana. **Pages S6586–87, S6639**

Measures Read First Time: Page S6621
Executive Communications: Pages S6621–22
Petitions and Memorials: Pages S6622–24
Additional Cosponsors: Pages S6625–26
Statements on Introduced Bills/Resolutions: Pages S6626–33
Additional Statements: Pages S6620–21
Amendments Submitted: Pages S6633–37
Notices of Hearings/Meetings: Page S6637
Privilege of the Floor: Page S6637

Record Votes: One record vote was taken today. (Total—184) Page S6586

Adjournment: Senate met at 2:02 p.m., and adjourned at 7:32 p.m., until 9:30 a.m., on Tuesday, May 20, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S6638–39.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: AGRICULTURE

Committee on Appropriations: on Friday, May 16, 2003, Subcommittee on Agriculture, Rural Development, and Related Agencies concluded hearings to examine proposed budget estimates for fiscal year 2004 for programs of the Department of Agriculture, after receiving testimony from J.B. Penn, Under Secretary for Farm and Foreign Agriculture Services, Mark E. Rey, Under Secretary for Natural Resources and Environment, Joseph Jen, Under Secretary for Research, Education, and Economics, Thomas C. Dorr, Under Secretary for Rural Development, and Keith Collins, Chief Economist, all of the Department of Agriculture.

NOMINATIONS

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs concluded hearings to examine the nominations of Harry K. Thomas, Jr., of New York, to be Ambassador to the People's Republic of Bangladesh, Jeffrey Lunstead, of the District of Columbia, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives, and Richard W. Erdman, of Maryland, to be Ambassador to the People's Democratic Republic of Algeria, after each nominee testified and answered questions in their own behalf.

UGANDA AIDS PREVENTION

Committee on Foreign Relations: Subcommittee on African Affairs concluded hearings to examine U.S. policy in combating AIDS in Uganda, focusing on political commitment, role of faith-based organizations, communication, fighting stigma, policy and law changes, and confidential voluntary counseling and testing, after receiving testimony from Anne Peterson, Assistant Administrator for Global Health, U.S. Agency for International Development; Edward C. Green, Harvard Center for Population and Development Studies, Cambridge, Massachusetts; and Sophia Mukasa Monico, Global Heath Council, Washington, D.C.

NOMINATION

Committee on Foreign Relations: Subcommittee on African Affairs concluded hearings to examine the nomination of Steven A. Browning, of Texas, to be Ambassador to Malawi after the nominee testified and answered questions in his own behalf.

HEALTH CARE

Special Committee on Aging: Committee concluded hearings to examine prevention measures to reduce unnecessary illness, disability, and premature death among older Americans, focusing on Medicare-covered preventive services, and local model programs, after receiving testimony from James S. Marks, Director, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, Department of Health and Human Services; Daniel Perry, Alliance for Aging Research, Washington, D.C.; Robert N. Butler, International Longevity Center—USA, New York, New York; Joel E. Streim, American Association for Geriatric Psychiatry, Bethesda, Maryland; William Faxon Payne, Nashville, Tennessee; and Zalman Gerber, Philadelphia, Pennsylvania.

House of Representatives

Chamber Action

Measures Introduced: 12 public bills, H.R. 2143–2154; and 2 resolutions, H. Res. 240–241, were introduced. Pages H4254–55

Additional Cosponsors: Page H4255

Reports Filed: Reports were filed today as follows:

H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands

from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape (H. Rept. 108–96, Pt. 2);

H.R. 1950, to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, amended (H. Rept. 108–105, Pt. 1);

H.R. 1588, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, amended (H. Rept. 108–106).

H.R. 1257, to amend title 38, United States Code, to make permanent the authority for qualifying members of the Selected Reserve to have access to home loans guaranteed by the Secretary of Veterans Affairs and to provide for uniformity in fees charged qualifying members of the Selected Reserve and active duty veterans for such home loans (H. Rept. 108–107);

H.R. 1683, to increase, effective as of December 1, 2003, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans (H. Rept. 108–108).

H. Res. 239, providing for consideration of H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape (H. Rept. 108–109);

H.R. 1529, to amend title 11 of the United States Code with respect to the dismissal of certain involuntary cases (H. Rept. 108–110);

H.R. 1954, to revise the provisions of the Immigration and Nationality Act relating to naturalization through service in the Armed Forces, amended (H. Rept. 108–111);

S. 330, to further the protection and recognition of veterans' memorials (H. Rept. 108–112, Part 1);

S.J. Res. 8, expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month (H. Rept. 108–113);

H.R. 1562, to amend title 38, United States Code, to enhance the authority of the Department of Veterans Affairs to recover costs of medical care furnished to veterans and other persons by the Department from third parties that provide health insurance coverage to such veterans and other persons, amended (H. Rept. 108–114 Part 1);

H.R. 1911, to amend title 38, United States Code, to enhance cooperation and the sharing of resources between the Department of Veterans Affairs and the Department of Defense (H. Rept. 108–115 Part. 1);

H.R. 1836, to make changes to certain areas of the Federal civil service in order to improve the flexibility and competitiveness of Federal human resources management, amended (H. Rept. 108–116 Pt. 1);

H.R. 1837, to improve the Federal acquisition workforce and the process for the acquisition of services by the Federal Government, amended (H. Rept. 108–117 Part 1); **Pages H4253–54**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Aderholt to act as Speaker pro tempore for today. **Page H4207**

Recess: The House recessed at 12:54 p.m and reconvened at 2 p.m. And the House recessed at 2:32 p.m and reconvened at 6:30 p.m. **Pages H4212, H4217**

Presidential Messages: Read the following measures from the President:

Continuation of the National Emergency re Burma: Message wherein he transmitted the notice stating that the Burma emergency is to continue beyond May 20, 2003—referred to the Committee on International Relations and ordered printed (H. Doc. 108–72); and **Pages H4212–13**

Six Month Report on the National Emergency re Burma: Message wherein he transmitted a report covering the 6-month period since November 20, 2002, on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997—referred to the Committee on International Relations and ordered printed (H. Doc. 108–73). **Page H4213**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Buckle Up America Week: H. Con. Res. 166, expressing the sense of Congress in support of Buckle Up America Week (agreed to by 2/3 yea-and-nay vote of 377 yeas to 2 nays, Roll No. 192); **Pages H4213–14, H4217–18**

James L. Watson United States Court of International Trade Building, New York, New York: 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" (agreed to by 2/3 yea-and-nay vote of 380 yeas with none voting "nay", Roll No. 193); and **Pages H4214–15, H4218**

20th Anniversary of the Orphan Drug Act and the National Organization for Rare Disorders: H. Con. Res. 147, amended, commemorating the 20th

Anniversary of the Orphan Drug Act and the National Organization for Rare Disorders (agreed to by 2/3 yea-and-nay vote of 386 yeas with none voting "nay", Roll No. 194). Agreed to amend the title so as to read: "Commemorating the 20th anniversary of the Orphan Drug Act and the National Organization for Rare Disorders.". **Pages H4215–17, H4218–19**

Commission on International Religious Freedom: The Chair announced the Speaker's reappointment, upon the recommendation of the Minority Leader, of Ms. Felice Gaer of Paramus, New Jersey to the Commission on International Religious Freedom for a two-year term ending May 14, 2005. **Page H4219**

Senate Messages: Messages received from the Senate today appear on pages H4207–08.

Referral: S. 459 was referred to the Committee on the Judiciary and S. 535 was referred to the Committee on House Administration. **Page H4247**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H4217–18, H4218, and H4218–19. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:04 p.m.

Committee Meetings

USPS FACILITIES—STAMPING OUT ANTHRAX

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing on Stamping Out Anthrax in USPS Facilities: Technologies and Protocols for Bioagent Detection. Testimony was heard from Keith A. Rhodes, Chief Technologist, GAO; Col. Erik A. Henchal, USA, Commander, Medical Research Institute of Infectious Diseases, Department of the Army; Thomas G. Day, Vice President, Engineering, U.S. Postal Service; Capt. Kenneth Martinez, Engineer, Centers for Disease Control and Prevention, Department of Health and Human Services; R. Davis Layne, Deputy Assistant Secretary, Occupational Safety and Health Administration, Department of Labor; and James L. Hadler, M.D., State Epidemiologist, Department of Health, State of Connecticut; and public witnesses.

DC CHILD AND FAMILY SERVICES AGENCY—REVIEW REFORM EFFORTS

Committee on Government Reform: On May 16, the Committee held a hearing on "Protecting Our Most Vulnerable Residents: A Review of Reform Efforts at the District of Columbia Child and Family Services Agency." Testimony was heard from Cornelia Ashby, Director, Education, Workforce, and Income Security, GAO; Olivia A. Golden, Director, Child and Family Services Agency, District of Columbia; and public witnesses.

HEALTHY FORESTS RESTORATION ACT

Committee on Rules: Granted, by voice vote, a modified closed rule providing 1 hour of debate in the House on H.R. 1904, Healthy Forests Restoration Act of 2003, with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources, and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment printed in part A of the report of the Committee on Rules accompanying the resolution shall be considered as adopted. The rule makes in order the amendment printed in part B of the report, if offered by Representative George Miller of California or his designee, which shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in part B of the report. Finally, the rule provides one motion to recommit with or without instructions.

PERSPECTIVES ON HOUSE REFORM: LESSONS FROM THE PAST

Select Committee on Homeland Security: Subcommittee on Rules held an oversight hearing entitled "Perspectives on House Reform: Lessons from the Past." Testimony was heard from Charles W. Johnson III, Parliamentarian, House of Representatives; and public witnesses.

COMMITTEE MEETINGS FOR TUESDAY, MAY 20, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Transportation, Treasury and General Government, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of the Treasury, 10 a.m., SD–138.

Committee on Banking, Housing, and Urban Affairs: to hold oversight hearings to examine the Fair Credit Reporting Act and issues presented by the Re-authorization of the Expiring Preemption Provisions, to be immediately followed by a business meeting to consider the nominations of Nicholas Gregory Mankiw, of Massachusetts, to be a Member of the Council of Economic Advisers, Steven B. Nesmith, of Pennsylvania, to be an Assistant Secretary of Housing and Urban Development, and Jose Teran, of Florida, James Broaddus, of Texas, Lane Carson, of Louisiana, and Morgan Edwards, of North Carolina, each to be a Member of the Board of Directors of the National Institute of Building Sciences, 2 p.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine CEO compensation in the post-Enron Era, 9:30 a.m., SR–253.

Full Committee, to hold hearings to examine issues related to the North Pacific Crab, 2:30 p.m., SR–253.

Committee on Environment and Public Works: Subcommittee on Transportation and Infrastructure, to hold hearings to examine proposed legislation authorizing funds for programs of the Transportation Equity Act (TEA–21), 2 p.m., SD–406.

Committee on Foreign Relations: to hold a closed briefing to examine North Korea and Indonesia, 11 a.m., S–407, Capitol.

Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs, to hold hearings to examine the future of U.S. economic relations in the Western Hemisphere, 2:30 p.m., SD–419.

Committee on Governmental Affairs: Financial Management, the Budget, and International Security, to hold hearings to examine drugs, counterfeiting, and weapons proliferation, focusing on North Korea, 2 p.m., SD–342.

Committee on the Judiciary: to hold hearings to examine the scope and impact of international drug trafficking and terrorism, 10 a.m., SD–226.

Committee on Rules and Administration: to hold oversight hearings to examine operations of the John F. Kennedy Center for the Performing Arts and the Smithsonian Institution, 9:30 a.m., SR–301.

Special Committee on Aging: to hold hearings to examine baby boomers, focusing on enhancing independence through innovation and technology, 2 p.m., SD–628.

House

Committee on Agriculture, Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, hearing to review the current state of the Dairy industry, 10:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Legislative, on GPO, 10:30 a.m., and on Capitol Police, 11:30 a.m., H-140 Capitol.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, hearing on ''America's Teacher Colleges: Are They Making the Grade?'' 2 p.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing entitled ''The Hydrogen Energy Economy,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, to consider the following measures: H.R. 23, Tornado Shelters Act; H.R. 1276, American Dream Downpayment Act; H.R. 1614, HOPE VI Program Reauthorization and Small Community Main Street Rejuvenation and Housing Act of 2003; H.R. 2120, Financial Contracts Bankruptcy Reform Act of 2003; the Unlawful Internet Gambling Funding Prohibition Act; H.R. 1474, Check Clearing for the 21st Century; and H.R. 1375, Financial Services Regulatory Relief Act of 2003, 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, oversight hearing entitled ''Can the Use of Factual Data Analysis Strengthen National Security?—Part Two,'' 10 a.m., 2154 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, oversight hearing on ''Anti-Terrorism Investigations and the Fourth Amendment After September 11: Where and When Can the Government Go to Prevent Terrorist Attacks?'' 2 p.m., 2141 Rayburn.

Subcommittee on Courts, the Internet and Intellectual Property, to mark up H.R. 1417, Copyright Royalty and Distribution Reform Act of 2003, 11:30 a.m., 2141 Rayburn.

Committee on Rules, to consider H.R. 1588, National Defense Authorization Act for Fiscal Year 2004, 1:30 p.m., H-313 Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Highways, Transit and Pipelines, to continue overview hearings on the Administration's Proposed Reauthorization bill (SAFETA), 10 a.m., 2167 Rayburn.

Subcommittee on Railroads, oversight hearing on Surface Transportation Board: Agency Resources and Requirements, 2:30 p.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive, hearing on Budgets for intelligence-related activities within the Departments of State, Energy, and Treasury; and for the Department of Defense Foreign Counterintelligence Programs, 3 p.m., H-405 Capitol.

Select Committee on Homeland Security, hearing entitled ''How is America Safer? A Progress Report on the Department of Homeland Security,'' 9 a.m., 210 Cannon.

Next Meeting of the SENATE

9:30 a.m., Tuesday, May 20

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will continue consideration of S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, May 20

House Chamber

Program for Tuesday: Consideration of suspensions:

(1) H.R. 1954, Armed Forces Naturalization Act;

(2) H.R. 1925, Runaway, Homeless, and Missing Children Protection Act;

(3) H. Res. 217, Commending the University of Minnesota Golden Gophers for winning the 2003 National Collegiate Athletic Association Division I Men's Ice Hockey Championship;

(4) H.R. 1911, Cooperation and Sharing of Resources between the Department of Veterans Affairs and the Department of Defense;

(5) H.R. 1683, Veterans' Compensation Cost-of-Living Adjustment Act of 2003;

(6) H.R. 1257, Selected Reserve Home Loan Equity Act; and

(7) H.R. 1562, Veterans Health Care Cost Recovery Act.

Consideration of H.R. 1904, Healthy Forests Restoration Act of 2003 (modified closed rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

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