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House of Representatives

The House met at 10:30 a.m.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Ohio (Mr. BROWN) for 5 minutes.

MONEY: THE PHARMACEUTICAL INDUSTRY'S MIRACLE DRUG

Mr. BROWN of Ohio. Mr. Speaker, PhRMA, the lobbying shop for America's drug companies, has a problematical condition. It is suffering from that most debilitating of special interest deficiencies: sickly message. PhRMA has to come in with a straight face and tell public officials: if you support efforts to lower the cost of prescription drugs, we will not have the resources to develop the next generation of miracle medicines.

Now, anyone who knows even a little about the drug industry knows that that argument does not hold water. We know that with profit margins consistently pushing 20 percent, the drug companies are the most profitable industry in America for 20 years running. They have the lowest tax rate in America. Half of all the drugs developed in this country, half of all the research and development for drugs in this country is done by taxpayers. But without a shot in the arm, PhRMA, the drug industry's lobbying arm, PhRMA's case of anemic message might result in an acute loss of profits.

Fortunately for the drug industry, it has found a miracle cure of its own, a very effective drug called money, and they are using it to change the way America thinks. Here in Washington you see the drug companies' money everywhere. They spend untold millions on high-priced inside-the-Beltway lawyers to tell the administration and Congress that State initiatives to control drug costs violate the law by putting Medicaid beneficiaries at risk.

And they spend big money, really big money to sell this message to Congress and the White House. The drug companies spent over $70 million lobbying House and Senate Members during the last election cycle. They spent almost $90 million on political campaign ads. They know where their bread is buttered. They know who their friends are. Almost 90 percent of their campaign spending was on behalf of Republicans. And they were especially generous to President Bush in his 2000 race and already for his 2004 race.

And by any standard, the money that drug companies have spent on Republicans is well spent. Rather than use its influence to bring down prices in the United States, the Bush administration, infused with all kinds of drug industry campaign dollars, is using its power to prevent Americans from purchasing the same medicine in Canada for one-half, one-third, and one-fourth the price. The Medicare prescription drug bill passed last year by the Republican-led House does nothing to curb the ever-escalating price of drugs. In fact, the Republican bill throws more money, more government dollars, more taxpayer funds at the drug companies.

For the 1¼ million people in my State of Ohio without health insurance, and for the tens of millions throughout this country, the problem is not whether the giant multinational drug companies will be able to afford to develop another version of Viagra or another ''Me Too'' drug. For working Ohio families and seniors struggling to make ends meet, the problem is they cannot afford the drugs that are available today.

In Ohio, as in other parts of the country, seniors have grown tired of waiting for the Federal Government to address the high price of prescription drugs. They know they cannot count on President Bush, who receives millions of drug company dollars. They know they cannot count on the Republican leadership. The Ohio Coalition for Affordable Drugs wants to let the citizens of Ohio decide for themselves; and PhRMA, the drug industry's lobbying arm, is pulling out all the stops to block their plan.

Millions of Ohioans would benefit from this plan. Savings are estimated as high as 50 percent. That is why PhRMA is working so hard to make sure the proposal never makes it to the ballot in Ohio. PhRMA sued over the language of the proposal. After that failed to stop the initiative, they challenged petitions trying to get people's signatures disqualified because they had moved or because they have not voted for a couple of years.

But the complete absence of a valid argument has never slowed the drug industry's friends down. No, PhRMA marches relentlessly on in its efforts to derail the Ohio prescription drug savings issue. PhRMA plans to spend $16 million, more than the total amount of money spent on the Governor's race last year in Ohio. The drug industry plans to spend $16 million to keep the issue off the ballot; and if it gets on the ballot, millions of dollars to defeat it. That is money they did not spend researching medical breakthroughs. It is money they are not spending helping families afford the latest generation in miracle drugs.

No, the drug industry is spending that $16 million to delay and to deny the citizens of Ohio an opportunity to exercise their right to vote on whether prescription drug prices should come down. PhRMA is not engaging in a debate or arguing against the merits of

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the plan; they are smart enough to know a losing campaign when they see one. Instead, they are trying to get the election called on a technicality.

PhRMA, the drug industry, and the Republicans are counting on PhRMA's money, the miracle pill that has worked before, to make its problems go away. I do not know if that trusty remedy will work this time. There is a growing understanding in Ohio, and I think there is throughout the country, that when push comes to shove the drug industry's priority is profit, not patient safety. If the drug company's real priority is patient safety, why are they spending so much money to ensure that we cannot afford the medicine that so many of us need?

FULFILLING OUR PROMISE

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

Mr. DELAY. Mr. Speaker, this week, the House of Representatives will implement another item on the President's agenda. We have been voting for 6 years to ban the cruel and unnecessary violence of partial-birth abortion. At long last, Congress will take the same decision our constituents took years ago. We will call infanticide by its name.

The House is well aware of the debate, and we will repeat it once again before we finally send this legislation to a President who is willing to sign it. It will become law. And when it does, we will become a slightly better Nation for it.

But beyond the specific victory this will be for its tireless proponents, the passage and enactment of the Partial-Birth Abortion Act will be a victory for the American families we were sent here to serve.

Last November, in the face of uncertainties about war in Iraq and a sagging economy, the American people elected this Congress to get things done. Our mandate was to rise above partisan gridlock to complement President Bush's leadership instead of undermining it. Five months into our first session, we have passed major legislation not just in the House but in the Senate as well. And we are not just passing paper, we are passing laws.

In addition to the partial-birth abortion ban, the Armed Services Naturalization Act has significant bipartisan support and can quickly become law. We are also pursuing the President's initiative to reform Medicare with a prescription drug benefit to help those seniors who need it the most. This is on top of the jobs and growth package to create more than 1 million new jobs and provide for our economic security.

And the global AIDS bill to help curb the spread of HIV/AIDS in the most vulnerable regions of this world. And the Child Protection Act to prevent and punish sexual predation against our children. And the war budget to fund the liberation of Iraq and the reconstruction of its government.

Mr. Speaker, this Congress is helping this President produce results. And with every law we pass and he signs, we move another step closer to fulfilling America's promise and, just as important, fulfilling our promise to America.

BAIT AND SWITCH

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

Mr. UDALL of New Mexico. Mr. Speaker, what the gentleman from Texas (Mr. DELAY) does not say is that what this piece of legislation on the floor today does is take away a woman's right to choose, take away a woman's right to reproductive freedom, and it is part of a concerted effort on behalf of the Republican Party to pack the courts with judges who would repeal Roe v. Wade. That is what the real issue is when it comes to this piece of legislation the gentleman from Texas just talked about.

Mr. Speaker, last month, President Bush visited my home State of New Mexico. He came to sell his tax cut. The President said, and what many of his minions have been saying over the last couple of months, is that every taxpayer was going to be helped by this tax cut. He emphasized how the child tax credit would help all taxpayers. Well, now the bill has been signed and we have read the fine print, and guess what? New Mexico, in fact, is going to get very little in the way of a tax cut for working families. Virtually nothing. Zero. Nada.

When I was Attorney General and we used to work on cases called consumer scams, we used to call this tactic bait and switch: tell them one thing to sell them the idea and complete the sale, and give them something completely different and hope they will never find out. Bait and switch. One of the oldest consumer scams. That is what this tax cut was all about.

The Republican National Committee is also in on this scam. The committee, on its Web site, asks the question: Who benefits under the President's plan? And I read from the Web site: ''Everyone who pays taxes, especially middle income Americans.''

Why bait and switch? Because they do not want you to know who gets the lion's share of benefits from this tax cut: millionaires. In 2005, 200,000 taxpayers making $1 million or more will get 44 percent of the benefits. Eight million, mostly low- and middle-income taxpayers will not receive any benefit, not a penny from the law. Forty times as many taxpayers who get no benefit from the cuts as there are millionaires who get 44 percent of the law's benefits. Let me repeat: 40 times as many taxpayers who get no benefit from the cuts as there are millionaires who get 44 percent of the law's benefits.

What can we say about a tax cut and a fiscal policy which rewards the rich at the expense of the middle income? What can we say about a tax cut which will force us to cut health care, education, and homeland security? What can we say about a tax cut and fiscal policy which deprives the government of revenue it needs to make the United States a strong and vital Nation?

The normally staid Financial Times of Britain answered the question this way: the lunatics are now in charge of the asylum. The lunatics are now in charge of the asylum.

PRESCRIPTION DRUG PACKAGE IMPORTANT FOR RURAL HEALTH CARE

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

Mrs. CAPITO. Mr. Speaker, I stand here today as a Member of Congress to emphasize the importance of passing a meaningful, comprehensive prescription drug package now. But I know my voice is small, even as a Member of Congress, compared to a senior citizen who has to choose between paying for living expenses or prescription drugs. That voice needs to be heard in Congress.

I heard that voice in Paw Paw, West Virginia. I heard that voice in Martinsburg, West Virginia. And I heard that voice again in Mill Creek, Moorefield, Franklin, Gassaway, and Cedar Grove. Those are all of the towns in West Virginia that I visited and have visited during my year-long district tour of rural health centers and during the last two district work periods.

I am sure I will hear that voice again when I visit more rural health care centers. I will probably hear it more from women, because women represent 72 percent of the population age 85 and older.

□ 1045

Mr. Speaker, women are more likely to have lower incomes in their retirements. There are twice as many women as men 65 years or older with annual incomes less than $10,000.

I want to modernize Medicare with a guaranteed prescription drug benefit so when I visit my district again and resume my rural health tour, it is not to hear what the problem is, but to say that the problem has been worked on and a solution has been passed by this Congress.

MISGUIDED REPUBLICAN POLICIES

The SPEAKER pro tempore (Mr. SCHROCK). Pursuant to the order of the

House of January 7, 2003, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized during morning hour debates for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning to applaud the process that is beginning in the Middle East this very morning. I remind my colleagues of the long journey that we have taken toward peace. I am reminded of the continuous and ongoing negotiations of the administration of President William Jefferson Clinton, who believed in the concept of peace in the Middle East. I recall the near-midnight negotiations prior to the inauguration of this President that President Clinton engaged in. The single word I remind my colleagues of is ''engagement.''

I am reminded of my floor speech in February, 2001, saying to the new administration that you cannot cease to engage in the peace process of the Middle East. Unfortunately, our voices were not listened to, and so for at least a 9-to-10-month period the suicide bombings continued, the lack of engagement promoted nonpeace in the Middle East.

Today, I am gratified that there is now a recognition that the only way we can bring the parties to the table is to remain engaged. I encourage and, of course, ask that this administration not make this a 48-hour tailspin of meetings and greetings, but that we seriously continue to engage with our friends in the Middle East, the Palestinians and the Israelis, and work with them hand in hand on the question of peace. I would ask that we continue to do so.

Mr. Speaker, I want to say one word about the three-vote removal of the First Amendment yesterday by the FCC. Unfortunately, three Republican commissioners decided that the First Amendment did not need to be promoted in this Nation by allowing the media to be able to conglomerate print, TV, and radio in one hand. I had a town hall meeting by radio, by KPFT, where 5,000 people listened to one of the commissioners who had sense and indicated that America does itself a disservice when America extinguishes the voices of opposition.

In small or rural markets where one conglomerate owns every voice, we will not hear a different perspective. Shame on the FCC. I call on this Congress to do something that makes sense and speak on behalf of the American people and reignite the First Amendment.

Let me conclude by making an announcement to just be able to reaffirm that all of the promises made by the $350 billion tax cut is nothing but garbage. There is no truth in it whatsoever; and I am proud to stand here and say I voted against it. The New York Daily News says the poorest suffer the unkindest. They were told they were going to get a child tax credit, and if you are the working poor, working every day, providing for your family, guess what, you do not get a $400 check in the mail, you get zero because, unfortunately, all of the folk rushing to give all of the money to the richest of this Nation forgot about giving a tax cut to those who deserve it the most.

And let me cite the New York Times on Sunday, June 1, that says ''Second study finds gaps in tax cuts.'' The gaps are that working Americans do not really get the tax cut that they need, that 95 percent of this money goes to those making $374,000. Former Secretary of the Treasury Paul O'Neill said this is an economy geared towards the richest. It says, ''Clearly, low-income taxpayers will not receive any benefits from this law.'' It goes on to cite the egregiousness of the $350 billion tax cut where working poor, making $10,000 a year, do not get a child tax credit.

Do Members know how many children they represent in America? Twelve million children are not impacted by this tax cut. Now we have the other body trying to fix it by proposing a Senate bill, if you will, that fixes it; but let me tell you how long it takes for a bill to get through this Congress: a long time. They are even debating the fact whether or not an opponent of the bill will require 60 votes.

I can assure Members that all of the voices that were raised telling Members this was a bogus tax cut, those suggesting it would create jobs, what a joke. It takes a million dollars to create two jobs under the Bush plan. If the Democratic plan had passed, we would have had investment in health care and investment in homeland security. We would have had investment in transportation. What would that have done to the increasing job loss? It would have created more jobs.

Mr. Speaker, a bogus tax plan has been passed. Americans need to wake up and deal with the idea of fighting for what is right. We will continue to fight for it and find a way to provide jobs and opportunities for Americans.

ESTABLISHING FAIRNESS IN TAX CODE

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

Mr. WELLER. Mr. Speaker, I rise today to commend President Bush for his leadership, to thank this Congress for passing a tax plan that is predicted by outside and independent economists to generate about 1.3 million new jobs over the next 18 months, legislation that says if you pay Federal income taxes, you will receive Federal income tax relief.

For the people of Illinois that I represent, it is estimated that the average Illinois family will see an extra thousand dollars in higher take-home pay. If they are Federal income taxpayers, they will receive Federal income tax relief.

The bottom line is that it will create jobs. If we put extra money in the pocketbook of workers, we put incentives for workers to invest, and it creates jobs.

One of the issues I have been involved in over the last several years has been an effort to bring fairness to the Tax Code, and that is to address the issue of the marriage tax penalty. A quirk in the Tax Code or a complicated Tax Code which has gotten more complicated over the years where you had a situation where both the husband and wife were in the workforce, and because they both are in the workforce and pay Federal income taxes, when they file, as married, they file jointly, combine their incomes, and that pushes them into a higher tax bracket; whereas if they lived together and filed as two single people, they would have saved money. Is that right, that under our Tax Code 42 million married working couples paid on average $1,700 in higher taxes just because they are married?

I have an example of a couple in Joliet, Illinois, that I represent, Jose and Magdalena Castillo. They are construction workers in Joliet. Their son is Eduardo and their daughter is Carolina. For them, their marriage tax penalty has been about $1,400. For them, $1,400, that is several months' worth of car payments or day-care for their children while they are at work, or home mortgage payments for this family. So eliminating the marriage tax penalty and bringing fairness to the Tax Code will make a big difference in the lives of the Castillos of Joliet, Illinois.

I am proud to say in the first tax cut of 2001, we passed the first effort into law to eliminate the marriage tax penalty. It had twice been vetoed by Bill Clinton, but President Bush signed it into law, an effort to phase out the marriage action penalty. I am pleased to commend the President for signing into law the Jobs and Economic Growth Package that made effective this year the elimination of the marriage tax penalty. So rather than Jose and Magdalena Castillo having to wait over this decade for the marriage tax penalty to be eliminated, we eliminated it this year.

So that means the Castillos will have an extra $1,400 that they will be able to spend at home to take care of their family's needs, make some improvements around the house, buy some back-to-school clothes, and make a down payment on a new car. That creates jobs.

I am pleased to say the President signed the legislation passed by a majority of the House and the Senate, which will eliminate the marriage tax penalty now.

When we think about it, this unfairness in the Tax Code had existed for years, and those on the other side of the aisle, they resisted efforts to eliminate the marriage tax penalty. They said we could better spend the money here in Washington than Jose and Magdalena Castillo back in Joliet, Illinois. I am pleased to say that a majority of this House believes that Jose and

Magdalena Castillo of Joliet, Illinois, can better spend their hard-earned money back in Joliet, Illinois, than I and my colleagues can for them here in Washington.

I think we need to be celebrating the fact that we eliminated the marriage tax penalty, and we did it in two ways. For those who itemize their taxes, people like Jose and Magdalena Castillo, they are homeowners, so they itemize their taxes, we widen the 15 percent tax bracket so people like Jose and Magdalena Castillo can earn twice as much as a single person and stay in the 15 percent tax bracket, and that wipes out their marriage tax penalty.

And for those who do not own a home or give to their church or institution of faith or charity, so they do not have enough to itemize, they use something called the standard deduction, under our legislation, we double the standard deduction to twice that for singles, and for those who do not itemize, we eliminate the marriage tax penalty.

I thank the Republican majority and President Bush for eliminating the marriage tax penalty and helping bringing fairness to the Tax Code in 2003.

WORKING FAMILIES LEFT BEHIND

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

Mr. PALLONE. Mr. Speaker, I listened to the comments of my Republican colleague who just spoke, and I have to say it is very difficult for me to celebrate the Republican tax bill because the fact of the matter is, so many working people have been left out and are not receiving any benefits from the Republican tax bill. It was interesting to listen to the previous speaker because he talked about if money was going back to working families, they could go out and spend it and that would help the economy. If that is the case, why were so many families left out of the child tax credit or left out of other benefits that were basically going, under this Republican tax bill, to the high-income people?

The spin on the other side of the aisle is amazing, but the editorial comments during the Memorial Day recess have basically shown this is essentially a fraud. The Republican tax bill does not do what it purports to do, and it leaves out so many working people. For those who might doubt what I say, I want to mention some of the editorial comments in the New York Times and Washington Post in the last couple of days.

In Monday's New York Times there was an opinion by Bob Herbert called ''The Reverse Robin Hood,'' and I will go through certain sections that Mr. Herbert said. He said, ''If you wanted a quintessential example of what the Bush administration and its legislative cronies are about, it was right there on the front page of the Times last Thursday: 'Tax Law Omits $400 Child Credit for Millions.'

''The fat cats will get their tax cuts. But in the new American plutocracy, there won't even be crumbs left over for the working folks at the bottom of the pyramid to scramble after.

''When House and Senate negotiators met last week to put the finishing touches to President Bush's tax bill, they coldly deleted a provision that would have allowed millions of low-income working families to benefit from the bill's increased child tax credit.

''It was a mean-spirited and wholly unnecessary act, a clear display of the current regime's outright hostility toward America's poor and working classes.

''The negotiators eliminated a provision in the Senate version of the tax bill that would have extended benefits from the child tax credit to families with incomes between $10,500 and $26,625. This is not a small group. According to the Center on Budget and Policy Priorities, the families that would have benefited include about 12 million children, one of every six kids in the U.S. under the age of 17.''

Mr. Speaker, how are you going to tell me that somehow this is putting money back in the pockets of working people?

□ 1100

These are working people. These people are not on welfare. They are out there working. They are getting nothing.

Then it goes on to say in the Herbert article:

And readers of yesterday's Times learned that another group of some 8 million mostly low-income taxpayers, and I say taxpayers, primarily single people without children, will also be left behind, getting no benefit at all from the President's tax cuts.

The comments just continue. This was yesterday's, Monday's, Washington Post. The editorial for the newspaper says, Children Left Behind. It says:

''Even for a debate over taxes, the public discussion taking place right now about child credits in the new tax law is particularly galling. Stiffing these children was not a last-minute oversight or the unfortunate result of an unreasonably tight $350 billion ceiling. Adjustments had to be made,'' a spokeswoman for the House Ways and Means Committee said, as if those on her side would have preferred otherwise. In fact, the administration did not include this provision in its original, $726 billion proposal. The House did not include it in its $550 billion version. The Senate Finance Committee did not include it.

So when you try to get some suggestions from the Republicans that they are going to come down here and say, oh, this was an oversight or we are going to correct it, the President did not have this child tax credit for these people in his original proposal, the Senate Republicans did not have it, the House Republicans did not have it. How can they come down here and suggest that somehow it is an oversight? They say they are going to correct it. I hope they do correct it, but that is going to take some time, and I question whether in fact they really will correct it.

The amazing thing to me is that we as Democrats have been saying all along how this Republican tax bill was not going to put money into the pockets of working families. Now all the editorial comments in every major newspaper say that that is true, the Daily News, you name it. Wherever it is around the country, they are all admitting the fact now that it is not true, that money is not going to those working people at the lower end of the spectrum. They are not getting the child tax credit. They are not getting anything. How can the Republicans now suggest that somehow that was an oversight or they are going to correct it in the future? The fundamental basis of their tax policy has been to give large amounts of money back to wealthy people, not to the average American. And the consequence of that is that the average American does not have money in his pocket, and there is no economic stimulus coming from this tax bill because it is not putting money back into the pockets of the average American in the way that they can go out and meaningfully spend it and actually have some stimulation for the economy. It is not happening.

THE NEW ERA OF BIOTECHNOLOGY

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

Mr. SMITH of Michigan. Mr. Speaker, next Thursday, June 12, the subcommittee I chair on research will hold a hearing on biotechnology, the potential and the safety. I am a farmer in Michigan, and this is the first year that I have used the so-called roundup ready soybeans to plant on my farm. I have held back, thinking that maybe the nongenetically modified soybean would bring a higher price or have expanded markets, especially in some of those areas of the world that are rejecting it.

However, that has not been the case. Biotechnology is now one of the most promising sectors of the economy. It is revolutionizing medicine with at least 95 biotech drugs already approved in the U.S., and there are another 371 drugs on the table for acceptance that are being developed for medications that could help cure cancer, heart disease, diabetes, and many other conditions. Biotechnology will produce higher-quality foods that can provide both nourishment and immunization to many of the billions of hungry people around the world.

In our NSF bill that was signed into law last December 22, we put language in that bill for grants to work with scientists from African countries to help develop the kind of products that could best help their particular country. Unfortunately, biotechnology has come under attack from some in the European Union and elsewhere who hope to avoid competition in this area. The Speaker of the House, USAID administrator, and leading scientists will testify at our congressional hearing June 12 on the safety and potential of plant biotechnology.

Back in the summer of 1999, the journal ''Nature'' published a study suggesting that pollen from genetically modified corn could harm the monarch butterfly population, really sort of sparking a worldwide controversy. While follow-up studies have since proven that such pollen presents no danger to monarchs, the foundations of fear based on emotion had been set, and soon other nonscience-based allegations about plant biotechnology emerged.

In response, my House Subcommittee on Research met with leading scientists across the country and followed with a series of hearings investigating the potential benefits and safety concerns associated with plant biotechnology. Our findings, compiled in a comprehensive report that we wrote that I entitled ''Seeds of Opportunity,'' showed that crops developed through biotech were just as safe as those crops produced with traditional crossbreeding. Three years since we released the report, its findings still hold true and are now backed by an even larger body of scientific evidence. Also, America's three-pronged safety review by USDA, FDA, and EPA for biotech products comes as close to guaranteeing safety as you can get. I think that is why the Speaker of the House, DENNIS HASTERT, and several of us in Congress joined with Bush administration officials last month on May 12 to announce that the United States would file a WTO challenge to the European Union's import ban on genetically modified crops.

Enter Africa. President Bush rightly charged that the EU's ban is an unjust burden on the world's poorest countries. With approximately 180 million undernourished people and perennial low yields and quality brought about by droughts, insects and other disasters, Africa stands to benefit tremendously from GM crops. Yet here is the European Union exploiting Africa's dependency on the EU as a trading partner to stall acceptance of GM crops. Let me give Members an example. Starving Zambia rejected 23,000 tons of emergency U.S. food aid because Europe implied that it could respond by rejecting future corn exports from that particular country. There is even some evidence that EU pressure is impeding even research into new crop varieties that could feed Africa, that could cure a blight problem in bananas.

Our research subcommittee will be examining the barriers to plant biotechnology in Africa in more detail next week at the hearing and the Speaker of the House is going to be testifying about the challenge and about the safety as well as the administrator of AID and other scientists.

Mr. Speaker, in conclusion, sound science should drive what we do, not emotion.

Sound science, should drive trade and regulatory decisions associated with transgenic food crops, not protectionism masquerading behind a thin veil of unfounded fears. The U.S. challenge moves us one step closer to removing the unfair barriers that hurt American farmers and deny the people of Africa a wonderful tool for combating hunger.

REGARDING THE LATEST TAX CUT

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

Mr. GEORGE MILLER of California. Mr. Speaker, the President's spokespeople, the Republicans in Congress and the Republican National Committee, appear to be having some trouble with the truth, that is, because they have suggested that everyone who pays taxes would benefit from the recent tax cut. They have said that those who pay the taxes will get the tax cut, that those who earn the least will benefit the most.

It is simply not true. It is simply not true, because they made a decision to leave millions of families, with millions of children, out of the child tax credit, a tax credit that we give families to raise children. But they simply decided that those families earning between $10,000 and $26,000 a year would not be eligible for the child tax credit. Somehow I guess these families have additional money to raise their children that people over $26,000 a year do not have so they get to do this. They made a fundamental decision about unfairness, about inequity, about greed; and they decided that they would rather give this money to 200,000 millionaires so they could get a tax cut of $93,000 a year because if they gave this tax cut to those families who are going to work every day trying to support their children on low wages, that they would have to give those millionaires only $88,000 a year. So those families, those working American families between $10,000 and $26,000 a year, got nothing in terms of the increase in the child tax credit. The rest of the families in America will get a $400 check this summer. These families will get nothing. Yet the President, the Republicans in Congress, in the House and the Senate, want to suggest that this was an accident and they are going to cure it.

It was no accident. It was never in their bill, in either version of their bill. They simply made the decision that they did not think these people were worthy of the child tax credit, a tax credit that passed this Congress on a bipartisan basis because we thought the government ought to do something to help these families with the cost of raising their children; so that those moms who wanted to stay home, maybe this would allow them to stay home, or those fathers who wanted to stay home, maybe this would allow them to stay home; or it would defer the cost of child care or health care or whatever it takes as we raise our children in this country. But the Republicans have now decided for millions of American families, they are not going to be treated the same.

Of course we find out as we look at this tax bill for almost 50 million Americans, they will not be treated the same because they are not going to get much of a benefit. They just simply decided that they were going to declare class warfare on low-income working people in this country. There is no other result.

But now they want to lie about it. Now they want to pretend like they were not part of it. Now they want to pretend like they are going to fix it. No, the Bush-Cheney class in America just declared warfare on working families. But that is only the beginning, because it is the Bush-Cheney class in America that has denied those same families an increase in the minimum wage because many of these families work at the minimum wage. The minimum wage today is worth $4.75 in real wages. They will not increase it. They will not give those families the child tax credit. This week later on the floor they are going to try to take away their overtime pay, and they are passing regulations so fewer and fewer Americans are eligible for overtime, a pay that many Americans use to hold their families together because that increase in pay for overtime makes a difference in their yearly salary in the support of their families. And, of course, for many of these same children who will not get the child tax credit, they are taking away their health care at the State level.

When is it that the Bush administration decided that they were going to declare war on America's working families, especially low-income working families? One of my colleagues was here talking about how they fixed the marriage penalty, that they got rid of the marriage penalty. Well, if two people who are earning 10 or $12,000 a year get married, as single people, they would get a $2,500 credit because they are both low-income working people. If they get married, they lose $1,000 of their credit. They have almost a 50 percent tax assessed on them because they get married.

Why is this happening to these people who are struggling to get up and go to work every day? Every day they go to work in hard, difficult jobs, jobs that many Americans would prefer not to do. And at the end of the year they end

up poor. They end up struggling to take care of their children. They end up struggling to educate them. They end up struggling to provide them health care. They end up struggling to provide them with decent housing. And this government, this administration, the Bush administration, has decided to cut them out of the tax bill.

And they want to talk about fairness in America? They want to talk about justice in America? They want to talk about freedom in America? I do not think so, Mr. and Mrs. America, because they made a conscious decision.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman's time has expired.

The Chair must remind Members to avoid personally offensive references to the President.

Mr. GEORGE MILLER of California. . . .

The SPEAKER pro tempore. The gentleman's time has expired.

REGARDING YESTERDAY'S FCC DECISION

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

Mr. MCDERMOTT. Mr. Speaker, I come to the floor today to make a public service announcement. Yesterday was an extremely important day in this country's history.

□ 1115

The FCC voted to allow increased consolidation of the media. They are tightening the noose on the neck of the First Amendment.

The NRA is opposed to what happened yesterday, and so is JIM MCDERMOTT, so you know how damning what happened yesterday really is. If you can get people as far apart as the NRA and me on the same issue, you have got a real problem in this country.

Now, my public service announcement is this: Stop watching the U.S. press. Stop watching the television. It is the opiate of the masses. They are using it to put you to sleep. You should cancel your subscription and buy a subscription to a foreign newspaper, maybe the Financial Times of London, or the Guardian, or the Scotsman from Edinburgh or the Sunday Herald from Sidney, Australia.

Why do I say this? Because you have to read the foreign press to find out what is going on in this country. The Financial Times of London was the one that reported that the President hid, or, excuse me, I should not mention the President, it was the administration that hid the report that says we are going to be $44 trillion in debt because of these tax cuts. To put that in perspective, that means every single American, every man, woman and child, everything they earn for 4 years, that is what $44 trillion is. And the President and his folks did not want us to know about it, so they left it out. But the London Times found it.

Reuters came up with a story about the chaos in Iraq. You think the Iraq war is all over and there is no more problem. According to our press, the only thing that matters is this guy that blew up a bomb in Atlanta about 6 years ago. They have suddenly forgotten Iraq.

But if you listen to what happened, Reuters says they interviewed one of the chiefs in Baghdad who said the entire Iraqi people is a time bomb that will blow up in the Americans' face if they do not end this occupation. ''The Iraqi people did not fight the Americans during the war. Only Saddam's people did. But if the people decide to fight them now, they are in big trouble.''

One man said, ''All of us will become suicide bombers. I will turn my six daughters into bombs to kill the Americans.''

That is what we have created over there, and we are glossing over it now. But if you read Reuters, you will find that out. If you do not read Reuters, you will never get it out of our paper.

Then we come to the next issue. You have got to read the Scotland paper, the Edinburgh Scotsman. What do they say? They say regime change in Iran is starting a countdown. That is the editorial headline. Regime change has not been in any of the speaking so far, but you start to see that the phrase has found its way into a bunch of briefings. And now, it is not a done deal, there is a big fight between the war department and the State Department. The war department is the one that took us into Afghanistan, they took us into Iraq, and they are over there ready to go again. It sounds sort of familiar. It is the same way the drumbeat started in this country in September when I said that the President would lie to take us to war. People were outraged. How could you say such a thing?

Well, where are the weapons of mass destruction? Please tell me. I am looking. Mr. Blair is going to have an investigation of him.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SCHROCK). Members must avoid personally offensive references to the President.

Mr. MCDERMOTT. Mr. Speaker, I thank you for that reminder.

Mr. Blair is going to be under investigation in the British House of Commons. One member said it is worse than Watergate, what has gone on in Great Britain.

But in this country, do we expect the Republican Party to come out and investigate the President of the United States, misleading us, or the administration misleading us, excuse me? The administration misled us, these nameless, faceless people they put out there, sent out there to tell what they wanted said.

That is what you have to get. You will get this if you read the Scotsman. If you do not read the Scotsman, you will not know where we are going next.

You know, last night another American soldier died, another American soldier died in Iraq, shot in an ambush. Now, every one of those soldiers is important. When I was a psychiatrist during the Vietnam War and I dealt with these kids coming back, they were all important, and that kid that was killed last night was important. But you will not hear anything about it in our media, because you are not reading the right stuff.

Get rid of the paper. It is the opiate of the masses.

RECESS

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

Accordingly (at 11 o'clock and 20 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

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

PRAYER

The Right Reverend John Clark Buchanan, Retired Episcopal Bishop of West Missouri, offered the following prayer:

Almighty God, You gave us this good land for our heritage. May we always prove ourselves a people mindful of Your favor and glad to do Your will. Bless our land with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion, from pride and arrogance, and from every evil way. Defend our liberties, and fashion into one united people the diverse multitudes brought to this welcoming land. Endow with wisdom those to whom in Your name we entrust the authority of government, especially this House of Representatives, that there may be justice and peace at home, and that, through obedience to Your law, we may show forth Your praise among the nations of the Earth. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in You to fail, a prayer we bring to Your throne of grace. 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 gentlewoman from Missouri (Ms. MCCARTHY) come forward and lead the House in the Pledge of Allegiance.

Ms. MCCARTHY of Missouri 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.

ACKNOWLEDGING TODAY'S GUEST CHAPLAIN, THE RIGHT REVEREND JOHN CLARK BUCHANAN, RETIRED EPISCOPAL BISHOP OF WEST MISSOURI

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

Ms. MCCARTHY of Missouri. Mr. Speaker, it is an honor for me to acknowledge our guest chaplain today, the Right Reverend John Clark Buchanan. What a joy it was to hear his voice once again, inspiring me and others to do good work.

John Clark Buchanan is the retired Episcopal bishop of West Missouri, having served our area from 1989 to 2000. He has a diverse background, having been a lawyer in private practice and in the insurance industry prior to his ordained ministry.

Bishop Buchanan currently serves as a parliamentarian for the House of Bishops of the Episcopal Church. We in western Missouri are very grateful for the 11 years he served us. He created the most successful Bishop Spencer Place, a moderately priced retirement center for our elderly.

He also, in his 11 years, established stable financial funding for the church, and also did extensive planning for new churches in the area outside of greater Kansas City. Key among his reforms and his instrumental efforts were, of course, reaching out and creating and establishing Hispanic missions.

Bishop Buchanan lives in Charleston, South Carolina, with his wife Peggy. They have two daughters and two grandchildren. I thank him for taking his time to come and deliver this thoughtful prayer with us this morning.

CONGRATULATING CHRISTOPHER COLUMBUS HIGH SCHOOL ON WINNING FLORIDA STATE CLASS 6A BASEBALL CHAMPIONSHIP

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Christopher Columbus High School in my congressional district for winning the Florida State Class 6A Baseball Championship. Columbus enjoyed an 8–2 win, thanks to a seven-run rally in the bottom of the sixth. This marks the first State baseball title for Columbus, that has long had one of the most outstanding baseball programs in Miami-Dade County and, indeed, in our State.

Christopher Columbus is a private Roman Catholic college prep school conducted by the Marist Brothers. In addition to its strong athletic program, Columbus has an exceptional academic program, as well. It uses a holistic approach to education where the entire person is encouraged to grow in truth and freedom.

Please join me in congratulating Christopher Columbus and its coach, Joe Weber, for their phenomenal win.

DEMOCRATS WILL BE HEARD TODAY DURING PROCEEDINGS UNDER SUSPENSION CALENDAR

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

Mr. RANGEL. Mr. Speaker, it is with a heavy heart that I approach the floor to alert the House that a substantial number of Members are prepared to see that we do not pass suspension bills until such time as the grievances of this great body are addressed.

As most of us know, recently this House passed a tax bill without the inclusion of one thought, one amendment, one idea that the Democrats have had. There comes a time that we have to say, enough is enough, not because we are Democrats, but because we represent people throughout these United States whose interests have been ignored.

Six and one-half million low-income working families and 12 million children have been denied the benefits that this House was allowed to believe existed in the tax bill. It was excluded. Why? It was excluded to make certain that the money borrowed from the Treasury would take care of the high-income people receiving relief from capital gains and from interest taxes.

We will be heard today, Mr. Speaker.

BURMA

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

Mr. PITTS. Mr. Speaker, I was shocked and deeply disturbed by events over the weekend in Burma, the arrest of Aung San Suu Kyi and the death of the prodemocracy activists there. The Government of Burma should release Aung San Suu Kyi and end its brutal dictatorship of the people of Burma.

The government says that Suu Kyi is in ''protective custody.'' Burma's record of protecting its people is highly suspect. The people of Burma have suffered for too long from the SPDC, from campaigns of systematic rape, murder, forced labor, destruction of villages, food sources, and a myriad of other atrocities, including the deaths of many small children.

The international community, particularly Burma's neighbors, must press the Burmese military government to recognize the fact that the people want freedom. The government must accept the legitimate election of the National League for Democracy. The world community should condemn the dictatorship's actions.

I call on the U.S. Government to take deliberate, serious action to help free Aung San Suu Kyi and the people of Burma. To the people of Burma, we stand with them.

HUMAN RIGHTS FOR THE TIBETANS AND THE BURMESE

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

Mr. KIRK. Mr. Speaker, I rise to draw attention to two recent events signaling a step backward for basic human rights. The Nepali Government violated international law by jailing 18 Tibetan refugees instead of turning them over to the United Nations. Nepal then made these refugees prisoners of the Chinese, the very people that they were fleeing.

International refugee law is well settled, that once Tibetans reach Nepal, they are turned over to the U.N. for safe passage. Nepal's action flies in the face of her commitment to international law, and American tourists should not visit Nepal.

Second, in Burma on Friday the military dictatorship detained many members of the National League of Democracy, including Nobel Peace Prize winner Aung San Suu Kyi, and closed all universities. Suu Kyi, the elected leader of her country, was beaten, and her whereabouts are currently unknown.

I want to commend Secretary Powell for speaking out against both governments, and urge Members of Congress to call attention to these two governments, Nepal and Burma, that are turning back the clock on human rights.

ACTION BY FCC ENDANGERS AMERICA'S BASIC FREEDOMS

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

Mr. SCOTT of Georgia. Mr. Speaker, I rise this morning to state how disappointed and, quite frankly, disturbed I am with the actions of the FCC on yesterday. That was a very dangerous vote to the future of this country. This country was founded on many, many freedoms, but none more basic than the freedom of the press, freedom of information, and the diversity of that information.

That action on yesterday by the FCC certainly puts us at a very clear and present danger of losing that freedom of the press in many respects. It will certainly short-circuit small business

people, entrepreneurs, and others from having an opportunity to own media. It will certainly lessen the diversity of thought, shaping the opinions, and will certainly almost completely devastate community values and community controls.

I daresay that certainly what is happening on the national stage and international stage is important, but is it not important knowing what happened to a parent's Little League son and how he performed, or what is happening in the board of education?

I urge Members to join with me in sponsoring a bill that will overturn this FCC ruling, the Byrd-Dingell bill.

EXPRESSING SUPPORT FOR THE AMERICAN FLAG

Mr. BURNS. Mr. Speaker, I rise today to express my support for the American flag. For more than 200 years, the American flag has been the symbol of our Nation's strength and unity. It has been a source of pride and inspiration for millions of citizens. It has been a prominent icon in our national history.

To the colonists, it represents the free country for which they fought. For the Jewish people in World War II, it simply symbolized survival. For African Americans, they view the flag as the promise of a time when all men will be treated equally. Now it symbolizes a new day in Iraq.

So many brave men and women sacrificed their lives to protect the principles for which it stands, a flag that embodies justice, democracy and, most of all, freedom. The American flag deserves to fly proudly throughout America.

FCC MEDIA OWNERSHIP DECISION

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to voice my concerns over the FCC's decision to relax media ownership rules. The new regulations would allow a single company to own 45 percent of media that reaches United States households, instead of the current 35 percent.

As it stands now, there are only a handful of media companies that we get to see, that we see, that we hear, and that we can read. When we do this, there will be an even smaller number of media companies owning a larger share of the media market.

□ 1215

And that moves us dangerously close to a monopoly-like situation in the mass media business. One of the greatest things about our country is freedom of press and freedom of speech. That is what our Constitution has in it. Under these new regulations, we are moving toward limiting the information that citizens get to see because there will be fewer points of view brought forward because there are fewer companies. Congress should take a closer look at this.

DO NOT LEAVE CHILDREN AND VETERANS BEHIND

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

Mr. STRICKLAND. Mr. Speaker, this Congress has passed and the President has signed into law a tax cut that takes care of the millionaires but leaves many of our children and our veterans behind. Right today, young Americans are serving this Nation in Iraq with young children waiting for them here at home. And ironically, many of those children will not receive any benefit from the child tax credit that was contained in that tax bill.

Think of that. Young Americans fighting for this country and their children are going to be left out of the benefit. Not only children, but veterans are getting the shaft. It is shameful, it is shameful that we would drive this country into debt, take care of our millionaires, and leave our children and our veterans behind. It is time for the people of this country, Mr. Speaker, to wake up and realize what is happening.

CLOWN CAR TAX POLICY

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

Mr. MCDERMOTT. Mr. Speaker, the Leave No Child Behind President recently signed into law the third largest tax cut in history. But the tax bill was really like one of those clown cars you see at the circus. Because of the budget gimmicks, the Republicans squeezed nearly a trillion dollars in tax cuts into something that only looked big enough to hold $350 billion.

The whole tax bill was a big masquerade and the Congress participated in the party. While pressing for these tax cuts, President Bush declared, My jobs and growth plan will reduce tax rates for everyone. Everyone, I emphasize, who pays income tax. That is wrong.

In fact, 8.1 million lower- and middle-class Americans who paid billions of dollars in income tax will receive no tax reduction whatsoever; 36 percent of American households, 50 million households, in the United States will receive no benefit whatsoever.

Now, if I wonder where the next clown will pop up, maybe it will be in the White House.

TAX BILL ROBS MILITARY FAMILIES

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

Mr. FILNER. Mr. Speaker, there they go again. When the Republicans are faced with a choice of helping millionaires with tax credits or giving low-income people some help they need with the same tax credits, they choose the millionaires every time.

Once again, the President, and the President's bill, and the Republicans have robbed millions of low-income families of the child tax credit that has long been part of the bill. What some might not realize is that a large number of low-income military families, that is right, military families, will be affected by this change. These are men and women who have been serving overseas, enduring economic hardship in order to protect our country. But by this shameful act of the majority that we should address immediately, they will not be able to get the same tax benefit that a millionaire will get.

It is offensive to say, it is offensive to say to the people of this Nation that we can afford to give huge tax credits to millionaires, but cannot come up with a few hundred dollars to help low-income military families who have sacrificed so much and need this money the most. I hope the sanity of this House will restore those tax credits.

ABSTINENCE EDUCATION

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

Mr. WELDON of Florida. Mr. Speaker, I rise today to remind my colleagues of the devastating effect of sexual activity on our Nation's youth.

Just today the Heritage Foundation released a new report entitled ''Sexually Active Teenagers Are More Likely to Be Depressed And to Attempt Suicide.'' In this study, Robert Rector, Kirk Johnson, and Lauren Noyes outlined the psychological and emotional aspects associated with teenage sexual activity.

The data shows that there is a real correlation between teen sexual activity and depression and even between sexual activity and suicide in the ages of 14 through 17. Sexually active teenage girls are three times more likely to be depressed than their classmates who are abstinent. Sexually active boys in their teens are more than twice as likely to be depressed. Furthermore, 14 percent of sexually active teenage girls report having attempted suicide, a threefold increase over their peers who are abstinent.

This report demonstrates the value of abstinence education.

TAX CUT LEAVES MANY FAMILIES OUT IN THE COLD

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

Ms. SOLIS. Mr. Speaker, I rise also today to express my outrage in passing an irresponsible tax cut that Republicans gave. They gave $100,000 tax breaks to the largest and most polluting SUVs and left out millions of working-class families.

The $350 billion tax cut left out the working poor, left out a lot of Latinos in my district and a whole lot of people in the State of California. That is because Republicans prevented families that I represent in my district that make under $26,625 from receiving a child tax credit.

Thirty percent of Latino families in my district will not be able to claim any child tax credit at all; that is 1.6 million Latino families in the State. By contrast, only 17 percent of Latino families will see any benefit from the dividend tax cut. Thirty-one percent of Californian families also are not being helped by any child tax credit, and that is 2.4 million children in California alone, all children. So while SUVs continue to pollute our air, keep us dependent on foreign oil, spew out greenhouse gases and get a big tax break, working families get nothing.

BURMA SHOULD FREE AUNG SAN SUU KYI

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

Mr. ROHRABACHER. Mr. Speaker, shortly after I was elected to Congress 15 years ago, I went to the jungles of Burma and met with a group of young people who were then struggling for freedom and democracy in their country. They showed me a picture of Thomas Jefferson and said, We do not like Karl Marx. We want to have a government like you have in the United States, where people are free.

I will never forget that. They were up against one of the most brutal dictatorships in history, the SLORC regime, the military dictatorship that runs the country of Burma, although they would like to call it Myanmar.

The bottom line is the SLORC dictatorship is still in power after all of these years, and they have just put under arrest Aung San Suu Kyi, one of the true heroes of freedom on this planet, a Nobel Prize winner. Aung San Suu Kyi, we do not know where she is. She is under arrest. They murdered and brutalized many of the democratic activists there.

Today, this Congress needs to be aware of what is going on in Burma, and we must warn the dictators in Burma they will not get away with the dirty deed if they have touched one hair on the head of Aung San Suu Kyi.

NO MORE BUSINESS AS USUAL

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

Ms. DELAURO. Mr. Speaker, I rise to speak on a matter of urgent concern. Today we put the House on notice that business as usual will stop until this body restores tax relief for millions of working low-income Americans.

We act and we speak out today because of a simple act of treachery: Congress taking from hard-working poor people to give to the rich, an act that abandoned millions of families and their children, 12 million children, and a tax bill that will cost $1 trillion over the next decade, that will give 184,000 millionaires a tax break of $93,000. The administration and this Republican majority could not find $3.5 billion to help one out of every six children.

These millionaires must somehow have greater moral value than the working poor, people who are scheduled to get nothing in this bill. Mr. Speaker, this is the most unconscionable legislation ever passed in this body with no economic justification and no moral justification; and we are through doing business as usual in this body until this gets fixed.

BUSINESS AS USUAL WILL STOP

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

Mr. GEORGE MILLER of California. Mr. Speaker, I want to join my colleague, the gentlewoman from Connecticut (Ms. DELAURO), in saying that it would be unconscionable for the House to continue to do business as usual when the voices and the needs of millions of hard-working American families have been closed out of the people's House. Without being able to participate in the final negotiations over the tax bill, with Vice President CHENEY in the room, the Republican leaders of the Senate, the Republican leaders of the House, they decided to simply exclude some 6 million families, some 12 million children who would be entitled to the $400 increase in the child tax credit.

That means that this summer those families on behalf of their children, those families that go to work every day would not get a $400 check as will millions of other American families on behalf of their children. But this administration and this Congress closed those voices out of the debate on the tax bill. They have quietly cut a bill to exclude the Senate amendment that was there to protect those families and to protect their children, and to help them educate their children and provide health care for their children.

No, we cannot continue to do business as usual when this Republican leadership and the administration cuts millions of Americans out of the Democratic system.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which a vote is objected to under clause 8 of rule XX.

RECORD votes on postponed questions will be taken later today.

ZUNI INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 2003

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes.

The Clerk read as follows:

S. 222

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Zuni Indian Tribe Water Rights Settlement Act of 2003''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) It is the policy of the United States, in keeping with its trust responsibility to Indian tribes, to promote Indian self-determination, religious freedom, political and cultural integrity, and economic self-sufficiency, and to settle, wherever possible, the water rights claims of Indian tribes without lengthy and costly litigation.

(2) Quantification of rights to water and development of facilities needed to use tribal water supplies effectively is essential to the development of viable Indian reservation communities, particularly in arid western States.

(3) On August 28, 1984, and by actions subsequent thereto, the United States established a reservation for the Zuni Indian Tribe in Apache County, Arizona upstream from the confluence of the Little Colorado and Zuni Rivers for long-standing religious and sustenance activities.

(4) The water rights of all water users in the Little Colorado River basin in Arizona have been in litigation since 1979, in the Superior Court of the State of Arizona in and for the County of Apache in Civil No. 6417, In re The General Adjudication of All Rights to Use Water in the Little Colorado River System and Source.

(5) Recognizing that the final resolution of the Zuni Indian Tribe's water claims through litigation will take many years and entail great expense to all parties, continue to limit the Tribe's access to water with economic, social, and cultural consequences to the Tribe, prolong uncertainty as to the availability of water supplies, and seriously impair the long-term economic planning and development of all parties, the Tribe and neighboring non-Indians have sought to settle their disputes to water and reduce the burdens of litigation.

(6) After more than 4 years of negotiations, which included participation by representatives of the United States, the Zuni Indian Tribe, the State of Arizona, and neighboring non-Indian communities in the Little Colorado River basin, the parties have entered into a Settlement Agreement to resolve all of the Zuni Indian Tribe's water rights claims and to assist the Tribe in acquiring surface water rights, to provide for the Tribe's use of groundwater, and to provide for the wetland restoration of the Tribe's lands in Arizona.

(7) To facilitate the wetland restoration project contemplated under the Settlement Agreement, the Zuni Indian Tribe acquired certain lands along the Little Colorado River near or adjacent to its Reservation that are important for the success of the project and will likely acquire a small amount of similarly situated additional lands. The parties have agreed not to object to the United States taking title to certain of these lands into trust status; other lands shall remain in tribal fee status. The parties have worked extensively to resolve various governmental concerns regarding use of and control over those lands, and to provide a successful model for these types of situations, the State, local, and tribal governments intend to enter into an Intergovernmental Agreement that addresses the parties' governmental concerns.

(8) Pursuant to the Settlement Agreement, the neighboring non-Indian entities will assist in the Tribe's acquisition of surface water rights and development of groundwater, store surface water supplies for the Zuni Indian Tribe, and make substantial additional contributions to carry out the Settlement Agreement's provisions.

(9) To advance the goals of Federal Indian policy and consistent with the trust responsibility of the United States to the Tribe, it is appropriate that the United States participate in the implementation of the Settlement Agreement and contribute funds for the rehabilitation of religious riparian areas and other purposes to enable the Tribe to use its water entitlement in developing its Reservation.

(b) PURPOSES.—The purposes of this Act are—

(1) to approve, ratify, and confirm the Settlement Agreement entered into by the Tribe and neighboring non-Indians;

(2) to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers;

(3) to authorize and direct the United States to take legal title and hold such title to certain lands in trust for the benefit of the Zuni Indian Tribe; and

(4) to authorize the actions, agreements, and appropriations as provided for in the Settlement Agreement and this Act.

SEC. 3. DEFINITIONS.

In this Act:

(1) EASTERN LCR BASIN.—The term ''Eastern LCR basin'' means the portion of the Little Colorado River basin in Arizona upstream of the confluence of Silver Creek and the Little Colorado River, as identified on Exhibit 2.10 of the Settlement Agreement.

(2) FUND.—The term ''Fund'' means the Zuni Indian Tribe Water Rights Development Fund established by section 6(a).

(3) INTERGOVERNMENTAL AGREEMENT.—The term ''Intergovernmental Agreement'' means the intergovernmental agreement between the Zuni Indian Tribe, Apache County, Arizona and the State of Arizona described in article 6 of the Settlement Agreement.

(4) PUMPING PROTECTION AGREEMENT.—The term ''Pumping Protection Agreement'' means an agreement, described in article 5 of the Settlement Agreement, between the Zuni Tribe, the United States on behalf of the Tribe, and a local landowner under which the landowner agrees to limit pumping of groundwater on his lands in exchange for a waiver of certain claims by the Zuni Tribe and the United States on behalf of the Tribe.

(5) RESERVATION; ZUNI HEAVEN RESERVATION.—The term ''Reservation'' or ''Zuni Heaven Reservation'', also referred to as ''Kolhu:wala:wa'', means the following property in Apache County, Arizona: Sections 26, 27, 28, 33, 34, and 35, Township 15 North, Range 26 East, Gila and Salt River Base and Meridian; and Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 23, 26, and 27, Township 14 North, Range 26 East, Gila and Salt River Base and Meridian.

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

(7) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means that agreement dated June 7, 2002, together with all exhibits thereto. The parties to the Settlement Agreement include the Zuni Indian Tribe and its members, the United States on behalf of the Tribe and its members, the State of Arizona, the Arizona Game and Fish Commission, the Arizona State Land Department, the Arizona State Parks Board, the St. Johns Irrigation and Ditch Co., the Lyman Water Co., the Round Valley Water Users' Association, the Salt River Project Agricultural Improvement and Power District, the Tucson Electric Power Company, the City of St. Johns, the Town of Eagar, and the Town of Springerville.

(8) SRP.—The term ''SRP'' means the Salt River Project Agricultural Improvement and Power District, a political subdivision of the State of Arizona.

(9) TEP.—The term ''TEP'' means Tucson Electric Power Company.

(10) TRIBE, ZUNI TRIBE, OR ZUNI INDIAN TRIBE.—The terms ''Tribe'', ''Zuni Tribe'', or ''Zuni Indian Tribe'' means the body politic and federally recognized Indian nation, and its members.

(11) ZUNI LANDS.—The term ''Zuni Lands'' means all the following lands, in the State of Arizona, that, on the effective date described in section 9(a), are—

(A) within the Zuni Heaven Reservation;

(B) held in trust by the United States for the benefit of the Tribe or its members; or

(C) held in fee within the Little Colorado River basin by or for the Tribe.

SEC. 4. AUTHORIZATION, RATIFICATIONS, AND CONFIRMATIONS.

(a) SETTLEMENT AGREEMENT.—To the extent the Settlement Agreement does not conflict with the provisions of this Act, such Settlement Agreement is hereby approved, ratified, confirmed, and declared to be valid. The Secretary is authorized and directed to execute the Settlement Agreement and any amendments approved by the parties necessary to make the Settlement Agreement consistent with this Act. The Secretary is further authorized to perform any actions required by the Settlement Agreement and any amendments to the Settlement Agreement that may be mutually agreed upon by the parties to the Settlement Agreement.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Zuni Indian Tribe Water Rights Development Fund established in section 6(a), $19,250,000, to be allocated by the Secretary as follows:

(1) $3,500,000 for fiscal year 2004, to be used for the acquisition of water rights and associated lands, and other activities carried out, by the Zuni Tribe to facilitate the enforceability of the Settlement Agreement, including the acquisition of at least 2,350 acre-feet per year of water rights before the deadline described in section 9(b).

(2) $15,750,000, of which $5,250,000 shall be made available for each of fiscal years 2004, 2005, and 2006, to take actions necessary to restore, rehabilitate, and maintain the Zuni Heaven Reservation, including the Sacred Lake, wetlands, and riparian areas as provided for in the Settlement Agreement and under this Act.

(c) OTHER AGREEMENTS.—Except as provided in section 9, the following 3 separate agreements, together with all amendments thereto, are approved, ratified, confirmed, and declared to be valid:

(1) The agreement between SRP, the Zuni Tribe, and the United States on behalf of the Tribe, dated June 7, 2002.

(2) The agreement between TEP, the Zuni Tribe, and the United States on behalf of the Tribe, dated June 7, 2002.

(3) The agreement between the Arizona State Land Department, the Zuni Tribe, and the United States on behalf of the Tribe, dated June 7, 2002.

SEC. 5. TRUST LANDS.

(a) NEW TRUST LANDS.—Upon satisfaction of the conditions in paragraph 6.2 of the Settlement Agreement, and after the requirements of section 9(a) have been met, the Secretary shall take the legal title of the following lands into trust for the benefit of the Zuni Tribe:

(1) In T. 14 N., R. 27 E., Gila and Salt River Base and Meridian:

(A) Section 13: SW 1/4, S 1/2 NE 1/4 SE 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4;

(B) Section 23: N 1/2, N 1/2 SW 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4, N 1/2 SW 1/4 SE 1/4, SE 1/4 SW 1/4 SE 1/4;

(C) Section 24: NW 1/4, SW 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4; and

(D) Section 25: N 1/2 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4.

(2) In T. 14 N., R. 28 E., Gila and Salt River Base and Meridian:

(A) Section 19: W 1/2 E 1/2 NW 1/4, W 1/2 NW 1/4, W 1/2 NE 1/4 SW 1/4, NW 1/4 SW 1/4, S 1/2 SW 1/4;

(B) Section 29: SW 1/4 SW 1/4 NW 1/4, NW 1/4 NW 1/4 SW 1/4, S 1/2 N 1/2 SW 1/4, S 1/2 SW 1/4, S 1/2 NW 1/4 SE 1/4, SW 1/4 SE 1/4;

(C) Section 30: W 1/2 , SE 1/4; and

(D) Section 31: N 1/2 NE 1/4, N 1/2 S 1/2 NE 1/4, S 1/2 SE 1/4 NE 1/4, NW 1/4, E 1/2 SW 1/4, N 1/2 NW 1/4 SW 1/4, SE 1/4 NW 1/4 SW 1/4, E 1/2 SW 1/4 SW 1/4, SW 1/4 SW 1/4 SW 1/4.

(b) FUTURE TRUST LANDS.—Upon satisfaction of the conditions in paragraph 6.2 of the Settlement Agreement, after the requirements of section 9(a) have been met, and upon acquisition by the Zuni Tribe, the Secretary shall take the legal title of the following lands into trust for the benefit of the Zuni Tribe:

(1) In T. 14 N., R. 26E., Gila and Salt River Base and Meridian: Section 25: N 1/2 NE 1/4, N 1/2 S 1/2 NE 1/4, NW 1/4, N 1/2 NE 1/4 SW 1/4, NE 1/4 NW 1/4 SW 1/4.

(2) In T. 14 N., R. 27 E., Gila and Salt River Base and Meridian:

(A) Section 14: SE 1/4 SW 1/4, SE 1/4;

(B) Section 16: S 1/2 SW 1/4 SE 1/4;

(C) Section 19: S 1/2 SE 1/4 SE 1/4;

(D) Section 20: S 1/2 SW 1/4 SW 1/4, E 1/2 SE 1/4 SE 1/4;

(E) Section 21: N 1/2 NE 1/4, E 1/2 NE 1/4 NW 1/4, SE 1/4 NW 1/4, W 1/2 SW 1/4 NE 1/4, N 1/2 NE 1/4 SW 1/4, SW 1/4 NE 1/4 SW 1/4, E 1/2 NW 1/4 SW 1/4, SW 1/4 NW 1/4 SW 1/4, W 1/2 SW 1/4 SW 1/4;

(F) Section 22: SW 1/4 NE 1/4 NE 1/4, NW 1/4 NE 1/4, S 1/2 NE 1/4, N 1/2 NW 1/4, SE 1/4 NW1/4, N 1/2 SW 1/4 NW 1/4, SE 1/4 SW 1/4 NW 1/4, N 1/2 N 1/2 SE 1/4, N 1/2 NE 1/4 SW 1/4;

(G) Section 24: N 1/2 NE 1/4, S 1/2 SE 1/4;

(H) Section 29: N 1/2 N 1/2;

(I) Section 30: N 1/2 N 1/2, N 1/2 S 1/2 NW 1/4, N 1/2 SW 1/4 NE 1/4; and

(J) Section 36: SE 1/4 SE 1/4 NE 1/4, NE 1/4 NE 1/4 SE 1/4.

(3) In T. 14 N., R. 28 E., Gila and Salt River Base and Meridian:

(A) Section 18: S 1/2 NE 1/4, NE 1/4 SW 1/4, NE 1/4 NW 1/4 SW 1/4, S 1/2 NW 1/4 SW 1/4, S 1/2 SW 1/4, N 1/2 SE 1/4, N 1/2 SW 1/4 SE 1/4, SE 1/4 SE 1/4;

(B) Section 30: S 1/2 NE 1/4, W 1/2 NW 1/4 NE 1/4; and

(C) Section 32: N 1/2 NW 1/4 NE 1/4, SW 1/4 NE 1/4, S 1/2 SE 1/4 NE 1/4, NW 1/4, SW 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4, N 1/2 SE 1/4 SE 1/4, SW 1/4 SE 1/4 SE 1/4.

(c) NEW RESERVATION LANDS.—Upon satisfaction of the conditions in paragraph 6.2 of the Settlement Agreement, after the requirements of section 9(a) have been met, and upon acquisition by the Zuni Tribe, the Secretary shall take the legal title of the following lands in Arizona into trust for the benefit of the Zuni Tribe and make such lands part of the Zuni Indian Tribe Reservation in Arizona: Section 34, T. 14 N., R. 26 E., Gila and Salt River Base and Meridian.

(d) LIMITATION ON SECRETARIAL DISCRETION.—The Secretary shall have no discretion regarding the acquisitions described in subsections (a), (b), and (c).

(e) LANDS REMAINING IN FEE STATUS.—The Zuni Tribe may seek to have the legal title to additional lands in Arizona, other than the lands described in subsection (a), (b), or (c), taken into trust by the United States for the benefit of the Zuni Indian Tribe pursuant only to an Act of Congress enacted after the date of enactment of this Act specifically authorizing the transfer for the benefit of the Zuni Tribe.

(f) FINAL AGENCY ACTION.—Any written certification by the Secretary under subparagraph 6.2.B of the Settlement Agreement constitutes final agency action under the Administrative Procedure Act and is reviewable as provided for under chapter 7 of title 5, United States Code.

(g) NO FEDERAL WATER RIGHTS.—Lands taken into trust pursuant to subsection (a), (b), or (c) shall not have Federal reserved rights to surface water or groundwater.

(h) STATE WATER RIGHTS.—The water rights and uses for the lands taken into trust pursuant to subsection (a) or (c) must be determined under subparagraph 4.1.A and article 5 of the Settlement Agreement. With respect to the lands taken into trust pursuant to subsection (b), the Zuni Tribe retains any rights or claims to water associated with these lands under State law, subject to the terms of the Settlement Agreement.

(i) FORFEITURE AND ABANDONMENT.—Water rights that are appurtenant to lands taken into trust pursuant to subsection (a), (b), or (c) shall not be subject to forfeiture and abandonment.

(j) AD VALOREM TAXES.—With respect to lands that are taken into trust pursuant to subsection (a) or (b), the Zuni Tribe shall make payments in lieu of all current and future State, county, and local ad valorem property taxes that would otherwise be applicable to those lands if they were not in trust.

(k) AUTHORITY OF TRIBE.—For purposes of complying with this section and article 6 of the Settlement Agreement, the Tribe is authorized to enter into—

(1) the Intergovernmental Agreement between the Zuni Tribe, Apache County, Arizona, and the State of Arizona; and

(2) any intergovernmental agreement required to be entered into by the Tribe under the terms of the Intergovernmental Agreement.

(l) FEDERAL ACKNOWLEDGEMENT OF INTERGOVERNMENTAL AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall acknowledge the terms of any intergovernmental agreement entered into by the Tribe under this section.

(2) NO ABROGATION.—The Secretary shall not seek to abrogate, in any administrative or judicial action, the terms of any intergovernmental agreement that are consistent with subparagraph 6.2.A of the Settlement Agreement and this Act.

(3) REMOVAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if a judicial action is commenced during a dispute over any intergovernmental agreement entered into under this section, and the United States is allowed to intervene in such action, the United States shall not remove such action to the Federal courts.

(B) EXCEPTION.—The United States may seek removal if—

(i) the action concerns the Secretary's decision regarding the issuance of rights-of-way under section 8(c);

(ii) the action concerns the authority of a Federal agency to administer programs or the issuance of a permit under—

(I) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(II) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(III) the Clean Air Act (42 U.S.C. 7401 et seq.); or

(IV) any other Federal law specifically addressed in intergovernmental agreements; or

(iii) the intergovernmental agreement is inconsistent with a Federal law for the protection of civil rights, public health, or welfare.

(m) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to affect the application of the Act of May 25, 1918 (25 U.S.C. 211) within the State of Arizona.

(n) DISCLAIMER.—Nothing in this section repeals, modifies, amends, changes, or otherwise affects the Secretary's obligations to the Zuni Tribe pursuant to the Act entitled ''An Act to convey certain lands to the Zuni Indian Tribe for religious purposes'' approved August 28, 1984 (Public Law 98–408; 98 Stat. 1533) (and as amended by the Zuni Land Conservation Act of 1990 (Public Law 101–486; 104 Stat. 1174)).

SEC. 6. DEVELOPMENT FUND.

(a) ESTABLISHMENT OF THE FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the ''Zuni Indian Tribe Water Rights Development Fund'', to be managed and invested by the Secretary, consisting of—

(A) the amounts authorized to be appropriated in section 4(b); and

(B) the appropriation to be contributed by the State of Arizona pursuant to paragraph 7.6 of the Settlement Agreement.

(2) ADDITIONAL DEPOSITS.—The Secretary shall deposit in the Fund any other monies paid to the Secretary on behalf of the Zuni Tribe pursuant to the Settlement Agreement.

(b) MANAGEMENT OF THE FUND.—The Secretary shall manage the Fund, make investments from the Fund, and make monies available from the Fund for distribution to the Zuni Tribe consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) (referred to in this section as the ''Trust Fund Reform Act''), this Act, and the Settlement Agreement.

(c) INVESTMENT OF THE FUND.—The Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (21 Stat. 70, ch. 41, 25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (52 Stat. 1037, ch. 648, 25 U.S.C. 162a); and

(3) subsection (b).

(d) AVAILABILITY OF AMOUNTS FROM THE FUND.—The funds authorized to be appropriated pursuant to section 3104(b)(2) and funds contributed by the State of Arizona pursuant to paragraph 7.6 of the Settlement Agreement shall be available for expenditure or withdrawal only after the requirements of section 9(a) have been met.

(e) EXPENDITURES AND WITHDRAWAL.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Zuni Tribe may withdraw all or part of the Fund on approval by the Secretary of a tribal management plan as described in the Trust Fund Reform Act.

(B) REQUIREMENTS.—In addition to the requirements under the Trust Fund Reform Act, the tribal management plan shall require that the Zuni Tribe spend any funds in accordance with the purposes described in section 4(b).

(2) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any monies withdrawn from the Fund under the plan are used in accordance with this Act.

(3) LIABILITY.—If the Zuni Tribe exercises the right to withdraw monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the monies withdrawn.

(4) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Zuni Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the funds made available under this Act that the Zuni Tribe does not withdraw under this subsection.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Zuni Tribe remaining in the Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act.

(5) ANNUAL REPORT.—The Zuni Tribe shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(f) FUNDS FOR ACQUISITION OF WATER RIGHTS.—

(1) WATER RIGHTS ACQUISITIONS.—Notwithstanding subsection (e), the funds authorized to be appropriated pursuant to section 4(b)(1)—

(A) shall be available upon appropriation for use in accordance with section 4(b)(1); and

(B) shall be distributed by the Secretary to the Zuni Tribe on receipt by the Secretary from the Zuni Tribe of a written notice and a tribal council resolution that describe the purposes for which the funds will be used.

(2) RIGHT TO SET OFF.—In the event the requirements of section 9(a) have not been met and the Settlement Agreement has become null and void under section 9(b), the United States shall be entitled to set off any funds expended or withdrawn from the amount appropriated pursuant to section 4(b)(1), together with any interest accrued, against any claims asserted by the Zuni Tribe against the United States relating to water rights at the Zuni Heaven Reservation.

(3) WATER RIGHTS.—Any water rights acquired with funds described in paragraph (1) shall be credited against any water rights secured by the Zuni Tribe, or the United States on behalf of the Zuni Tribe, for the Zuni Heaven Reservation in the Little Colorado River General Stream Adjudication or in any future settlement of claims for those water rights.

(g) NO PER CAPITA DISTRIBUTIONS.—No part of the Fund shall be distributed on a per capita basis to members of the Zuni Tribe.

SEC. 7. CLAIMS EXTINGUISHMENT; WAIVERS AND RELEASES.

(a) FULL SATISFACTION OF MEMBERS' CLAIMS.—

(1) IN GENERAL.—The benefits realized by the Tribe and its members under this Act, including retention of any claims and rights, shall constitute full and complete satisfaction of all members' claims for—

(A) water rights under Federal, State, and other laws (including claims for water rights in groundwater, surface water, and effluent) for Zuni Lands from time immemorial

through the effective date described in section 9(a) and any time thereafter; and

(B) injuries to water rights under Federal, State, and other laws (including claims for water rights in groundwater, surface water, and effluent, claims for damages for deprivation of water rights, and claims for changes to underground water table levels) for Zuni Lands from time immemorial through the effective date described in section 9(a).

(2) NO RECOGNITION OR ESTABLISHMENT OF INDIVIDUAL WATER RIGHT.—Nothing in this Act recognizes or establishes any right of a member of the Tribe to water on the Reservation.

(b) TRIBE AND UNITED STATES AUTHORIZATION AND WATER QUANTITY WAIVERS.—The Tribe, on behalf of itself and its members and the Secretary on behalf of the United States in its capacity as trustee for the Zuni Tribe and its members, are authorized, as part of the performance of their obligations under the Settlement Agreement, to execute a waiver and release, subject to paragraph 11.4 of the Settlement Agreement, for claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation, under Federal, State, or other law for any and all—

(1) past, present, and future claims to water rights (including water rights in groundwater, surface water, and effluent) for Zuni Lands from time immemorial through the effective date described in section 9(a) and any time thereafter, except for claims within the Zuni Protection Area as provided in article 5 of the Settlement Agreement;

(2) past and present claims for injuries to water rights (including water rights in groundwater, surface water, and effluent and including claims for damages for deprivation of water rights and any claims for changes to underground water table levels) for Zuni Lands from time immemorial through the effective date described in section 9(a); and

(3) past, present, and future claims for water rights and injuries to water rights (including water rights in groundwater, surface water, and effluent and including any claims for damages for deprivation of water rights and any claims for changes to underground water table levels) from time immemorial through the effective date described in section 9(a), and any time thereafter, for lands outside of Zuni Lands but located within the Little Colorado River basin in Arizona, based upon aboriginal occupancy of lands by the Zuni Tribe or its predecessors.

(c) TRIBAL WAIVERS AGAINST THE UNITED STATES.—The Tribe is authorized, as part of the performance of its obligations under the Settlement Agreement, to execute a waiver and release, subject to paragraphs 11.4 and 11.6 of the Settlement Agreement, for claims against the United States (acting in its capacity as trustee for the Zuni Tribe or its members, or otherwise acting on behalf of the Zuni Tribe or its members), including any agencies, officials, or employees thereof, for any and all—

(1) past, present, and future claims to water rights (including water rights in groundwater, surface water, and effluent) for Zuni Lands, from time immemorial through the effective date described in section 9(a) and any time thereafter;

(2) past and present claims for injuries to water rights (including water rights in groundwater, surface water, and effluent and any claims for damages for deprivation of water rights) for Zuni Lands from time immemorial through the effective date described in section 9(a);

(3) past, present, and future claims for water rights and injuries to water rights (including water rights in groundwater, surface water, and effluent and any claims for damages for deprivation of water rights) from time immemorial through the effective date described in section 9(a), and any time thereafter, for lands outside of Zuni Lands but located within the Little Colorado River basin in Arizona, based upon aboriginal occupancy of lands by the Zuni Tribe or its predecessors;

(4) past and present claims for failure to protect, acquire, or develop water rights of, or failure to protect water quality for, the Zuni Tribe within the Little Colorado River basin in Arizona from time immemorial through the effective date described in section 9(a); and

(5) claims for breach of the trust responsibility of the United States to the Zuni Tribe arising out of the negotiation of the Settlement Agreement or this Act.

(d) TRIBAL WAIVER OF WATER QUALITY CLAIMS AND INTERFERENCE WITH TRUST CLAIMS.—

(1) CLAIMS AGAINST THE STATE AND OTHERS.—

(A) INTERFERENCE WITH TRUST RESPONSIBILITY.—The Tribe, on behalf of itself and its members, is authorized, as part of the performance of its obligations under the Settlement Agreement, to waive and release all claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation under Federal, State, or other law, for claims of interference with the trust responsibility of the United States to the Zuni Tribe arising out of the negotiation of the Settlement Agreement or this Act.

(B) INJURY OR THREAT OF INJURY TO WATER QUALITY.—The Tribe, on behalf of itself and its members, is authorized, as part of the performance of its obligations under the Settlement Agreement, to waive and release, subject to paragraphs 11.4, 11.6, and 11.7 of the Settlement Agreement, all claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation under Federal, State, or other law, for—

(i) any and all past and present claims, including natural resource damage claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), or any other applicable statute, for injury to water quality accruing from time immemorial through the effective date described in section 9(a), for lands within the Little Colorado River basin in the State of Arizona; and

(ii) any and all future claims, including natural resource damage claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), or any other applicable statute, for injury or threat of injury to water quality, accruing after the effective date described in section 9(a), for any lands within the Eastern LCR basin caused by—

(I) the lawful diversion or use of surface water;

(II) the lawful withdrawal or use of underground water, except within the Zuni Protection Area, as provided in article 5 of the Settlement Agreement;

(III) the Parties' performance of any obligations under the Settlement Agreement;

(IV) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(V) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(VI) any combination of the causes described in subclauses (I) through (V).

(2) CLAIMS OF THE UNITED STATES.—The Tribe, on behalf of itself and its members, is authorized to waive its right to request that the United States bring—

(A) any claims for injuries to water quality under the natural resource damage provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) or any other applicable statute, for lands within the Little Colorado River Basin in the State of Arizona, accruing from time immemorial through the effective date described in section 9(a); and

(B) any future claims for injuries or threat of injury to water quality under the natural resource damage provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), or any other applicable statute, accruing after the effective date described in section 9(a), for any lands within the Eastern LCR basin, caused by—

(i) the lawful diversion or use of surface water;

(ii) the lawful withdrawal or use of underground water, except within the Zuni Protection Area, as provided in article 5 of the Settlement Agreement;

(iii) the Parties' performance of any obligations under the Settlement Agreement;

(iv) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(v) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(vi) any combination of the causes described in clauses (i) through (v).

(3) LIMITATIONS.—Notwithstanding the authorization for the Tribe's waiver of future water quality claims in paragraph (1)(B)(ii) and the waiver in paragraph (2)(B), the Tribe, on behalf of itself and its members, retains any statutory claims for injury or threat of injury to water quality under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), as described in subparagraph 11.4(D)(3) and (4) of the Settlement Agreement, that accrue at least 30 years after the effective date described in section 9(a).

(e) WAIVER OF UNITED STATES WATER QUALITY CLAIMS RELATED TO SETTLEMENT LAND AND WATER.—

(1) PAST AND PRESENT CLAIMS.—As part of the performance of its obligations under the Settlement Agreement, the United States waives and releases, subject to the retentions in paragraphs 11.4, 11.6 and 11.7 of the Settlement Agreement, all claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation for—

(A) all past and present common law claims accruing from time immemorial through the effective date described in section 9(a) arising from or relating to water quality in which the injury asserted is to the Tribe's interest in water, trust land, and natural resources in the Little Colorado River basin in the State of Arizona; and

(B) all past and present natural resource damage claims accruing through the effective date described in section 9(a) arising from or relating to water quality in which the claim is based on injury to natural resources or threat to natural resources in the Little Colorado River basin in Arizona, only for those cases in which the United States, through the Secretary or other designated Federal official, would act on behalf of the

Tribe as a natural resource trustee pursuant to the National Contingency Plan, as set forth, as of the date of enactment of this Act, in section 300.600(b)(2) of title 40, Code of Federal Regulations.

(2) FUTURE CLAIMS.—As part of the performance of its obligations under the Settlement Agreement, the United States waives and releases, subject to the retentions in paragraphs 11.4, 11.6 and 11.7 of the Settlement Agreement, the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation for—

(A) all future common law claims arising from or relating to water quality in which the injury or threat of injury asserted is to the Tribe's interest in water, trust land, and natural resources in the Eastern LCR basin in Arizona accruing after the effective date described in section 9(a) caused by—

(i) the lawful diversion or use of surface water;

(ii) the lawful withdrawal or use of underground water, except within the Zuni Protection Area, as provided in article 5 of the Settlement Agreement;

(iii) the Parties' performance of any obligations under the Settlement Agreement;

(iv) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(v) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(vi) any combination of the causes described in clauses (i) through (v); and

(B) all future natural resource damage claims accruing after the effective date described in section 9(a) arising from or relating to water quality in which the claim is based on injury to natural resources or threat to natural resources in the Eastern LCR basin in Arizona, only for those cases in which the United States, through the Secretary or other designated Federal official, would act on behalf of the Tribe as a natural resource trustee pursuant to the National Contingency Plan, as set forth, as of the date of enactment of this Act, in section 300.600(b)(2) of title 40, Code of Federal Regulations, caused by—

(i) the lawful diversion or use of surface water;

(ii) the lawful withdrawal or use of underground water, except within the Zuni Protection Area as provided in article 5 of the Settlement Agreement;

(iii) the Parties' performance of their obligations under this Settlement Agreement;

(iv) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(v) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(vi) any combination of the causes described in clauses (i) through (v).

(f) EFFECT.—Subject to subsections (b) and (e), nothing in this Act or the Settlement Agreement affects any right of the United States, or the State of Arizona, to take any actions, including enforcement actions, under any laws (including regulations) relating to human health, safety and the environment.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) WAIVER OF SOVEREIGN IMMUNITY.—If any party to the Settlement Agreement or a Pumping Protection Agreement files a lawsuit only relating directly to the interpretation or enforcement of this Act, the Settlement Agreement, an agreement described in paragraph (1), (2), or (3) of section 4(c), or a Pumping Protection Agreement, naming the United States or the Tribe as a party, or if any other landowner or water user in the Little Colorado River basin in Arizona files a lawsuit only relating directly to the interpretation or enforcement of Article 11, the rights of de minimis users in subparagraph 4.2.D or the rights of underground water users under Article 5 of the Settlement Agreement, naming the United States or the Tribe as a party—

(1) the United States, the Tribe, or both may be added as a party to any such litigation, and any claim by the United States or the Tribe to sovereign immunity from such suit is hereby waived, other than with respect to claims for monetary awards except as specifically provided for in the Settlement Agreement; and

(2) the Tribe may waive its sovereign immunity from suit in the Superior Court of Apache County, Arizona for the limited purposes of enforcing the terms of the Intergovernmental Agreement, and any intergovernmental agreement required to be entered into by the Tribe under the terms of the Intergovernmental Agreement, other than with respect to claims for monetary awards except as specifically provided in the Intergovernmental Agreement.

(b) TRIBAL USE OF WATER.—

(1) IN GENERAL.—With respect to water rights made available under the Settlement Agreement and used on the Zuni Heaven Reservation—

(A) such water rights shall be held in trust by the United States in perpetuity, and shall not be subject to forfeiture or abandonment;

(B) State law shall not apply to water uses on the Reservation;

(C) the State of Arizona may not regulate or tax such water rights or uses (except that the court with jurisdiction over the decree entered pursuant to the Settlement Agreement or the Norviel Decree Court may assess administrative fees for delivery of this water);

(D) subject to paragraph 7.7 of the Settlement Agreement, the Zuni Tribe shall use water made available to the Zuni Tribe under the Settlement Agreement on the Zuni Heaven Reservation for any use it deems advisable;

(E) water use by the Zuni Tribe or the United States on behalf of the Zuni Tribe for wildlife or instream flow use, or for irrigation to establish or maintain wetland on the Reservation, shall be considered to be consistent with the purposes of the Reservation; and

(F)(i) not later than 3 years after the deadline described in section 9(b), the Zuni Tribe shall adopt a water code to be approved by the Secretary for regulation of water use on the lands identified in subsections (a) and (b) of section 5 that is reasonably equivalent to State water law (including statutes relating to dam safety and groundwater management); and

(ii) until such date as the Zuni Tribe adopts a water code described in clause (i), the Secretary, in consultation with the State of Arizona, shall administer water use and water regulation on lands described in that clause in a manner that is reasonably equivalent to State law (including statutes relating to dam safety and groundwater management).

(2) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Zuni Tribe or the United States shall not sell, lease, transfer, or transport water made available for use on the Zuni Heaven Reservation to any other place.

(B) EXCEPTION.—Water made available to the Zuni Tribe or the United States for use on the Zuni Heaven Reservation may be severed and transferred from the Reservation to other Zuni Lands if the severance and transfer is accomplished in accordance with State law (and once transferred to any lands held in fee, such water shall be subject to State law).

(c) RIGHTS-OF-WAY.—

(1) NEW AND FUTURE TRUST LAND.—The land taken into trust under subsections (a) and (b) of section 5 shall be subject to existing easements and rights-of-way.

(2) ADDITIONAL RIGHTS-OF-WAY.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary, in consultation with the Tribe, shall grant additional rights-of-way or expansions of existing rights-of-way for roads, utilities, and other accommodations to adjoining landowners if—

(i) the proposed right-of-way is necessary to the needs of the applicant;

(ii) the proposed right-of-way will not cause significant and substantial harm to the Tribe's wetland restoration project or religious practices; and

(iii) the proposed right-of-way acquisition will comply with the procedures in part 169 of title 25, Code of Federal Regulations, not inconsistent with this subsection and other generally applicable Federal laws unrelated to the acquisition of interests across trust lands.

(B) ALTERNATIVES.—If the criteria described in clauses (i) through (iii) of subparagraph (A) are not met, the Secretary may propose an alternative right-of-way, or other accommodation that complies with the criteria.

(d) CERTAIN CLAIMS PROHIBITED.—The United States shall make no claims for reimbursement of costs arising out of the implementation of this Act or the Settlement Agreement against any Indian-owned land within the Tribe's Reservation, and no assessment shall be made in regard to such costs against such lands.

(e) VESTED RIGHTS.—Except as described in paragraph 5.3 of the Settlement Agreement (recognizing the Zuni Tribe's use of 1,500 acre-feet per annum of groundwater) this Act and the Settlement Agreement do not create any vested right to groundwater under Federal or State law, or any priority to the use of groundwater that would be superior to any other right or use of groundwater under Federal or State law, whether through this Act, the Settlement Agreement, or by incorporation of any abstract, agreement, or stipulation prepared under the Settlement Agreement. Notwithstanding the preceding sentence, the rights of parties to the agreements referred to in paragraph (1), (2), or (3) of section 4(c) and paragraph 5.8 of the Settlement Agreement, as among themselves, shall be as stated in those agreements.

(f) OTHER CLAIMS.—Nothing in the Settlement Agreement or this Act quantifies or otherwise affects the water rights, claims, or entitlements to water of any Indian tribe, band, or community, other than the Zuni Indian Tribe.

(g) NO MAJOR FEDERAL ACTION.—

(1) IN GENERAL.—Execution of the Settlement Agreement by the Secretary as provided for in section 4(a) shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(2) SETTLEMENT AGREEMENT.—In implementing the Settlement Agreement, the Secretary shall comply with all aspects of—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) all other applicable environmental laws (including regulations).

SEC. 9. EFFECTIVE DATE FOR WAIVER AND RELEASE AUTHORIZATIONS.

(a) IN GENERAL.—The waiver and release authorizations contained in subsections (b) and (c) of section 7 shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of all the following findings:

(1) This Act has been enacted in a form approved by the parties in paragraph 3.1.A of the Settlement Agreement.

(2) The funds authorized by section 4(b) have been appropriated and deposited into the Fund.

(3) The State of Arizona has appropriated and deposited into the Fund the amount required by paragraph 7.6 of the Settlement Agreement.

(4) The Zuni Indian Tribe has either purchased or acquired the right to purchase at least 2,350 acre-feet per annum of surface water rights, or waived this condition as provided in paragraph 3.2 of the Settlement Agreement.

(5) Pursuant to subparagraph 3.1.D of the Settlement Agreement, the severance and transfer of surface water rights that the Tribe owns or has the right to purchase have been conditionally approved, or the Tribe has waived this condition as provided in paragraph 3.2 of the Settlement Agreement.

(6) Pursuant to subparagraph 3.1.E of the Settlement Agreement, the Tribe and Lyman Water Company have executed an agreement relating to the process of the severance and transfer of surface water rights acquired by the Zuni Tribe or the United States, the pass-through, use, or storage of the Tribe's surface water rights in Lyman Lake, and the operation of Lyman Dam.

(7) Pursuant to subparagraph 3.1.F of the Settlement Agreement, all the parties to the Settlement Agreement have agreed and stipulated to certain Arizona Game and Fish abstracts of water uses.

(8) Pursuant to subparagraph 3.1.G of the Settlement Agreement, all parties to the Settlement Agreement have agreed to the location of an observation well and that well has been installed.

(9) Pursuant to subparagraph 3.1.H of the Settlement Agreement, the Zuni Tribe, Apache County, Arizona and the State of Arizona have executed an Intergovernmental Agreement that satisfies all of the conditions in paragraph 6.2 of the Settlement Agreement.

(10) The Zuni Tribe has acquired title to the section of land adjacent to the Zuni Heaven Reservation described as Section 34, Township 14 North, Range 26 East, Gila and Salt River Base and Meridian.

(11) The Settlement Agreement has been modified if and to the extent it is in conflict with this Act and such modification has been agreed to by all the parties to the Settlement Agreement.

(12) A court of competent jurisdiction has approved the Settlement Agreement by a final judgment and decree.

(b) DEADLINE FOR EFFECTIVE DATE.—If the publication in the Federal Register required under subsection (a) has not occurred by December 31, 2006, sections 4 and 5, and any agreements entered into pursuant to sections 4 and 5 (including the Settlement Agreement and the Intergovernmental Agreement) shall not thereafter be effective and shall be null and void. Any funds and the interest accrued thereon appropriated pursuant to section 4(b)(2) shall revert to the Treasury, and any funds and the interest accrued thereon appropriated pursuant to paragraph 7.6 of the Settlement Agreement shall revert to the State of Arizona.

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

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

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

Mr. Speaker, S. 222, authored by Senator JOHN KYL and identical legislation provided by the Senator and introduced by me and other members of the Arizona delegation, would resolve water rights claims and litigation in the Little Colorado River basin.

I would like to commend the commitment and the perseverance of Senator JOHN KYL, who has put many hours and much time into this important bill.

The bill provides much-needed assurance to settlement participants and is the result of 4 years of good-faith negotiations between the Federal Government, the Zuni Indian Tribe, the State of Arizona, and local water users and utilities.

By settling water rights claims and litigation, the legislation will allow the Zuni Indian Tribe to restore and repair wetlands important to the tribe's religious and cultural traditions. Wetland restoration will be done through a variety of means, including surface and groundwater development, while grandfathering current non-Indian water rights. This grandfathering mechanism provides certainty to the local non-Indian communities that depend on water resources in the Little Colorado basin.

The settlement also avoids lengthy and costly litigation. The parties involved have come together to find a responsible, commonsense solution that improves the environment, fulfills religious and cultural traditions, and provides a clear water supply roadmap for the area.

It is now up to Congress to take the final steps to make the settlement a reality. I ask my colleagues to pass this important legislation.

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

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

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

Mrs. CHRISTENSEN. Mr. Speaker, S. 222 is a unique water rights settlement, carefully designed to protect the Zunis' most sacred sites, while at the same time preserving access to water supplies for upstream water users.

□ 1230

I extend my compliments to the Zuni people, the State of Arizona and the non-Indian organizations who participated in the negotiations that resulted in this historic water settlement.

Mr. Speaker, we have no objection to the bill.

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

Mr. RENZI. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from the First District and would like to pause at this time, Mr. Speaker, to really commend my new colleague for stepping into the people's House and doing the people's work, and again, I would just simply pause at this juncture, knowing that some of the atmospherics that are at work today, I would just, Mr. Speaker, ask my colleagues to stop and think about the legislation at hand and what other tactics may come into play that could be counterproductive and hurt the very people so many in this Chamber come to champion.

It was my privilege to originally sponsor this legislation in the 107th Congress, and it is my honor to cosponsor this bill with my good friend and colleague from the First District, the gentleman from Arizona (Mr. RENZI).

This legislation ratifies the settlement concerning the Zuni Indian tribe's water rights on the Little Colorado River in eastern Arizona. The bill will provide for a wetlands restoration at Zuni Heaven, an area of land along the Colorado River that is sacred to the Zuni tribe of New Mexico. Consistent with the principles of tribunal sovereignty, Indian self-determination and religious freedom, this legislation will settle ancient water rights and ensure that those rights are preserved for all future generations of the Zuni people.

The Zuni tribe's water claim is no new development. In fact, litigation of the water rights on the Little Colorado River Basin has been ongoing for nearly a quarter of a century now. This legislation represents a culmination of this process in a way that will reduce expenses for all parties involved. Indeed, we should look at this settlement process demonstrated in this particular case as a model for other settlements.

The affected parties have recognized that final resolution of these water claims through litigation is counterproductive and hurtful to the tribe, neighboring non-Indian water users, local towns, utility and irrigation companies, the State of Arizona and, ultimately, Mr. Speaker, to the United States. Therefore, negotiations have brought forward a settlement agreed to by all parties; and we now, Mr. Speaker, in the people's House have the opportunity to codify this settlement with passage of this legislation.

Mr. Speaker, the merit of this legislation speaks for itself. Again, I commend my colleague, the gentleman from Arizona (Mr. RENZI), for bringing this bill forward in such an expeditious manner, making it one of his top priorities, bringing it to the floor today.

Mr. Speaker, I would like to end on a hopeful note, that while other atmospherics may be at work in this Chamber, this is a chance to strike a blow for common sense, for Native American self-determination and for something

that is vital to the people of Arizona and New Mexico.

Mrs. CHRISTENSEN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding me the time, and I thank her for presenting this bill on the floor. And this bill has been properly represented. It is a matter of sorting out the equities between Indian water right users and non-Indian water right users, the needs for wetlands development and to protect the sacred rights of the lands of the Zuni people.

That is what the legislative process is supposed to be about, but that is not what it was about 2 weeks ago when we passed a tax bill. We could talk about balancing the equities of the Zuni people and the water rights of this bill.

POINT OF ORDER

Mr. RENZI. Requesting regular order, Mr. Speaker.

The SPEAKER pro tempore (Mr. CULBERSON). Members are reminded that they should always confine their remarks to the subject matter before the House.

Mr. GEORGE MILLER of California. Mr. Speaker, that I am.

We are talking about a bill that has gone through many, many years of negotiation and a bill that is designed to balance the equities. We spent considerable time on a tax bill.

Mr. RENZI. Mr. Speaker, I would ask for a germane issue and regular order; I would ask that the issue at hand, which is the water rights for the Zunis, be addressed and not be used for a side show, and ask for regular order, please.

Mr. GEORGE MILLER of California. Mr. Speaker, regular order is what the gentleman from California is following.

The SPEAKER pro tempore. The Chair will listen to the gentleman's remarks, and expects that the gentleman will confine his remarks to the bill before the House, and if the gentleman's remarks lose the requisite nexus, the Chair will sustain a point of order.

Mr. GEORGE MILLER of California. Mr. Speaker, once again, I would say that this bill is about a legislative process where all sides have been heard, agreement has come. That is why this bill is on suspension. And yet we have seen that that legislative process has not worked for millions of American families and their children when the tax bill left out their equitable claim; as the Zunis claim an equitable claim for their traditional water rights, for the historic water rights, these people were making an equitable claim on behalf of their children.

They were making an equitable claim that their children, their family, should get the same $400 that millions of other American families got, but in designing the tax bill, the Republicans simply left out those wage earners, those people who go to work who earn $10,000 to $26,000 a year, some 12 million children who will not get the benefit of the child tax credit.

The Zunis would argue, if we simply cut them out of the water development rights, if we simply cut them out of their historic water rights and we gave it to non-Indians for use in development or we protected the wetlands and we did not take care of their sacred lands, they would argue it is not fair.

I am simply presenting that the arguments that are presented here today on behalf of the Zunis, which are very reasonable, very fair, were never presented on behalf of millions of Americans when they were cut out of a tax bill; and they will now not receive their check this summer as will others.

POINT OF ORDER

Mr. RENZI. Mr. Speaker, regular order.

The SPEAKER pro tempore. The Chair would remind Members it is essential to maintain a nexus between the subject matter before the House and the scope of their arguments.

Mr. GEORGE MILLER of California. The gentleman from California would say to the Chair, I think there is a very strong nexus being maintained here. It is about equity and it is about justice, and it is about economic justice. It is about historic claims.

The child tax credit is not new. It is an old claim before this Congress, where the Congress decided the children of the Zuni tribe would be entitled to a tax credit if their parents worked. Many Zunis, I suspect, are eligible for that tax credit, but they are not under this tax bill because of the difficulty in finding the kind of wages that would pay what would make them eligible for that kind of tax credit.

The nexus is here. The nexus is clear. The nexus is about an abuse of the legislative process, unlike the one which we are going through here. That is why my colleague from Connecticut (Ms. DELAURO) said that we should not operate business as usual. The ranking member of the Committee on Ways and Means suggested the same thing, and I would just say that I think they are correct.

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

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as she might consume to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentlewoman for yielding me the time.

This bill will provide critical access to the Little Colorado River Basin to allow the Zuni Indian tribe acquisition of surface water rights and development of ground water. The acquisition of water rights and associated lands are vital to the Zuni Indian tribe's future economic development.

Along those same lines, the child tax credit is critical in helping low-income families achieve some level of economic security.

This bill secures tribal rights to assure water supplies for present and future generations, while at the same time providing for sound management of an increasingly scarce resource. Because of the importance and the sacredness of all forms and sources of water, all prayers and songs of the three major components of the Zuni religion contain language asking for rain and snow to ensure that all crops have enough water to finish their life pass, to provide sustenance for their Zuni children.

Likewise, ensuring access to the child tax credit will help Zuni families to provide economic sustenance to their children. In Arizona, 138,000 families with children, 21 percent of families in the State, are not helped by the child tax credit increase because of the Republicans last-minute actions; 403,000 Arizona children, including Zuni children, would be eligible if the child tax credit were made fully refundable, with an additional $259 million in credits going to families in that State. The children of military personnel, Zunis who have served in our military, their children are going to be left behind.

We cannot in good conscience debate a bill here today that does not take into consideration the economics of the issues of the Zuni tribe, their water rights, their religious rights, their economic rights. It is about the economic security of working families, of low-income wage earners in this country, that we debate here today: water rights, economic rights, child tax credit.

POINT OF ORDER

Mr. RENZI. Mr. Speaker, could I ask for regular order.

The SPEAKER pro tempore. The Chair would remind Members, quoting from annotations in the House Rules and Manual under rule XVII, clause 1, that during debate on a bill a Member under recognition must confine his remarks to the pending legislation; that is, the Member must not dwell on another measure not before the House. Rather, the Member must maintain a constant nexus between debate and the subject matter of the bill.

Ms. DELAURO. Mr. Speaker, I believe that the constant nexus has been made and that bridge has been kept.

I ask unanimous consent to bring up H.R. 2286 that would fix this terrible injustice.

The SPEAKER pro tempore. Under the guidelines consistently issued by successive Speakers, as recorded on page 712 of the House Rules and Manual, the Chair is constrained not to entertain the gentlewoman's request until it has been cleared by the bipartisan floor and committee leaderships.

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

We are committed to the water rights settlement, but we are also committed to fixing the tax bill that was recently passed and providing benefits to the millions of people who have been left out.

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

Mr. RENZI. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Wyoming (Mrs. CUBIN).

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

I just wanted to ask any Member who has spoken to this bill on the other side if, in fact, they are in favor of the bill that is before us today? Would anyone like to enter into a colloquy?

No one would like to enter into a colloquy on that issue, whether or not they are in favor or opposed to the vote that is here?

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentlewoman yield?

Mrs. CUBIN. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, what is the colloquy about?

Mrs. CUBIN. I would like to know whether or not the gentleman is in favor of the bill that is here before us today or not.

Mr. GEORGE MILLER of California. Mr. Speaker, I supported the bill. I just do not support business as usual right now, as the gentlewoman understands.

Mrs. CUBIN. Then follow-up question, does the gentleman intend to follow his support for the bill with an affirmative vote on the bill?

Mr. GEORGE MILLER of California. Mr. Speaker, I have a follow-up question for the gentlewoman from Wyoming. Does she support improving the child tax credit so that millions of American families can get a tax credit, many in the gentlewoman's State that have been cut out of the tax bill?

Mrs. CUBIN. Mr. Speaker, reclaiming my time, does the gentleman intend to answer the question?

Mr. GEORGE MILLER of California. Colloquies are two-way conversations. Would the gentlewoman support the unanimous consent request to bring up the fixing of the tax bill?

Mrs. CUBIN. No, sir, I do not.

Does the gentleman intend to answer my question?

Mr. GEORGE MILLER of California. Mr. Speaker, I answered the gentlewoman's question. I strongly support the bill.

Mrs. CUBIN. Will the gentleman vote in favor of the bill?

Mr. GEORGE MILLER of California. No, I will not.

Mr. RENZI. 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 Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 222.

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. RENZI. 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.

□ 1245

GRAND TETON NATIONAL PARK LAND EXCHANGE ACT

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

The Clerk read as follows:

S. 273

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Grand Teton National Park Land Exchange Act''.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term ''Federal lands'' means public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(2) The term ''Governor'' means the Governor of the State of Wyoming.

(3) The term ''Secretary'' means the Secretary of the Interior.

(4) The term ''State lands'' means lands and interest in lands owned by the State of Wyoming within the boundaries of Grand Teton National Park as identified on a map titled ''Private, State & County Inholdings Grand Teton National Park'', dated March 2001, and numbered GTNP/0001.

SEC. 3. ACQUISITION OF STATE LANDS.

(a) The Secretary is authorized to acquire approximately 1,406 acres of State lands within the exterior boundaries of Grand Teton National Park, as generally depicted on the map referenced in section 2(4), by any one or a combination of the following—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange of Federal lands in the State of Wyoming that are identified for disposal under approved land use plans in effect on the date of enactment of this Act under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) that are of equal value to the State lands acquired in the exchange.

(b) In the event that the Secretary or the Governor determines that the Federal lands eligible for exchange under subsection (a)(3) are not sufficient or acceptable for the acquisition of all the State lands identified in section 2(4), the Secretary shall identify other Federal lands or interests therein in the State of Wyoming for possible exchange and shall identify such lands or interests together with their estimated value in a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives. Such lands or interests shall not be available for exchange unless authorized by an Act of Congress enacted after the date of submission of the report.

SEC. 4. VALUATION OF STATE AND FEDERAL INTERESTS.

(a) AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the value of any Federal lands eligible for exchange under section 3(a)(3) or State lands, then the Secretary and the Governor may select a qualified appraiser to conduct an appraisal of those lands. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(b) NO AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the selection of a qualified appraiser under subsection (a), then the Secretary and the Governor shall each designate a qualified appraiser. The two designated appraisers shall select a qualified third appraiser to conduct the appraisal with the advice and assistance of the two designated appraisers. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(c) APPRAISAL COSTS.—The Secretary and the State of Wyoming shall each pay one-half of the appraisal costs under subsections (a) and (b).

SEC. 5. ADMINISTRATION OF STATE LANDS ACQUIRED BY THE UNITED STATES.

The State lands conveyed to the United States under section 3(a) shall become part of Grand Teton National Park. The Secretary shall manage such lands under the Act of August 25, 1916 (commonly know as the ''National Park Service Organic Act''), and other laws, rules, and regulations applicable to Grand Teton National Park.

SEC. 6. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

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

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume. I rise today to support a bill that is of great interest to the State of Wyoming and to many, many environmental groups across the country. It is not often that I can stand here and agree with the positions of most of the environmental groups that we deal with on a daily basis, but this Grand Teton National Park Land Exchange Act is one such environmental issue that I think everyone should support if they are in fact interested in maintaining the integrity of Grand Teton National Park.

One of the worst things that I can think of happening to Grand Teton National Park is to have an ultra-, ultra-wealthy person build themselves a mansion or a symbol of their wealth at the base of the Grand Tetons and destroy that beautiful open space and land that we fight so hard to protect and to fund every year. The Grand Teton National Park Land Exchange Act was introduced by Senator THOMAS and cosponsored by Senator ENZI and is supported by all five elected Wyoming State officials, the National Park Service, the local communities, and all of the environmental organizations that I am aware of. The measure passed the Senate on April 3, 2003, under unanimous consent.

This bill presents a unique opportunity with regard to Federal land management in our national parks that would greatly benefit the American people, as well as Wyoming school

children. The Grand Teton National Park was established by Congress on February 29, 1929, to protect the natural resources of the Teton range and Jackson's unique beauty. On March 15, 1943, President Franklin Delano Roosevelt established Jackson Hole National Monument adjacent to the park. Grand Teton National Park was then expanded to its present size by Congress on September 14, 1950, to include a portion of the land from the Jackson Hole National Monument.

The park currently encompasses approximately 310,000 acres of wilderness and some of the most amazing scenery to be found in any corner of the world. I would put the Jackson Teton National Park area in competition with any area in the world for its beauty and for its glory to nature. However, when Wyoming received its statehood in 1890, sections of the land were set aside for school revenue purposes. All income from these lands, whether it is rents, grazing fees, sales, or other sources is placed in a special trust fund for the benefit of school students in the State.

The establishment of these school sections predates the establishment of most national parks or monuments within our State's boundaries, creating several State inholdings within Federal land masses, such as the Grand Teton National Park. Currently, over 1,406 acres in State surface and mineral acres are held by the State of Wyoming in isolated plots within the Grand Teton National Park. This land ownership situation creates problems not only for the potential of very wealthy people building a shrine to themselves in the middle of the free open space in Grand Teton National Park, but it also puts the State of Wyoming, in order to meets its educational needs, in a situation where it may be forced to try to sell the land to private entities so that that land could be developed into housing developments or whatever. This legislation would stop any future attempts to do that.

The legislation would allow the State of Wyoming to trade or sell these precious State lands locked up inside the park to the Federal Government in exchange for other Federal lands, minerals, or appropriated dollars, or a combination of all three, to address Wyoming's public school needs. Further, the American public can consolidate under the National Park Service management the lands within the Grand Teton National Park's borders and protect them from future development pressures placed upon the State for the benefit of our school children.

This is a win-win scenario for everyone involved. Within 90 days after this bill is signed into law, the land would be valued through agreement by the Wyoming Governor and the Secretary of the Interior. If there is no agreement, an appraisal process will be set up to determine the value of the lands or minerals in question to ensure fairness to all parties. There will also be an appeals process to further ensure fairness to all parties. Within 180 days after the land value is determined, the Interior Secretary, in consultation with the Governor, will determine an exchange of Federal assets for equal value of the State lands.

This body has an incredible opportunity to allow the consolidation of lands within Teton National Park and to allow the State of Wyoming to capture fair market value for the benefit of all Wyoming school children. I respectfully request that the Members of this body vote in favor of this bill.

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

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

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

Mrs. CHRISTENSEN. Mr. Speaker, with 12 peaks soaring to more than 12,000 feet, 17 species of carnivores, more than 100 lakes, the headquarters of the Columbia River System, and more than 190 inches of annual snowfall, it would be difficult to find a place more beautiful or rugged than the Grand Teton National Park. Senators THOMAS and ENZI, as well as the gentlewoman from Wyoming (Mrs. CUBIN), are justifiably proud of the beauty of their home State and this national park.

If enacted, S. 273 would help accomplish one of the National Park Service's most important goals, that is, to consolidate the ownership patterns within existing national park units. In this case, this legislation would hopefully expedite Federal acquisition of approximately 1,400 acres of state-owned lands within the park boundary. Such an acquisition represents a significant portion of the more than 2,400 acres of inholdings within Grand Teton National Park.

Mr. Speaker, we are willing to support this bill once the leadership allows H.R. 2286 to be brought to the floor.

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

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

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding me this time.

This is an important bill. These lands that were given to the State of Wyoming by the Federal Government were for the purposes of educating their children. It was an effort by the Federal Government to try to put resources into their hands so that the resources would be there for the State to provide for that education. That is what we do with the child tax credit; we try to put resources into the hands of parents so that they will have the money to provide for the health and welfare of their children and for the expenses of holding their families together in difficult economic times, recognizing that we want our children properly cared for. That is what the State of Wyoming has done with these State lands. That is what the Federal Government did when it transferred the lands to the State of Wyoming; and it is for a very, very good purpose.

Now we have the opportunity to transfer those lands to keep them out of other development within the boundaries of the national park to make sure the park can be consistent in its mission. It is one of the great parks in the world. It is one of the great ecosystems in the world with its diversity and with its habitat that it protects and provides for. That possibly is now under threat from development from what the gentlewoman from Wyoming described as the ultra-, ultra-wealthy who might build homes there.

It sounds a little like class warfare. I do not think that is what is going on here, but since we opened up the subject of the classes here in the discussion of this bill, I want to raise the prospects of those individuals. Because not only is this a great national park in terms of its environment and ecosystems and its beauty and its importance in terms of the protections of surrounding areas and watersheds, it is also a huge economic engine. Because of its beauty, because of its importance, it drives millions of people from all over the world to come and visit the Tetons and come and visit Jackson and to experience the bounty of this country.

To service those people, we have people working in the service industry. They work for the concessionaires and the parks; they work for the restaurants and the hotels and the tourism industry. They work as guides for fishermen, they work as guides for people who want to hike the Tetons, they run climbing schools. At the end of the year, they do not make very much money, but they have families. They have children. And today they get a child tax credit if they have children. They file it like everyone else. And in the tax bill 2 weeks ago, we increased that tax credit for Americans, families with children, an additional $400.

POINT OF ORDER

Mrs. CUBIN. Mr. Speaker, I make the point of order that the gentleman is focusing on the merits of other legislation that is not in front of us today.

Mr. GEORGE MILLER of California. The gentleman from California would say to the Chair that I am focusing on the employees of the Grand Teton National Park, which is the subject matter of this legislation. And the reason these lands are being given is to try to maintain the integrity of that park which provides so many economic benefits to the State of Wyoming and to our country through international tourism. And the welfare of those workers ought to be of as much concern to us as the integrity of the land base.

The SPEAKER pro tempore. The gentleman will suspend.

The Chair will remind all Members and the gentleman being recognized that it is essential that he maintain a constant nexus between the legislation before the House; and that the remarks of the gentleman should be confined to the matter before the House, which relates to the acquisition of 1,406 acres of property to be added to the Grand Teton National Park.

Mr. GEORGE MILLER of California. Granted. If it is required by the Chair, I would be glad to put a map down on the table and talk about this in terms of the map of the Grand Teton National Park.

This is about a nexus. This is about whether or not people are going to be able to afford to take those jobs in that park that tourism generates, a very, very important part of the western economy in this country, a part of our economy that is in serious trouble.

There is a story today in the newspapers, I do not know if it is in The New York Times or the L.A. Times, that the national parks are suffering; that tourism is not only down from 9–11, it was down before 9–11. So what are the national parks trying to do? What are the concessionaires trying to do? What are the people who are on the perimeter of the park who run the hotels, run the lodging systems, the guide systems trying to do? They are trying to increase service to attract Americans and international visitors back to the national parks. But if their employees cannot sustain themselves with the jobs that are offered, then it is not going to work.

One of the things we do to help these people who are working in these jobs where the wages are not very good is we provide a child tax credit for those people who are working and have families. But somehow last week the Republican leadership decided that that tax credit would not go to the employees of the Grand Teton National Park, the subject matter which we are talking about.

POINT OF ORDER

Mrs. CUBIN. Mr. Speaker, I would like to point out that the gentleman is not speaking to the bill in front of us, but referring to the merits of another bill. But I would also like to say that he is doing a very good job of it.

The SPEAKER pro tempore. The Chair sees that the gentleman does appreciate the need to maintain a nexus to the pending legislation.

Mr. GEORGE MILLER of California. I am working hard, Mr. Speaker.

The SPEAKER pro tempore. However, the Chair would remind the gentleman that under the rules the gentleman may not dwell on the merits of other legislation, but must focus and direct his remarks to the legislation before the House.

Mr. GEORGE MILLER of California. I thank the Chair for the admonition, and I take it seriously.

I have counted my words and I have talked about the Grand Teton National Park and the State land transfer and the employees of the park, I think on a ratio of about 12 to 1 to the tax credit, which those employees will be denied, as will some 34,000 other children in Wyoming who will not be eligible for the tax credit because of the actions of the Republicans.

But my ratio of nexus to this bill far exceeds my discussion of the tax bill. I have been doing this for many years. And because we do not have an opportunity, and we did not have an opportunity, to discuss a substitute to the tax bill, we have to find ourselves in a situation where we have to talk about it on other matters as they are presented to the House, always closely keeping the nexus between the matter at hand and the subject matter that is far more important to the American people, and especially for those families with those 12 million children who will not get the tax credits this summer because Republicans simply decided that low-income hard-working American families were not entitled to it.

□ 1300

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

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

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

Mr. Speaker, I ask all Members who are in favor of this bill to vote in favor of this bill. That is the democratic way; that is the method that we have set up to have government that is dependable, that we can base our future on.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the Senate bill, S. 273.

The question was taken.

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

Mrs. CUBIN. 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

Mrs. CUBIN. 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 S. 273 and S. 222, the two matters just debated.

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

There was no objection.

BIRCH BAYH FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 763) to designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse.''

The Clerk read as follows:

S. 763

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

SECTION 1. DESIGNATION OF BIRCH BAYH FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, shall be known and designated as the ''Birch Bayh Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the Birch Bayh Federal Building and United States Courthouse.

The SPEAKER pro tempore (Mr. TERRY). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from Indiana (Ms. CARSON) 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, S. 763, which is identical to H.R. 1082 which was introduced by the gentlewoman from Indiana (Ms. CARSON), designates the Federal building and United States courthouse located at 46 East Ohio Street, in Indianapolis, Indiana, as the Birch Bayh Federal Building and United States Courthouse.

This bill has the bipartisan support of the entire Indiana delegation, and I thank the gentlewoman from Indiana (Ms. CARSON) for agreeing to bring S. 763 to the floor in lieu of her bill, which the Committee on Transportation and Infrastructure favorably reported out on May 21, 2003. I would like to have inserted into the RECORD that the gentlewoman from Indiana (Ms. CARSON) has been diligent not only in this Congress, but in the last Congress, in attempting to achieve passage of this legislation, not only in this body, but in the other body; and the Bayh family has a great champion on their side when it comes to the gentlewoman.

Senator Bayh was born in Terre Haute, Indiana, in 1928 to school teachers, and it is from them he inherited an ethic of public service. Upon graduation from high school, Senator Bayh volunteered for and served in the United States Army from 1946 to 1948. Upon his return, he attended and graduated from the Purdue University School of Agriculture at Lafayette in

1951. This education served him well, since throughout his long career, he always found time to work on and oversee the family farm, growing corn and soybeans for more than four decades.

Senator Bayh's political career began in 1954, when, at the age of 26, he was elected to serve in the Indiana House of Representatives. While serving in that body, he served as speaker in 1959 and as the Democratic floor leader in 1957 and 1961. Despite these responsibilities, he also found time to attend and graduate from Indiana University School of Law in 1960, and was admitted to the bar in 1961.

In 1962, at the age of 34, Senator Bayh entered the United States Senate where he served three terms from 1963 until 1981. While in the Senate, he served as chairman of the Senate Select Committee on Intelligence, working with the CIA, the National Security Agency and the FBI. He also was a member of the Appropriations Subcommittee on Transportation where he called for and funded efforts to build the District of Columbia's Metro subway system which so many of us enjoy, and to modernize the Amtrak rail system.

Senator Bayh is best known as chairman of the Constitution Subcommittee where he authored two amendments to the Constitution, something we will not see any time soon in subsequent Congresses, the 25th Amendment on Presidential and Vice Presidential succession, and the 26th Amendment which lowered the voting age from 21 to 18.

This is a fitting tribute to a dedicated public servant. I support this legislation and encourage Members to do the same.

PARLIAMENTARY INQUIRY

Mr. LATOURETTE. Mr. Speaker, I would like to make a parliamentary inquiry of the Chair.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LATOURETTE. Mr. Speaker, is the Chair aware of any rule of the House which would provide a nexus between this legislation and the tax bill except for the fact that Birch Bayh at one time was a child?

The SPEAKER pro tempore. The Chair will have to listen to the debate before making a determination.

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

Ms. CARSON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I rise to speak in favor of S. 763, I would like to pay respect to my colleague who also hails from the Midwest, the honorable gentleman from Ohio (Mr. LATOURETTE). There were several occasions where he felt he was being stalked to move this legislation forward, and I am very happy that he remained a gentleman and a genteel man in terms of allowing us to get this out. He indicated he had to have a companion from the other side of the aisle, and I presume he found a companion on the other side of the aisle.

S. 763, as my colleague has mentioned, is a companion bill to the bill I introduced, H.R. 1082, and it really does not matter whose name appears first as author of this bill; the subject matter is very noteworthy on behalf of an individual who served this country well, the honorable former U.S. Senator Birch Bayh from the State of Indiana.

The bill, as Members know, designates the Federal building of the United States courthouse in Indianapolis, Indiana, in my district, as the Birch Bayh Federal Building and United States Courthouse. This is the second legislation I have authored. The first one I did was to put my predecessor's name on a Post Office, and now we are going to put Birch Bayh's name on the Federal building and United States courthouse, and I am pleased to sponsor, and it is cosponsored by the entire Indiana delegation.

As the gentleman from Ohio (Mr. LATOURETTE) indicated, the Honorable Birch Bayh was born to two school teachers in Terre Haute, Indiana, on July 22, 1928. He began his political career at the young age of 26 with his election to the Indiana House of Representatives in 1954, and in that body he rose to become minority leader in 1957 and then Speaker of the House in 1959. In 1962, he entered the United States Senate where he distinguished himself on the Subcommittee on the Constitution of the Committee of the Judiciary.

Now, there is some distinction between Terre Haute, Indiana, and a town called Schererville, Indiana, and apparently the United States Senator wants to be known as coming from Terre Haute instead of Schererville, but Schererville is immediately contiguous to Terre Haute so whichever place the gentleman wants him to be born, I am sure it is fine with him. But in all fairness, there has not been a lawmaker since the Founding Fathers who has authored successfully two amendments to the United States Constitution.

Senator Bayh was the principal architect of title IX, the provision of law which helped give access to athletic achievement for many of our daughters. In his 18 years in the United States Senate, he distinguished himself by ushering successfully through the amendment to the Constitution which provides for the succession of the President which was the 25th amendment to the Constitution, and he also successfully authored and ushered through the 26th amendment to the Constitution which lowered the voting age from 21 years to 18 years of age, which was ratified in 1971.

The Federal courthouse in Indianapolis was called the ''Old Post Office,'' but now it rises to a magnificent building of importance, and that is where our Federal courthouse is located. It will now enjoy the name of a very honorable, incredible, dynamic public servant, the Honorable Birch Bayh. It is very suitable historically to name that building for such a person who served this Nation with distinction.

Mr. Speaker, I am happy that the Honorable Birch Bayh is alive and well, and probably watching the presentation of this matter. I also thank Senator LUGAR, who is the senior Senator from Indiana, for authoring this bill and ushering it through the United States Senate.

While I do not agree with them most of the time, we have two Republicans, the honorable gentleman from Ohio (Mr. LATOURETTE), and I hope that does not impugn his motives, Mr. Speaker, and Senator LUGAR, and I speak about those two gentlemen very favorably, and I hope that does not violate House rules that I speak about Republicans favorably in this particular instance.

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

Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, let me just say, I am sure that the historical accomplishments of Birch Bayh have been covered well by my colleagues. All I want to say is, though he is in the other party, he is a heck of a nice guy.

You can tell a lot about people by their children. EVAN BAYH, who is the United States Senator from Indiana and the son of Birch and Marvella Bayh, is in the other party, and we have our differences like all people do on a political basis, but EVAN is a real credit to the institution of the United States Senate, and I think a lot of that is due to his mother and his father. Birch Bayh and Marvella Bayh did an outstanding job in raising EVAN, and I think he is doing a good job in the United States Senate.

Let me just say that Birch Bayh, who was elected to the United States Senate, I think, when he was 34 years old, did a good job for the State of Indiana, and his wife Marvella was a real leader in Indiana as well.

One of the things that I most appreciate about Birch Bayh was a personal attachment that I received from him when my wife was suffering from breast cancer. His wife, Marvella, died of cancer, as my wife did, and he showed a great deal of concern for me and my family while we were going through that tragedy. And anybody like that, I think, deserves accolades from people regardless of their party affiliation.

Senator Bayh is a fine human being, and he was a fine United States Senator. His wife Marvella was a credit to the State of Indiana, and their son EVAN is doing a fine job in the United States Senate and is a credit to both his mother and father. And I want to add my two cents to the applause for Birch Bayh, and I think it is a fine and fitting thing that we are doing here today by naming the Federal building after him.

Born in Terre Haute in 1928, it seemed that Birch Bayh was destined for success. He received an undergraduate degree in Agriculture with distinction from Purdue University, and divided his time after graduating between farming and politics.

In 1955, Birch Bayh became a member of the Indiana General Assembly, and in 1957, he enrolled in law school. While still a law student, he was elected Speaker of the Indian House.

Senator Bayh was a skilled politician and excellent student. He received the prestigious Edwards Scholarship, which is awarded for merit and he graduated with distinction in 1960. However, as we all know, the story doesn't end there!

In 1962, at the age of 34, he was elected to the U.S. Senate and Senator Bayh went on to serve three terms.

As ranking member of the Senate Judiciary Committee, Senator Bayh was considered one of the Senate's foremost experts in constitutional law. As Chairman of the Subcommittee on the Constitution, he wrote and sponsored two amendments to the Constitution: the twenty-fifth amendment (for Presidential succession in case of death or disability) and the twenty-sixth amendment (lowering the voting age to 18).

From 1977 to 1980, Senator Bayh was Chairman of the Senate Select Committee on Intelligence. During his tenure as Chairman, he helped strengthen intelligence gathering while protecting American citizens from abuses of their rights.

Senator Bayh also served on the Senate Public Works Subcommittee on the Environment for 10 years.

In 1976, Senator Bayh entered the race for President of the United States. I have an Internet copy of a Birch Bayh for President 1976 Campaign Brochure. ''Senator Birch Bayh—The Democratic candidate for President with a plan for economic recovery . . .'' All one has to do is change the date and name and it could be used for the 2004 elections.

Senator Bayh's distinguished career goes beyond the Beltway. He was the founding partner in the Washington DC law firm of Bayh, Connaughton & Malone. He also served as the chairman of the Institute Against Prejudice and Violence from 1984 to 1994.

Senator Bayh is currently working for the Washington, DC law firm of Venable, Baetjer, Howard & Civilette as a member of the Government Division's Legislative.

Also, Senator Bayh was appointed to the J. William Fulbright Foreign Scholarship Board by former President Clinton on July 20, 1995 and was reappointed in 1997 and 2000 for a term expiring September 22, 2003.

Senator Bayh's accomplishments are a source of pride for my home state of Indiana. I wish him congratulations on this designation.

[From a Birch Bayh for President 1976 Campaign Brochure]

SENATOR BIRCH BAYH—THE DEMOCRATIC CANDIDATE FOR PRESIDENT WITH A PLAN FOR ECONOMIC RECOVERY . . .

''We need a President who is less concerned that too many jobs will cause inflation, and more concerned that too few jobs will cause human suffering.''

Two Republican Administrations following a deliberate policy of planned unemployment, have led us through two recessions and record inflation. Only a genius for ineptitude could have produced recession and inflation together. Only a totally insensitive Republican Administration could have tolerated both.

Despite some evidence that the current recession has hit bottom, the American economy is still a long way from recovery. Economic recovery will not come naturally. Economic recovery cannot be sustained by doing nothing. Only positive government action now can produce and sustain an economic recovery broad enough to put America back to work. That is the number one priority for a President today . . . and tomorrow . . .

With unemployment at 8.6 percent and American industry operating at two thirds of capacity, the President's concern that too strong a recovery will reignite an inflationary spiral is misplaced. We need a President who is less concerned that too many jobs will cause inflation, and more concerned that too few jobs will cause human suffering.

Nearly 8 million Americans are still unemployed, while millions more are either underemployed or have given up looking for employment. We are losing $200 billion a year in our gross national product—that's more than $3,000 for each American family and yet inflation continues because Republican economics is blind to the cost of oil monopolies and grain deals.

Unemployment cannot cure our current inflation—not only is it morally wrong, it is bad economics. Inflation is a serious problem, but the record of the last 5 years is clear—increasing unemployment does not reduce the monopolistic price of energy; increasing unemployment does not drive down the price of food. It only adds to the welfare rolls and increases unemployment insurance costs.

JOBS . . .

I believe that putting Americans back to work is the single most important task facing the President. A President committed to putting Americans back to work can do just that by:

Proposing a major tax cut for low and middle income families. We need to restore consumer confidence and stimulate consumer spending. That is the surest way to expand production and provide jobs. We need a tax cut plain and simple, without any political gimmicks about budget-cutting. The President's proposal to balance a tax cut with a budget cut is unacceptable economic policy. It will not produce and sustain economic recovery.

Pressuring the Federal Reserve to expand the money supply substantially and hold interest rates down. We can't afford to have the Federal Reserve working against an expansionary fiscal policy. A restrictive monetary policy and higher interest rates will short-circuit economic recovery before it is even underway. In order to avoid repeating the mistakes of monetary policy, we need to curb the independence of the Federal Reserve. That requires a Federal Reserve Board responsive to the public interest—shorter terms for members and publicly arrived at targets for monetary expansion are necessary ingredients in reforming the Fed.

Proposing a public service jobs program. We can find useful employment for the innocent victims of Republican engineered recessions. For example, I was successful in obtaining funds for a railroad track rehabilitation program that will put thousands of unemployed railroad workers back on the job—a job that needs to be done.

Preventing a New York City default by developing a national guarantee program that will enable state governments to assist their hard pressed cities. We will never have economic recovery if New York City defaults and the municipal bond market collapses. Our recovery is much too fragile to absorb the shock of default—to say nothing of the disastrous consequences of the increased cost of borrowing for every state and local jurisdiction in the nation.

Proposing an anti-recessionary revenue sharing program that is triggered on and off by the unemployment rate. We need to temporarily compensate state and local governments for the increased costs of welfare and for the fall off in revenues that both result from a failure of national economic policy.

INFLATION . . .

Despite a major recession, inflation is still a serious problem? Why? Because of:

A failure in energy policy;

A failure in food policy; and

The monopoly market power of a few firms.

Energy—Oil and gas prices must be regulated. As long as OPEC maintains its solidarity and the major domestic oil companies are permitted to follow their non-competitive practices, there will be no free market in energy. Decontrol of oil and deregulation of natural gas prices will force all prices upward, increasing the Consumer Price Index by four percent. That is clearly inflationary.

Food—Food prices are subject to wide fluctuations in world demand, and weather conditions that affect production. We can't control world demand nor the weather, but we can insulate food prices from these forces by establishing a strategic grain reserve to achieve a better balance between supply and demand. A strategic reserve would have to include safeguards against dumping for political ends—but properly administered it could mean adequate supplies with price stability and that is in the long-term interests of family farmers and consumers alike.

Monopoly Pricing—When 20 oil companies control more than 75 percent of all oil production, refining and marketing in the U.S., and more than 90 percent of the oil pipeline capacity, it is clear they have the ability to set prices without regard to competition or market forces. And that is exactly what the oil companies are doing. Instead of letting the oil and other monopolistic forces repeal the law of supply and demand, we must take decisive action. That is why I have introduced and held hearings on legislation to break up the major domestic oil companies. We have a serious problem. We need a firm response.

Our economy is at a crucial turning point. The problems of skyrocketing energy and food costs and the inability of the free market to function effectively have led me to conclude that recent policy failures are the result of an outdated view of the American economy. Therefore, I am proposing the establishment of a Temporary National Economic Committee—similar to the Committee established by President Roosevelt in 1938—to publicly investigate the concentration of economic power in America today.

If economic power is too heavily concentrated in the hands of a few, then we need stronger anti-trust action. I want the free enterprise system to work.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that remarks in debate may not characterize a sitting Senator even on favorable terms.

Ms. CARSON of Indiana. Mr. Speaker, I thank the gentleman from Indiana (Mr. BURTON) for those kind remarks, and I know the Chair would not admonish him as much as it would me.

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

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

Mr. Speaker, I simply want to say, I will not choose to characterize a sitting Member of the United States Senate favorably or unfavorably. I would note historically that Senator BAYH did vote in favor of the tax package which has been discussed here today.

Mr. VISCLOSKY. Mr. Speaker, I first got to know Senator Birch Bayh through my father, John Visclosky, the former Mayor of Gary, Indiana, following his election to the United States Senate in 1962. My father has always had a deep respect and strong feelings towards Senator Bayh.

As a Member of Congress, I have always considered Senator Birch Bayh a friend and a mentor. As a citizen, I am grateful that he chose a life of public service, paying constant attention to the needs of working people and those who were not given a fair chance in life. Senator Bayh fought hard for those who wanted an honest days work at a living wage in order to support their families. For instance, he fought hard and was successful in obtaining crucial funding for a railroad track rehabilitation program that put thousands of unemployed workers back on the job.

While I am proud that we are naming a federal building after Senator Bayh today, we will forever be served by him through the two changes he authored to the Constitution. I have always believed that the Constitution is one of the two greatest documents ever written by man. To think of Birch Bayh improving it not once but twice is not only breathtaking, but expected from such a unique person. The structure of the Constitution had not been so impacted by a single lawmaker since its creation by the founding fathers.

Senator Bayh is a person who developed the talents that God gave him to serve others and a person of deep compassion and caring. A person who never lost his perspective, is fun to be with, and who can always make you laugh. My father would describe Senator Bayh as a "100 percent guy." I would too, and I congratulate him on this great honor.

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

□ 1315

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 763.

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 in which to revise and extend their remarks and include extraneous material on S. 763, the matter just considered by the House.

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

There was no objection.

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:

S. 222, by the yeas and nays;

S. 273, by the yeas and nays;

S. 763, by the yeas and nays.

Proceedings on H. Res. 231, debated yesterday, will resume at a later time.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

ZUNI INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 222.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 222, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 188, not voting 21, as follows:

[Roll No. 230]

YEAS—224

Aderholt
Akin
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carter
Castle
Chabot
Chocola
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Grijalva
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (NM)
Upton
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NAYS—188

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Coble
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Van Hollen
Velazquez
Visclosky
Wamp

Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—21

Clyburn
Conyers
Davis (TN)
Engel
Fossella
Gephardt
Herger
Hoekstra
Istook
Larson (CT)
Majette
McNulty
Miller (FL)
Ortiz
Reyes
Ryan (WI)
Smith (NJ)
Smith (WA)
Weldon (PA)
Wexler
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). There are 2 minutes left to vote.

□ 1337

Mr. TURNER of Texas, Mr. JEFFERSON, and Ms. ROYBAL-ALLARD changed their vote from ''yea'' to ''nay.''

Messrs. PASTOR, BACA, and CAPUANO changed their vote from ''nay'' to ''yea.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. MAJETTE. Mr. Speaker, on rollcall No. 230, had I been present, I would have voted "nay."

GRAND TETON NATIONAL PARK LAND EXCHANGE ACT

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

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the Senate bill, S. 273, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 217, nays 198, not voting 18, as follows:

[Roll No. 231]

YEAS—217

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Janklow
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Coble
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—18

Clyburn
Conyers
Engel
Gephardt
Herger
Hoekstra
Istook
Larson (CT)
McNulty
Miller (FL)
Ortiz
Reyes
Ryan (WI)
Smith (NJ)
Smith (WA)
Weldon (PA)
Wexler
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1345

Mr. RANGEL and Mr. DAVIS of Tennessee changed their vote from ''yea'' to ''nay.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

BIRCH BAYH FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 763.

The Clerk read the title of the Senate 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 Senate bill, S. 763, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 179, not voting 19, as follows:

[Roll No. 232]

YEAS—235

Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Burr
Burton (IN)
Buyer
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chocola
Clay
Cooper
Costello
Cox
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Edwards
Emanuel
Emerson
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Fletcher
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gillmor
Gonzalez
Gordon
Goss
Green (TX)

Greenwood
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Petri
Pickering
Pitts
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reynolds
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simpson
Skelton
Slaughter
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wamp
Waters
Watson
Watt
Waxman
Weiner
Wolf
Woolsey
Wu
Wynn

NAYS—179

Abercrombie
Akin
Bachus
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Foley
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Janklow
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Meehan
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Peterson (MN)
Peterson (PA)
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Young (AK)
Young (FL)

NOT VOTING—19

Clyburn
Conyers
Engel
Gephardt
Gutierrez
Herger
Hoekstra
Istook
Jenkins
Larson (CT)
McNulty
Miller (FL)
Ortiz
Reyes
Ryan (WI)
Smith (WA)
Weldon (PA)
Wexler
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1353

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

Messrs. CUMMINGS, RUPPERSBERGER, and RUSH changed their vote from ''nay'' to ''yea.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, I was unavoidably detained due to official business as a member of an official Congressional delegation traveling to North Korea and was not present for the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 230—''nay''; rollcall No. 231—''nay''; rollcall No. 232—''yea''.

REQUEST FOR PERMISSION TO CONSIDER IN THE HOUSE H.R. 2286, EXPANDING CHILD TAX CREDIT AND MARRIAGE PENALTY RELIEF ACT

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that the House consider H.R. 2286, a bill to expand the child tax credit and marriage penalty relief for families that were left out of the recently signed White House-supported tax law.

The SPEAKER pro tempore. Under the guidelines consistently issued by successive Speakers as recorded on page 712 of the House Rules and Manual, the Chair is constrained not to entertain the gentleman's request until it has been cleared by the bipartisan floor and committee leaderships.

PARLIAMENTARY INQUIRIES

Mr. RANGEL. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will please state his parliamentary inquiry.

Mr. RANGEL. If we have unanimous consent that an error had been made by the conferees and the House Republicans and Democrats would like to correct this error, what would the Chair recommend that we do, since we want to avoid the accusation that this is class warfare, when the working poor have been excised from the bill?

The SPEAKER pro tempore. The Members who propound unanimous consent requests are also guided by page 712 of the House Rules Manual. Therefore, the Chair is constrained not to entertain the gentleman's request until it has been cleared by the bipartisan floor and committee leaderships.

Mr. RANGEL. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. RANGEL. Could the Speaker tell me when the majority expects to bring additional Suspension Calendar requests to the floor?

The SPEAKER pro tempore. That as a matter of discretion is not a proper parliamentary inquiry.

Mr. RANGEL. I thank the Chair.

ANNOUNCEMENT REGARDING PROCEDURES FOR FILING OF AMENDMENTS ON H.R. 2143, UNLAWFUL INTERNET GAMBLING FUNDING PROHIBITION ACT

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

Mr. LINDER. Mr. Speaker, the Committee on Rules may meet this week to grant a rule which could limit the amendment process for floor consideration of H.R. 2143, the Unlawful Internet Gambling Funding Prohibition Act.

The Committee on Financial Services ordered the bill reported without amendment on May 20, 2003, and filed its report with the House on June 2, 2003. Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H312 of the Capitol by 3 p.m. on Wednesday, June 4.

Members should draft their amendments to the text of the bill as introduced on May 19, 2003. Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format.

Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 255 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 255

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 4) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) two hours of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) an amendment in the nature of a substitute offered by Representative Conyers of Michigan 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; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 255 is a modified closed rule that provides for the consideration of H.J. Resolution 4, legislation proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the American flag.

This rule provides for 2 hours of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. House Resolution 255 waives all points of order against consideration of the joint resolution.

It makes in order an amendment in the nature of a substitute, if offered by the gentleman from Michigan (Mr. CONYERS) or his designee, which shall be separately debatable for 1 hour, equally divided between the proponent and an opponent.

Finally, this rule provides for one motion to recommit, with or without instructions.

With respect to the underlying legislation, H.J. Res. 4, I want to commend the gentleman from California (Mr. CUNNINGHAM) for introducing this legislation and the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for his persistent leadership on this important legislation, of which I am proud to be a cosponsor.

The gentleman from Wisconsin (Chairman SENSENBRENNER) has done a fine job in bringing this legislation to the House floor in the years since my very good friend and former chairman of the Committee on Rules, the late Jerry Solomon, originally sponsored this proposal in the 104th Congress and the 105th Congress.

As it should be, House Joint Resolution 4 is a simple, straightforward measure. It proposes to add an amendment to the U.S. Constitution that would simply give the Congress the authority to prohibit the physical desecration of the flag of the United States, if it chooses to exercise such power.

□ 1400

The proposed amendment contains a grand total of 17 words. To the credit of the House as an institution, we have passed proposed constitutional amendments of this nature with more than enough bipartisan support in the 104th Congress, the 105th Congress, the 106th Congress, and the 107th Congress. In each of those sessions, the U.S. House approved the proposed constitutional amendments with more than the two-thirds majority required to approve such modifications to the Constitution. Unfortunately, as has been the case too many times in recent years, the other Chamber has failed to approve the legislation and forward it to the States for consideration by their legislatures. Indeed, if the Senate could approve this proposed constitutional amendment, I understand from the Committee on the Judiciary that all 50 States have passed resolutions calling on the Congress to approve an amendment of this nature.

This is an ample reason to believe that if this amendment were sent to the States for ratification, more than three-quarters of the States are poised to ratify this measure, thereby making it a formal part of our Constitution.

In conclusion, Mr. Speaker, H. Res. 255 is a modified closed rule that will give the House an opportunity to work its will on a substitute put forward by the ranking member, the gentleman from Michigan (Mr. CONYERS), or his designee. I urge my colleagues to support the rule so we can move on to the underlying legislation.

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

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

Mr. Speaker, let me thank the gentleman from Georgia (Mr. LINDER) for yielding me time.

I rise in strong opposition to House Joint Resolution 4. I firmly believe that passing this constitutional amendment would abandon the very values and principles upon which the country was founded. Make no mistake, I deplore the desecration of the flag, and I am absolutely certain that 440 Members of the House of Representatives deplore the desecration of the flag.

Those who burn or otherwise desecrate the American flag tread on a symbol cherished by nearly every one of our citizens in this great country. While I am appalled at the notion of someone desecrating our flag, I am more concerned with tampering with the Constitution. The true test of any nation's commitment to freedom of expression lies in its ability to protect unpopular expression.

In 1929, Supreme Court Justice Oliver Wendell Holmes wrote that it was the most impressive principle of our Constitution that it protects not just freedom for the thought and expression we agree with, but freedom for the thought we hate.

The passage of this amendment would provide a dangerous precedent for future attempts to amend the Constitution, putting the essential freedoms it upholds at risk. If Congress amends the first amendment, something that has never happened in our Nation's history, it will open the door for other exceptions to liberty. Ultimately, we must remember that it is not simply the flag we honor but rather the principles it embodies. To restrict people's means of expression would do nothing but abandon those principles; and to destroy those principles would be a far greater travesty than to destroy its symbols.

I repeat a portion of that paragraph: to restrict people's means of expression would do nothing but abandon those principles, and to destroy these principles would be a far greater travesty than to destroy its symbol. Indeed, it would render the symbol meaningless.

Mr. Speaker, we are too secure as a Nation to risk our commitment to freedom by endeavoring to legislate patriotism. The flag burning amendment is one more example of the Republican tendency to play the patriot card, to distract the people from the consequences of their policy. And I wish to underscore that because there are no people in the House of Representatives who are not patriots. And there is no one here any more patriotic than anyone else. And for that reason alone we should not be toying with patriotism principles.

There are more important matters that Congress should be attending to. The way President Bush has short-changed our veterans, we could deal with that, who have fought in defense of all that Old Glory signifies, the way that he has done this is an outrage to all my colleagues and they should be prepared to fight about it. Why are we spending time arguing about the physical desecration of the United States flag instead of voicing anger about the disservices done to what the flag stands for?

One would like to believe veterans this year would receive more than a Top Gun flash visit. As a grateful Nation, we should ensure that all veterans have adequate access to health care and timely benefits. In my district alone, veterans are being told that they are not going to be able to get benefits, and we have some new super eight province that we have established that if their income is at a certain level they will not qualify. Those are some things that I believe we must seriously look at.

I also think we must seriously reexamine the President's budget priorities

that cause this Congress to provide inadequate funding for those in uniform so as to allow tax cuts that will mostly advantage some few wealthy Americans. And since veterans health services have not been appropriately funded, the Bush administration has proposed to increase co-payments for prescription drugs and to charge high annual enrollment fees.

I oppose this proposal, as I am sure many Members on both sides of the aisle do, which punishes those in need by charging them money they do not have to pay for services they do need but cannot pay.

Current Secretary of State, the retired four star Army general, Colin Powell, that so many people tout so often and a few denigrate, voiced opposition to a similar flag amendment in the year 2000. Here is what Secretary Powell said at that time: ''The first amendment exists to ensure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous. I would not amend,'' Colin Powell says, ''that great shield of democracy'' that stands right behind the Speaker of this House, ''to hammer a few miscreants. The flag will be flying proudly long after they have slunk away.''

That sounded so good maybe I ought to repeat it again: ''The first amendments exists to ensure that freedom of speech and expression applies not just to that which we agree or disagree, but also that which we find outrageous. I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away.''

I thank Secretary Powell.

This is a shallow amendment that addresses a nonissue. This is an unnecessary amendment that helps no one, but is likely to hurt us all. This is a dangerous amendment that should not be approved.

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

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

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

Mr. Speaker, today I rise in strong support of this rule and the underlying legislation, H.J. Res. 4, the desecration of the flag resolution.

Our Nation's flag is a sacred symbol of our country's liberties that so many men and women in uniform have fought and died to defend. As the symbol of that liberty, the flag deserves our greatest respect. To desecrate the flag raised by soldiers at Iwo Jima, astronauts on the Moon, and rescue workers at the World Trade Center is an affront to the very values it represents. Even in the past week, young Americans have laid down their lives in Iraq to protect the freedom and liberty that we enjoy here at home.

It is disgraceful that people would desecrate, even burn, the flag that all of our Nation's veterans have fought so valiantly to defend.

Even as American soldiers prepared for war in Iraq, there were reports of protesters defacing flags, even flags being displayed in a memorial to the victims of September 11, 2001. These acts are disgraceful. They are repugnant, and they should not happen in this great Nation.

The flag deserves and demands our respect. The physical desecration of the flag is not free speech nor should it be protected under the first amendment. The amendment before us will clarify that desecration of the flag does not fall under the first amendment and will prevent the courts from making such an assertion.

I urge my colleagues to support the underlying resolution. I urge my colleagues to support the rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), who serves on the Committee on the Judiciary with distinction.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is a very solemn occasion. I thank the distinguished gentleman from Florida (Mr. HASTINGS) for yielding me time; and I also thank him for his detailed explanation of the needs of this House, the needs of the people of America.

Mr. Speaker, I know that he rarely mentions the fact that he has had the occasion to ably serve as a Federal judge, interpreting the Constitution on a very regular basis. I thought since we were discussing the privacy of this Nation, a freedom, that it would be important to do something that many Americans do not do. And I would encourage you to not only read the Constitution and the Bill of Rights, but I would encourage you and the children of this Nation to carry the Constitution with you.

Might I share with you the words of article I, which expresses the beliefs of Americans from the early stages of our founding: ''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press of the right of the people peaceably to assemble and to petition the government for redress of grievances.''

I believe that the young men and women throughout the ages, whether it was the war of 1812 or World War I or II, Korean conflict, Vietnam, Bosnia, Kosovo or the war in Iraq, young men and women went off inscribed not with the symbol of a flag but with the understanding of what the Constitution says. They are not fighting for a symbol, a piece of cloth. They are fighting for the fact that in America, we rise every day and are able to speak our minds, go to our respective places of worship and no one is there to restrain us, handcuff us, or detain us.

How shameful it is that we come now the fourth, fifth, sixth time since I have been in the United States Congress to suggest to the American people that our values are woven into the stripes and stars of this flag. They are woven into our hearts and the words and the Constitution and the Bill of Rights which you carry with you through your citizenship rights and privacy.

How tragic it is that we have to stand on the floor today when we have young Marines dying every day in Iraq, when we have not finished, if you will, in bringing order to Iraq; when we pass a tax bill that eliminates close to 25 percent of the American people from being able to access relief through taxation, people who work every day making 10,000 to $25,000 a year. This Congress, this Congress voted a tax bill that would eliminate any relief for them, no child tax credit for families having as many as 12 million children, or representing 12 million children. This is the Congress that wants to come and denigrate the Constitution, disrespect its interpretation.

What is the interpretation? Freedom of expression, freedom of speech. And what I would say to you is that my understanding and value and love for this Nation is not based upon someone's desire to express their beliefs by any commentary or any action on the flag.

□ 1415

I have never burned the flag. I have never desired to burn the flag. I have expressed my opinion by way of the democracy that this flag guarantees for the freedom of speech.

How tragic it is. Does it mean that when we pass this resolution that if someone desires to wear a tie, a T-shirt or shorts that has a reflection or symbol of the flag that they are then in violation of the law of this land? Does it mean that we again go to the United States Supreme Court? Time after time, the United States Supreme Court has rejected any attempt to qualify the expression of speech.

Let me say this. We realize that we cannot cry fire in a crowded theater, that we would hurt someone, but we realize that burning the flag or desecrating it in any way does not do that.

Let me tell my colleagues why I am against this rule: Because I offered an amendment that would simply say, let us protect political speech, let us make sure that this amendment does not disallow one from expressing himself politically or his different views with the United States of America.

What does the Committee on Rules do? Rejects the many amendments that we offered to bring light as to what the Constitution actually says.

Mr. Speaker, let me say to my colleagues that I am certainly disappointed that we would use this floor to be able to frivolously undermine the Constitution. There is a saying that says, ''the measure of a man,'' and we can go on to talk about the great

things of that person, the measure of a woman, the integrity and the honesty, the measure of this Congress should be the good works that we have done, by the American people.

I would simply argue this is a bad rule, this is a bad resolution because we are denying the very underpinning that the bill is built on, that is, the Constitution of the United States.

I yield back this amendment, I yield back this resolution, and I stand with the Constitution.

Mr. Speaker, I rise in opposition to H. Res. 255 the rule governing debate on H.J. Res. 4, an amendment to the Constitution to prohibit physical desecration of the flag of the United States. I oppose the rule to H.J. Res. 4 because the rule allows inadequate debate on amendment to an overly broad infringement on the First Amendment Right to Freedom of Speech. This partisan, modified closed rule,severely limits amendment and debate on issues that affect every American citizen—the U.S. Constitution and the First Amendment.

I proposed an amendment to H.J. Res. 4, that was not made in order. My amendment to H.J. Res. 4, was designed to protect American's right to express their opinions and views about government activity. My amendment stated in pertinent part, ''a person shall not have violated a prohibition under that section for desecrating the flag, if such desecration is an expression of disagreement or displeasure with an act taken or decision made by a local, State, or Federal Government of the United States.''

Under my amendment Americans would have retained their freedom to speak out against actions taken by local, State, and Federal governments through desecrations of the flag symbolizing their views. Our democratic government is a government of the people. Our citizen's freedom of expression is at the very heart of our democracy. An attack on American's freedom of expression is an attack on our entire democracy. My amendment would have protected our democracy and protects our citizens.

This rule, on the other hand, is potentially harmful to our democracy and America's citizens. Freedom of speech and freedom of expression are fundamental components of our democracy. Limiting the ability of American citizens to voice their opinions about their government, through flag desecrations or otherwise, is a violation of the principles of our democracy that are symbolized in the American flag, including the First Amendment right to freedom of expression.

I hope that the Republican leadership sees the irony of their decision to draft such a restrictive rule. We are debating a resolution that, if passed, will severely restrict American's ability to speak openly, freely, and fully, on issue that are of great concern to the public. Under this rule, my colleagues on this side of the isle are restricted from speaking openly, freely, and fully, on an issue that will have a drastic impact on the public, the First Amendment.

This proposed amendment to the Constitution, H.J. Res. 4, is a severe abridgement of the freedom of expression protected by the First Amendment of the U.S. Constitution. This rule is a severe abridgement of our ability to debate an issue that may have a profound impact on one of America's most fundamental rights.

Mr. Speaker, I oppose this rule and I encourage my colleagues to do likewise.

PARLIAMENTARY INQUIRY

Mr. LINDER. Mr. Speaker, parliamentary inquiry.

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

Mr. LINDER. Mr. Speaker, when individuals abuse the time limit, is there an arrangement by which that time can be applied against their side's total time left?

The SPEAKER pro tempore. All time for proper debate comes out of the time that has been yielded.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. PAUL).

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

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

Mr. Speaker, I rise in support of the rule, although unenthusiastically. I am not too excited about this process, and certainly I am not very excited about this proposal to amend the Constitution. As for my viewpoint, I see the amendment as very unnecessary and very dangerous. I want to make a few points along those lines.

It has been inferred too often by those who promote this amendment that those who oppose it are less patriotic, and I think that is unfair. And an earlier statement was made by the gentleman from Florida that everybody here is patriotic and nobody's patriotism should be challenged.

It has also been said that if one does not support this amendment to the flag that they are disloyal to the military, and that cannot possibly be true. I have served 5 years in the military, and I do not feel less respectful of the military because I have a different interpretation on how we should handle the flag. But nevertheless, I think what we are doing here is very serious business because it deals with more than just the flag.

First off, I think what we are trying to achieve through an amendment to the Constitution is to impose values on people, that is to teach people patriotism with their definition of what patriotism is. But we cannot force values on people; we cannot say there will be a law that a person will do such and such because it is disrespectful if they do not, and therefore, we are going to make sure that people have these values that we want to teach. Values in a free society are done voluntarily, not through coercion, and certainly not by the law, because the law implies that there are guns, and that means the Federal Government and others will have to enforce these laws.

Here we are, amending the Constitution for a noncrisis. How many cases of flag burning have we seen? I have seen it on television a few times in the last year, but it was done on foreign soil, by foreigners, who had become angry at us over our policies, but I do not see that many Americans in the streets burning up flags. There were probably a lot more earlier in previous decades, but in recent years, it averages out to about eight, about eight cases a year, and they are not all that horrendous. It involves more vandalism, teenagers taking flags and desecrating the flag and maybe burning it, and there are laws against that.

This is all so unnecessary. There are already laws against vandalism. There are State laws that say they cannot do it and they can be prosecuted. So this is overkill.

As a matter of fact, the Supreme Court has helped to create this. I know a lot of people depend on the Supreme Court to protect us, but in many ways, I think the Supreme Court has hurt us. So I agree with those who are promoting this amendment that the Supreme Court overreacted, because I think the States should have many more prerogatives than they do. Many states have these laws, and I believe that we should have a supreme court that would allow more solutions to occur at the State level. They would be imperfect, no doubt, it would not be perfect protection of liberty by State laws. But let me tell my colleagues, when we come here as politicians and superpatriots and we pass amendments to the Constitution, that will be less than perfect, then it will be just like the Supreme Court—a poor national solution.

It is a ruling for everyone, and if we make a mistake, it affects everybody in every State, and that is what I am afraid we are doing here.

The First Amendment has been brought up on several occasions, and I am sure it will be mentioned much more in general debate. This amendment does not directly violate the First Amendment, but what it does, it gives the Congress the authority to write laws that will violate the First Amendment, and this is where the trouble is. Nothing but confusion and litigation can result.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FILNER), my good friend.

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

Mr. FILNER. Mr. Speaker, I rise to speak against this rule and against the underlying motion.

As the chairman said in his eloquent opening remarks, our flag is a grand and glorious symbol of our great Nation, of our fundamental values of freedom, liberty, justice and opportunity; and it is those values we must protect.

We are not going to protect these values by tampering with the Bill of Rights and our Constitution. These have stood the test of time, and it is impossible to legislate patriotism. We protect these values through proper education of our children, nurturing their love and patriotism of our country and nurturing their respect for our

flag and the men and women who keep our Nation strong.

Yes, through the years our values have always included respect for our veterans, also. As a child, I heard from my veteran father of the sacrifices made by the men and women of our armed services to keep our Nation free during World War II; and we have just witnessed the willingness of our current generation to put themselves in harm's way without hesitation when called upon by their President and their Nation to in Iraq.

So why are we having this debate now? I would appreciate the attention of my good friend from California. Why are we having this debate now?

This is a shell game, Mr. Speaker. They want us to look at this shell that has the flag and they are waving it furiously. They are waving it furiously, but they do not want us to watch this shell which are veterans benefits, which they are taking away. They vote first, out of here, a $25 billion cut in our Nation's veterans, and then it is down to $15 billion.

Is this the way we honor our flag and honor our veterans? I find it deeply disturbing that many Members of the House of Representatives seem to be tenaciously determined, year after year, to pass this amendment at the very time, at the very time they vote for budgets that cut services and benefits to our Nation's veterans. This is hypocrisy, and the veterans who are here to lobby on this bill should understand the hypocrisy that is going on and the shell game that is happening. This hypocrisy will not escape these veterans.

True respect for our veterans means that we do not abandon them when they return to our shores. Do my colleagues know, and I ask the gentleman from California, 14,000 veterans right now have waited longer than a year and a half for their action, many more for four or five years, for adjudication of their claims. There are veterans in San Diego, I would tell the gentleman, who have died while waiting for their appeal to be adjudicated.

Two hundred thousand of our veterans right now are waiting longer than 6 months for their first health care appointment with the VA, their first health care appointment. This is the way we honor our veterans? Some of them will die before their first appointment.

We have educational benefits under the GI bill that do not pay for college education. My father went to college on the GI bill. He bought a home on the GI bill. I am in Congress because of the GI bill, and what are we doing now? We are not even given enough for anyone to buy a home or go to college.

This House has recommended to increase prescription drug copayments and impose a new enrollment of $250 for many veterans whom we are supposedly honoring today. Let me tell my colleagues about concurrent receipt, which allows disabled veterans who are retired from the military to receive both their disability compensation and their military retired pay. It has been on our agenda for years. The congressional leadership, the Republican leadership, while working diligently on passing this amendment, cannot find the courage, cannot muster up their skills at legislation to pass concurrent receipt. The very people who are arguing for this bill vote ''no'' when it comes to our veterans, vote ''no'' when it comes to our concurrent receipt.

I ask the gentlepeople from the majority party, what will be the morale of our soldiers, soon to be veterans when they return home from Iraq, when they know they will have to wait for the promised services that the VA has made, when they know that they will have to pay more for less? What will be their morale when they see we are not keeping our promise to veterans? Are they going to wave the flag?

I challenge my colleagues to put first our values that our great flag represents. We are patriots. We are Americans. Let us restore our contract with our Nation's veterans. That is the way to express our patriotism and to protect our Nation's flag.

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

I would just like to comment that I am surprised that, for as long as the previous speaker served on the Committee on Veterans Affairs, he has allowed it to go on this long.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST).

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

Sometimes in these debates one issue gets mixed up with another issue, and I think that is what is happening here. I rise in support of this rule.

I also want to make a comment to the previous speaker that this Congress, Republican majority, with the help of the Democratic minority, is increasing the amount of money that is going to a myriad of veterans programs all over the country. So when those veterans come back from Iraq, they will not only see us waving the flag in strong appreciation of the work they did in enhancing freedom in Iraq, but they will receive the kind of benefits that the previous speaker mentioned about going to college on the GI bill.

I went to college on the GI bill. I bought a house with the GI bill, and those kinds of services are for the veterans of today. These young people are children of democracy, and they deserve what we received many, many years ago in our service to our country, but we are here today to discuss the rule and the issue of flag burning amendment.

I want to ask the question, what does it mean to be patriotic? How do we protect the flag and honor the flag? We honor the flag by being good parents, by being good citizens, by being good neighbors, by understanding and respecting the rule of law and understanding the thread of tolerance that weaves its way through the quilt of democracy.

I rise today opposing the underlying bill. How many times have we seen the flag burned in the United States? We see it burned in China, we see it burned in Iraq, we see it burned in Syria. We see it burned all over the country, but we do not see it burned here. If a person burns the flag in China, they put them in jail. If they burn the flag in Iran, they probably cut their head off. If they burn the flag in Cuba, they go to jail. Do we want to follow that example and that precedent? I do not think so.

Our present Constitution blends together the best of our heart and our minds. Our present Constitution understands our responsibility to respect the rule of law, but it shows such humanity in the tolerance that we have for different opinions in this country.

□ 1430

Do we want to respect and honor those who lost their lives in defense of this Nation? The last verse of that wonderfully beautiful poem ''In Flanders Fields'' says, ''If you break faith with us who die, we shall not sleep, though poppies grow in Flanders Field.'' How do you break faith with those who defended the country? You stop having tolerance. You start following the precedent of countries like the former Iraq or Cuba or China.

We want to raise the flag in honor of those people who have protected the flag. Be a good citizen, a good neighbor, a good American.

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

Mr. LINDER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM), the sponsor of the underlying legislation.

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

Mr. CUNNINGHAM. Mr. Speaker, I take umbrage at some who would say that this is frivolous legislation. Mr. Speaker, to me, patriotism demands more than standing on the House floor and stating that we are all patriotic or we all support the troops. Check the record of those Members that consistently vote against defense bills or intel or even our veterans. It is just not true. To me, there are Members who are unpatriotic in this body.

I would say that voting against this bill in itself is not unpatriotic. People have different reasons. But patriotism is always unfinished business. It requires action, not just verbiage. And I state again that a vote against this bill does not mean you are unpatriotic, but I think there is a combination of votes and support for our troops and our country that does classify some people with those actions.

Mr. Speaker, a few months ago, I watched on television as they played

the series ''Glory.'' It was about a regiment of African American troops that volunteered to go up to the front. They knew in attacking a fort that it would be certain death. And as Denzel Washington, the actor, and his crowd started to go forward to this and attack, knowing that they would most certainly die, the question was asked, ''If I should fall, who will carry this flag?'' And echoed down the ranks was, ''I will,'' ''I will,'' ''I will,'' and they each did so. Each time the flag fell, African Americans picked up that flag and carried it forward. Thousands upon thousands of African Americans died protecting that flag.

Who rejects the arguments of the few? This bill will pass. The same group rejects it every time. My friend, who is a libertarian, he votes against it. Many of the far left vote against it. Some people, in my opinion, attempt to hide behind the first amendment. But who says that they are wrong? Two hundred years of tradition. Abraham Lincoln, Jefferson, Washington, our forefathers, came forward and said that the flag is worth protecting.

In the Civil War, and I am not proposing this, but in the Civil War there was the penalty of death in desecrating the flag. That is extreme. But who says they are wrong are 80 percent of the American people. All 50 States have said they will ratify this if we pass this legislation on the floor. All 50 States, 80 percent of the American people, and 100 percent of the veterans groups. Look around and see the veterans groups around Capitol Hill today. They support this legislation. They do not think it is frivolous. They do not think it is unnecessary. They do not think it violates the Constitution, because of 200 years of tradition.

One Court, in a 5-to-4 decision, changed 200 years. Mr. Speaker, we are saying that that is wrong. Talk about extremism and affecting the Constitution, we think it is that decision in 1989. I reject their arguments. Mr. Speaker, 14 years ago, the Supreme Court did reverse 200 years of tradition.

In my own district there was a protest. It was not about the flag; it was about bilingual education. There was a group of Hispanics that came around to protest a bilingual education ruling. One of the Hispanics started tromping and burning an American flag, and a Hispanic from my district grabbed the flag and was beaten. He said, listen, I may disagree on bilingual education, but this flag is a symbol of why I came to this country. It stands for freedom, it stands for liberty, and you will not desecrate it in my presence.

Some people say, well, it does not exude violence. You burn the American flag, and generally there is violence that follows. And again I would say, Mr. Speaker, that patriotism is always unfinished business.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1½ minutes to my friend, the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I want to make two points in this 1 minute.

Number one, the gentleman who just talked disparaged the Supreme Court because of one decision, that we should not respect that decision. It is the same Supreme Court that 2 years ago arrogated to itself the right to take away from the American people the choice of the Presidency and said do not finish counting the votes, we declare George Bush the President of the United States. That decision has been respected. Though on the merits and on the intellect, that decision belongs in the garbage heap of history because it was not an honest decision, it was not honestly intended. It was a results-oriented decision.

Secondly, the gentleman said that there are Members of this body who are not patriotic as seen by the votes against defense bills. The fact of the matter is, you can vote for a defense bill, you can vote against it based on whether you think that bill is best for your country or not. But to ascribe unpatriotic motives to differences of opinion is to disrespect the Bill of Rights in the Constitution. To ascribe unpatriotic motives to people who differ with you politically is the methodology of a Soviet commissar. It is not an argument that should be heard on this floor. It is an argument that destroys liberty. It destroys freedom of speech.

And whether a particular defense bill was good or too small, or bad or good or deserved to be voted for should be addressed on the merits intellectually and not by disparaging the motives and saying that someone who votes against it is unpatriotic. That argument we could hear from Mr. Stalin, not from someone on this floor.

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

Mr. Speaker, Robert Williams wrote an article recently, and he is one of the Tuskegee Airmen, and the title of the article was ''A Tuskegee Airman Salutes The Flag.'' He talked initially about how he became a fighter pilot in the Second World War. And then he goes on, and I am skipping his first three paragraphs, but I quote him: ''That is why I cringe when I see Congress preparing to pass a constitutional amendment that would rewrite the first amendment for the first time ever to ban a form of protest. It is particularly hard for me,'' Mr. Williams says, ''as an American war veteran to see this action taken in the name of patriotism. For while we as a country view our flag as the very essence of patriotism, it is, in reality, a symbol of that spirit.

''And if the proposed flag desecration amendment wins final approval, our flag will become a symbol without substance. Don't get me wrong,'' Mr. Williams says, ''no one endorses the idea of burning the flag or desecrating it in any way. It is, to me, a very repugnant concept. But I find more threatening the idea that we would change the Constitution every time some American came up with a new repugnant way to protest.''

He talks a lot about what it took to become an airman from Ottumwa, Iowa, and how he and his buddy applied on the same day, and he was, with empathy, told to give up. He did not give up, and he became a part of a proud fighter force in our Air Force, the Tuskegee Airmen. And he closes, and I am skipping a lot of what Mr. Williams said, he said: ''Today, as I sit and recall the terrible attacks that we endured just to get the right to fight for our country, I am more certain that the elimination of any right to freedom of speech is dead bang wrong. Protest, after all, takes many forms and many shapes. Some of them may be seen as distasteful by some Americans. But if we change the Constitution to outlaw these less than acceptable forms of protest, then what we are doing is just as repugnant as burning the flag itself.''

Thank you, Robert Williams.

You know what we could or should be doing right now? We should be passing the 13 appropriation measures that is our mandate here in Congress. We should be providing proper health benefits, rather than turning veterans away, as they are in my district in Fort Lauderdale, Florida. We should be passing a prescription drug benefit rather than talking about desecrating the flag. We should be building schools for our children and grandchildren rather than leaving them deficits that will cause them not to even have school. We should be passing aid to public universities to stop tuition from going up the way it is in my State and 20 other States around this Nation.

How about providing a child care tax credit for working families, like the gentleman from New York (Mr. RANGEL) came here and asked unanimous consent to do, rather than talking about flag desecration?

We should be increasing the funding of the National Institute of Health research funds. We should be helping the Centers for Disease Control prepare us in the event there is a problem in this Nation. We should be passing pay raises for Federal judges in this country who too long have suffered at the whim of this United States Congress. We should be providing dollars for first responders in this country. We should be providing money for port security, better housing for veterans, paving roads, paying teachers; and I can go on and on.

But what we come here with is a repugnant measure. All of us, every man and woman in this House, is patriotic, whether they voted for the defense measure or not. All of us are superpatriots in the sense that we provide service for our country. And each in our own way ideologically, left and right, black and white, rich and poor come here for the purpose of upholding that great symbol of ours, the flag. And I do not need anybody to tell me about patriotism.

I lost relatives and friends in wars like every man and woman here has. And there are kids right now that would rather come home and know that we took care of some of those things that we needed to take care of rather than handle a handful of miscreants that might go out and foolishly burn a flag. There are laws, as one of our colleagues said, that takes care of that. Let those laws be sufficient for us. Let the flag reign supreme. Do not let it rain down the kind of desecration that not passing these measures would help us to do.

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

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume to simply say that after that litany of spending measures, I believe the gentleman from Florida has forfeited any future opportunities to complain about deficits.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1445

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 255, I call up the joint resolution (H.J. Res. 4) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 255, the joint resolution is considered read for amendment.

The text of House Joint Resolution 4 is as follows:

H.J. RES. 4

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),

SECTION 1. CONSTITUTIONAL AMENDMENT.

The following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''The Congress shall have power to prohibit the physical desecration of the flag of the United States.''.

The SPEAKER pro tempore. After 2 hours of debate on the joint resolution, it shall be in order to consider an amendment in the nature of a substitute, if offered by the gentleman from Michigan (Mr. CONYERS), or his designee, which shall be considered read and debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 1 hour of debate on the joint resolution.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 4.

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

There was no objection.

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

Mr. Speaker, H.J. Res. 4 is a proposed amendment to the United States Constitution that would simply return to Congress the authority that it possessed for over 200 years to prohibit the physical desecration of the flag of the United States. H.J. Res. 4 does not outlaw flag desecration; rather, this proposal merely sets the boundaries by which Congress can enact subsequent implementing legislation, if it so chooses, to prohibit such conduct.

The flag is the most revered and beloved symbol of our great Nation, representing all that is American and reminding the world of our undying love of freedom and democracy. The flag serves as a shining bedrock of our principles and values as a country, leading our men and women into conflicts around the globe and draping the caskets of those same individuals when they return home after giving the ultimate sacrifice in defense of such values. It is the flag to which we pledge allegiance here in the halls of Congress and in schools throughout our country. It is this object and all that it represents that we as Americans hold so dear.

While the Federal Government and almost every single State validly protected the flag without constitutional objection for numerous years, this protection was circumscribed by the United States Supreme Court in Texas v. Johnson in 1989. In the Johnson case, a majority of five justices held that burning the flag was expressive conduct protected by the First Amendment to the Constitution. Congress responded to this decision in 1990 by enacting a Federal statute to outlaw such conduct in accordance with the Supreme Court's decision in Johnson. However, the Supreme Court that same year ruled in United States v. Eichman that the recently enacted Federal statute also violated the Constitution. Thus, the American people are now left with no other alternative but to amend the Constitution in order to protect their flag.

House Joint Resolution 4 will simply overturn these two erroneous Supreme Court decisions, restoring the original interpretation to the First Amendment that had persisted for over two centuries since the birth of our country. When considering the powers of our respective branches of government in effecting the will of the American people, we should be reminded of the words of Abraham Lincoln in his first inaugural address in 1861, ''If the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the people will have ceased to be their own rulers.''

Thus, because the Constitution expressly designates ''We the People'' as possessing the ultimate authority in this great Nation, and not the Supreme Court, we as representatives of the people must respond and act according to the will of the people in approving this proposed constitutional amendment.

Contrary to what opponents of House Joint Resolution 4 will claim, this proposal does not amend the First Amendment or the Bill of Rights for the first time in history. Rather, it was the Supreme Court that first amended our constitutional rights and liberties as Americans in this area of the law in 1989 by denying the American people the authority to protect their flag. H.J. Res. 4 will simply restore this sacred right and the original understanding of the First Amendment and the Bill of Rights that had persisted since the very beginning of our country. Thomas Jefferson, the author of the Declaration of Independence, and James Madison, the father of our Constitution, both agreed that the government could prohibit acts of flag desecration.

Rights guaranteed under the First Amendment are not unlimited. Rather, Americans are constrained in their speech to a certain degree, whether pursuant to libel and slander laws, perjury laws, laws against inciting breach of the peace or riots, or obscenity laws. Furthermore, conduct that is arguably associated with speech has also always been validly regulated. While someone seeking publicity or wanting to protest may think that the best method to convey a particular message may be to parade nude in Lafayette Square across from the White House, that form of conduct is illegal. H.J. Res. 4 simply seeks to give Congress the authority to prohibit another particular form of conduct, flag desecration, without regard to the speech being broadcasted during such conduct.

Those seeking to express themselves would be left with, as Chief Justice Rehnquist put it, ''a full panoply of other symbols and every conceivable form of verbal expression'' by which to make their ideas known. As the Supreme Court has stated, ''the First Amendment does not guarantee the right to employ every conceivable method of communication at all times and in all places.''

I urge my colleagues to recognize the wishes of the American people and restore the original interpretation and understanding of the First Amendment and the Bill of Rights to the Constitution by supporting this resolution.

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

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

Mr. Speaker, today we are enduring the annual Republican rite of spring, a proposed amendment to the Bill of Rights to restrict what it calls flag desecration.

Why spring? Because the calendar tells us that June 14 is Flag Day, and then, of course, we have July 4. Members need to send out a press release extolling the need to protect the flag, as if the flag needed protection by Congress. We do not see a great epidemic of flag burning. This amendment is truly an answer in search of a problem.

The flag is a symbol of a great Nation and of the fundamental freedoms for which this Nation stands. If the flag needs protection at all, it is from Members of Congress who value the symbol more than the freedoms that the flag represents, and would, in fact, limit those freedoms to protect the symbol.

The argument that we must, for the first time in our Nation's history, amend the Constitution to limit freedom of speech because the flag stands for freedom would sound like a bad joke if the danger to the First Amendment were not so real. I warn my colleagues, once we get into the business of amending the Constitution, every time someone does something we do not like, there will be no end to it. We have never in the 200 years of this country so far, of this Republic, amended the Bill of Rights, and we should not start now.

There is unpopular speech that people find offensive, unpopular religions that people do not like. We had a Member of the House on the floor a few years ago excoriate the Army for allowing a wicked religious service on an Army base. The man with the protest sign in a crowd of people favoring the President and his policies, he was threatened with arrest if he did not leave or get rid of his sign because it did not agree with the other signs. Maybe some of our Republican friends think we need a constitutional amendment for protesting against Republican Presidents. Quite frankly, the crass political use of the flag to question the patriotism of those who value our fundamental freedoms is a greater insult to those who died in the service of our Nation than even the burning of the flag. It is the civic equivalent of taking the Lord's name in vain.

People have rights in this country that supersede public opinion, even strongly held public opinion. If we do not preserve those rights, the flag would have been desecrated far beyond the capability of any individual with a cigarette lighter. Let there be no doubt, this amendment is aimed directly at unpopular political ideas.

Current Federal law says that the preferred way to dispose of a tattered and old flag is to burn it, but there are those who would criminalize the same act if it was done to express political dissent. So if you burn the flag, if you physically burn the flag while standing around saying nice things, pleasant things, platitudes about patriotism, then that is a wonderful thing to do. But if you burn the flag while criticizing the conduct of the current administration or some political decision, then you will be arrested.

Is the act of burning the flag any different in those two instances? No. What is different is the words said in association with it. In one instance, the words are pleasant and nice and therefore protected by the First Amendment; and in the other instance, the words are unpleasant and disagreeable and, therefore, we are going to pass a constitutional amendment to throw someone in jail for uttering the wrong words while he burns the flag, because if he uttered the nice words while he burned the flag, that would be the correct way of disposing of the flag.

Clearly, the Supreme Court was right, it is the expression of unpopular political opinions that this amendment is aimed at, and that is why this amendment should not be passed because we should protect the right to utter all opinions in this country, even those we think are harmful because bad ideas should be driven out of the arena of public opinion by good ideas, not by repression by the State or by the police. That is why we have the Bill of Rights, and that is why this amendment should not pass.

One other example, and that is if someone produced a movie or play in which actors impersonated Nazi soldiers, and during the course of that play, the Nazi soldiers trampled on the flag to show the contempt the Nazis had for freedom and the United States, no one would think of arresting the actors because they know they did not mean it. They would know they were showing what Nazis thought of the flag and the United States, not what the actors think. So it is clearly the ideas associated with the act of desecrating the flag, it is the speech that we are criminalizing here, and that is why the Supreme Court was right to say we cannot criminalize speech.

We heard in the hearings conducted before the Committee on the Judiciary from a Vietnam veteran who has been in a wheelchair for the last 30 years as a result of his combat wounds in Vietnam. He made clear he did not want his sacrifice to be used to destroy the freedoms for which he fought and for which many of his friends made the ultimate sacrifice. I would urge my colleagues to listen to all veterans and understand that those who support this amendment do not speak for all veterans.

General Colin Powell, for example, had this to say about this amendment a few years ago, ''The First Amendment exists to ensure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous. I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away.''

Jim Warner, a Vietnam veteran and prisoner of the North Vietnamese from October 1967 to March 1973, wrote, ''The fact is, the principles for which we fought, for which our comrades died, are advancing everywhere upon the earth, while the principles against which we fought are everywhere discredited and rejected. The flag burners have lost, and their defeat is the most fitting and thorough rebuke of their principles which the human mind could devise. Why do we need to do more? An act intended merely as an insult is not worthy of our fallen comrades. It is the sort of thing our enemies did to us, but we are not them, and we must conform to a different standard. Now, when the justice of our principles is everywhere vindicated, the cause of human liberty demands that this amendment be rejected. Rejecting this amendment would not mean that we agree with those who burn our flag, or even that they have been forgiven. It would, instead, tell the world that freedom of expression means freedom, even for those expressions we find repugnant.''

I would add that rejection of this amendment would mean that we understand that democracy in the United States and our protection of freedom of expression in the United States is stronger than the ill will and the venom that motivates people who might desecrate our flag, and that we do not need a constitutional amendment to protect us against them.

□ 1500

These thoughts are echoed by Terry Anderson, a former U.S. Marine staff sergeant and Vietnam veteran who was held hostage in Lebanon, who wrote:

''This constitutional amendment is an extremely unwise restriction of every American's constitutional rights. The Supreme Court has repeatedly held that the first amendment protects symbolic acts under its guarantee of free speech. Burning or otherwise damaging a flag is offensive to many, including me, but it harms no one and is so obviously an act of political speech that I'm amazed anyone could disagree with the Court.''

Mr. Speaker, people have died for this Nation and the rights which this flag so proudly represents. Let us not destroy the freedoms and the way of life for which they made the ultimate sacrifice. Let us not demean our freedoms. Let us not demean our country. Let us not for the first time in the history amend the Bill of Rights to say we cannot be trusted with that freedom. Let us not pass this amendment.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

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

Before I get into the bulk of my talk, Mr. Speaker, the gentleman from New

York has mentioned once again a letter from Colin Powell. I have in my hand here a letter written by another distinguished American general, Norman Schwarzkopf, who in essence indicates, and I will just take one sentence here, ''I regard legal protections for our flag as an absolute necessity and a matter of critical importance to our Nation.'' He goes on in support. I think both Colin Powell and Norman Schwarzkopf are great Americans but oftentimes, as on many other issues, good people can come to differing opinions on an important issue, and they have in this particular case. I do believe that we do need to protect the flag.

The flag of the United States of America has become the physical manifestation of democracy and freedom in the world today. The flag has been described as a national asset, akin to the Grand Canyon and the Washington Monument, as it symbolizes the strength and endurance of this great Nation and the embodiment of its ideals and its values. As Chief Justice Rehnquist has noted, ''Millions and millions of Americans regard it with an almost mystical reverence, regardless of what sort of social, political or philosophical beliefs they may have.'' We pledge our allegiance to the flag, we pay tribute to the flag through song as illustrated by our national anthem, and we honor our fallen soldiers by draping flags over their coffins, planting flags at Arlington National Cemetery as we did most recently on Memorial Day not long ago, and presenting flags to widows and widowers. To say that the American flag is simply a colored piece of cloth mischaracterizes the nature of the symbol and its importance to our country. As the flag goes, so goes our country. If we allow its defacement, so too do we allow our country's gradual decline. Therefore, in order to ensure the future of our country, we must ensure the future of our flag.

Over the years, there have been countless acts of flag desecration. The gentleman has said, and we have heard this in committee, that it does not happen that often anymore; but since 1994 alone there have been over 115 reported incidents, and those are reported incidents, of flag desecration, occurring in 35 States, here in the District of Columbia, and in Puerto Rico. The States and the Federal Government have been prevented from prohibiting such conduct since 1989 when the United States Supreme Court ruled in Texas v. Johnson that flag burning was expressive conduct protected by the first amendment to the Constitution. That was a 5 to 4 vote, I might add. Congress immediately responded by passing the Flag Protection Act of 1990. However, shortly thereafter, the Supreme Court in United States v. Eichman held that the act was unconstitutional for the same reasons as in the Johnson case. Thus, the only option remaining for the American citizenry to address and correct this problem is through the constitutional amendment process as set forth in article 5 of the United States Constitution. That is why we are here today. It is the only way that we now can protect the flag because of these two Supreme Court cases.

H.J. Res. 4 will simply restore the constitutional authority that Congress had possessed for more than 200 years to protect the flag from physical desecration. While opponents claim that amending the Constitution to remedy a problem that they contend does not exist will open the floodgates to other amendments, history has proven this assertion false. In fact, since the adoption of the Bill of Rights, there have been over 11,000 proposed constitutional amendments with only 17 approved and ratified.

So we have only amended the Constitution 17 times plus the 10 times it was amended in the Bill of Rights. Thus, the fear of an onslaught of constitutional amendments and the eventual destabilization of the document itself is unfounded. In addition, opponents claim that this proposed constitutional amendment will infringe upon speech and adversely impact those protesting against government policies. First, H.J. Res. 4 is in no way related to the suppression of free speech and is not at all concerned with content of any type of expression. Rather, H.J. Res. 4 is concerned only with the vehicle through which some individuals choose to express their ideas. Just as people cannot burn a dollar bill or burn their draft cards to express their ideas, so too should people be prohibited from burning or desecrating the American flag. H.J. Res. 4 would not interfere with a speaker's freedom to express his or her ideas by any other means.

Secondly, this amendment would not unfairly target those who protest against government policy, as there were numerous statutes in the past outlawing the desecration of the flag, and there is no evidence of prosecutorial abuse in this regard. The exaggerated scenarios that opponents of this measure paint are intended not to illustrate reality but only to incite fear and hostility toward this measure.

Opponents also argue that the words encompassed in the proposal such as ''flag'' and ''desecration'' are too broad and ambiguous, leaving the public uninformed as to the type of conduct that will ultimately be prohibited. The simple answer to this is that H.J. Res. 4 is a proposed constitutional amendment which by definition necessitates ambiguous terms in order to give Congress sufficient flexibility to draft and adopt authorizing legislation. Consider the calamity that would have resulted if the drafters of the 14th amendment would have been required to specifically define ''due process'' or ''equal protection.'' The nature of the Constitution requires that such terms be broad and subject to interpretation.

Desecration of the flag necessarily diminishes and adversely affects those values and principles for which the flag stands.

We believe very strongly that this should be passed.

Mr. NADLER. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to place this debate in context because every time we cut veterans benefits, we pull out this resolution. Just a few weeks ago, we voted to cut veterans benefits by $28 billion. And so far those cuts have been restored, but many in this House, a majority, in fact, of this House, will have to explain those votes. Challenging the patriotism of those of us who voted ''no'' on those cuts will not cover up the fact that those votes were actually cast.

Mr. Speaker, we should acknowledge that the whole purpose of the underlying constitutional amendment is to stifle political expression that we find offensive. While I agree that we should respect the flag, I do not think it is appropriate to use the criminal code to enforce our views on those who disagree with us. The Supreme Court has considered restrictions on the Bill of Rights that are permissible by the government. For example, under the first amendment with respect to speech, time, place and manner may generally be regulated while content cannot. There are, of course, exceptions. Speech that creates an imminent threat of violence or threatens safety or patently offensive expression that has no redeeming social value, those may be restricted. But generally you cannot restrict content. The distinction is that you can restrict time, place and manner but not content. And so you can restrict the particulars of a march or demonstration, what time it is held, where it is held; but you cannot restrict what people are marching or demonstrating about. You cannot ban a particular march or demonstration just because you disagree with the message unless you decide to ban all marches. You cannot allow marches by the Republican Party but not by the Democratic Party.

Some have referred to the underlying resolution as the anti-flag burning amendment and they speak about the necessity of this amendment to keep people from burning flags. But, really, the only place we ever see flags burned is in compliance with the Federal code at flag ceremonies, disposing of a worn-out flag. If you ask any Boy Scout or any member of the American Legion, how do you dispose of a worn-out flag, they will tell you that you burn the flag at a respectful ceremony. This proposed constitutional amendment is all about expression and all about prohibiting expression in violation of the spirit of the first amendment. By using the word ''desecration,'' we are giving government officials the power to decide that one can burn a flag if you are saying something nice or respectful,

but you are a criminal if you burn the flag while saying something offensive or insulting. This is an absurd distinction and is in direct contravention with the whole purpose of the first amendment.

Mr. Speaker, in addition to the violation of the spirit of the Bill of Rights, this legislation has practical problems. For example, what is a flag? Can you desecrate a picture of a flag? Can a flag with the wrong number of stripes or stars be desecrated?

Mr. Speaker, during the Vietnam War, laws were passed prohibiting draft cards from being burned and protesters with great flourish would say that they were burning their draft cards and offend everybody, but then nobody would know whether it was a draft card or just a piece of paper. Mr. Speaker, what happens if you desecrate your own flag in private? Are you subject to criminal prosecution if someone finds out?

And finally, Mr. Speaker, I feel compelled to comment on the ridiculous suggestions that stealing and destroying someone's personal property is protected if that property happens to be a flag. That is wrong. It is theft and destruction of personal property. What this legislation is aimed at is criminalizing political speech. And so we should not politicize criminal speech we disagree with just because we have the votes.

I would hope, Mr. Speaker, that we would defeat the resolution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), the author of the resolution.

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

Mr. CUNNINGHAM. Mr. Speaker, my friend on the other side mentioned a gentleman from the Tuskegee Airmen, a very honored group. As a matter of fact, there is a chapter in San Diego. I spoke to them about this resolution in San Diego years ago. They support this resolution. They are good friends of mine. These are the men that fought against racism and flew P–51s in WWII. Not a single bomber was lost while the Tuskegee Airmen escorted them.

Opponents say that this is frivolous, that we are offering a frivolous amendment. In the Tuskegee Airmen letter, it said that this for the first time was denying first amendment rights. It is not. For 200 years-plus, this was tradition in our country. Abraham Lincoln, Washington, Jefferson, yes, and even Betsy Ross knew the threads that held this country together. During the Civil War, it was a death penalty to desecrate the flag. No one is asking us to do this. As a matter of fact, this vote today only gives the States the right to ratify this resolution. Even if we pass this here today, if the States say ''no,'' it will not pass.

The gentleman from New York said, do we know democracy? Fifty State resolutions say that they will ratify this. That to me is democracy. Two hundred years of tradition wiped away by a 5 to 4 Supreme Court vote. That is democracy. Eighty percent of the American people support this bill. To me that is democracy. Two hundred Members of this House and one vote short in the other body on these resolutions. That is democracy.

□ 1515

Even the dissenters of the Supreme Court, and I quote, noted that ''In times of national crisis, the flag inspires and motivates the average citizen to make personal sacrifices in order to achieve societal goals of importance.''

Not just during war, but maybe there is an earthquake or a fire. It inspires people.

So what do you think on the other side it does to these same people when you desecrate that symbol that lifts them up? And that is why this is important, Mr. Speaker. This is 200 years of tradition.

What is patriotism? I told you in the rule vote about a young Hispanic, that other Hispanics were desecrating the flag and he grabbed the flag and he was beaten, and he stood up and said, ''That is why I immigrated to this country. This flag represents the traditions, the freedoms, the liberty that I stand for.'' And he did not let them burn it.

I mentioned about ''Glory,'' African Americans that picked up the flag when one of their fellow soldiers fell, knowing that they would die. Ask those African American soldiers that charged that fort what they would think of you today rationalizing against this vote that it is a First Amendment vote. It is not.

You have all kinds of actions. You can swear, you can yell, you can protest, you can hold up signs, but just do not desecrate the American flag.

I have a story that I have, a friend that was a prisoner of war for 6½ years. It took him 6 years to gather bits of thread to knit an American flag on the inside of his shirt. And that was fine, until the Vietnamese guards broke in, and they saw the POW with a flag that he hung above on the wall when they were able to get together.

They saw the flag. They ripped it to shreds. They dragged the POW out and they beat him unconscious, so bad that the other prisoners did not think he would survive. And they comforted him as much as they could. He went back in the corner, and a few minutes later they looked and saw this broken-body POW drag himself to the center of the floor and started gathering those bits of thread to knit another American flag.

That is action. Patriotism takes action, and it is action that is unfinished business at all times.

This is not frivolous to us. I was shot down on my 300th mission over Vietnam. The actors that protested the war, that was their right under the First Amendment. I may disagree with them, but it was their right.

Protest in any way you want, just do not burn the American flag. Vote yes on this resolution.

Mr. NADLER. Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member of the subcommittee for yielding me time.

Mr. Speaker, this is about choices, and it is about differences of opinion, so I respect greatly my good friend from California for his desire to move on this legislation. But I think the American people need to be able to flush out what this debate is all about.

H.J. Res. 4, were it to pass, would be the first time in United States history that the Constitution is amended in order to curtail an existing right. Just a few minutes ago on this floor I held up the Constitution, and I said that Americans need to begin to read the Constitution again, that is, to understand that it is a document to give rights, to protect as opposed to prohibit.

We have seen the courts over the years refine our laws, and I have admitted on this floor that crying fire in a crowded theater certainly has been enunciated as being against the order, against law and order, and against the protection of the people. But this amendment does nothing to enhance the rights of Americans.

I have heard my good friend utilize Hispanics and African Americans. I certainly welcome his right to express his viewpoints and whatever characterization he is trying to suggest. But I would offer to say that today we all stand as patriots and Americans, Hispanics, African Americans, Asians; in Texas, Anglos or Caucasians, Native Americans, new immigrants, people seeking opportunity.

The real question is that there is no prohibition for some valiant soldier to rise to the occasion and take a flag across a battlefield. We do not stop that. We applaud that. Nor is there any prohibition likewise for someone who has a disagreement on the political philosophy of this Nation to be able to rise up in disagreement.

Clearly, during the civil rights era, might I say, thank God for the First Amendment, that there were brave souls enough to speak against the horrificness of segregation. If you took the laws of the South, those people should have been jailed, as they were over and over again, you would have confirmed their being jailed for expressing their right to associate against segregation. So this is a matter of choice and a matter of disagreement.

Two generals who were annunciated by my friends, General Powell indicating his position, and a different position, difference of opinion; and this is what this amendment stands for, not accepting differences of opinion.

The Supreme Court in the Gregory Johnson case right out of Texas when this individual in 1989 burned a flag in front of the Republican convention, sounds horrific, sounds embarrassing, but yet the Court of Appeals and the Supreme Court indicated that the lower court's decision should be reversed, holding that the Texas law had been unconstitutionally applied to Johnson in violation of his First Amendment rights. The Supreme Court upheld that right for him to have political expression.

I had such an amendment before the Committee on Rules that political content, speech, should be protected, but yet it was rejected.

I would simply say, Mr. Speaker, in closing, it is a matter of choice and a matter of right. I beg my colleagues not to pass an amendment that restricts the Constitution. That would be wrong and misdirected.

Mr. Speaker, I rise in opposition to H.J. Res. 4, an amendment to the Constitution to prohibit physical desecration of the flag of the United States. I oppose H.J. Res. 4 because this resolution is an overly broad infringement on the First Amendment Right to Freedom of Speech.

BACKGROUND

This is not the first time this Chamber has considered this very Amendment to the Constitution. In 1990, Congress considered and rejected H.J. Res. 350—an Amendment to the U.S. Constitution specifying that ''The Congress and the States have the power to prohibit the physical desecration of the flag of the United States.'' This failed to get the necessary two-thirds congressional majority by a vote of 254–177 in the House and 58–43 in the Senate. Again in 1995 Congress considered the same amendment, H.J. Res. 79, but did not get the necessary two third majority vote of the Senate. In 1999, this Constitutional Amendment, then call H.J. Res. 33, also failed to be passed.

If H.J. Res. 4 were to pass, it would mark the first time in United States' history that the Constitution is amended in order to curtail an existing right. In this case, the proposed amendment would severely narrow the scope of the First Amendment's protection of free expression codified in the Bill of Rights. This dangerous and unnecessary assault on our fundamental liberties would set a terrible precedent.

I renew my opposition to this Constitutional Amendment. Despite my opposition, I agree with the proponents of this Constitutional Amendment that the American flag is a symbol of all of the principles and ideals that this country is built upon—freedom of assembly, freedom of religion, equality, and justice to name a few.

FLAG DESECRATION AND THE FIRST AMENDMENT

One of the most important ideals that the flag symbolizes is the First Amendment protection of freedom of speech. I believe that freedom of speech should be protected without condition. The Supreme Court of the United States, as it relates to desecration of the flag, appears to agree.

In 1989 the Supreme Court addressed the issue of flag desecration as it related to the First Amendment. In 1989, the Supreme Court finally addressed whether a flag burning statute violates the First Amendment in Texas v. Johnson.

In that case, Gregory Johnson was arrested for burning the U.S. flag during a demonstration outside of the Republican National Convention in Dallas. Mr. Johnson's actions were deemed to be in violation of Texas' ''Venerated Objects'' law. The Texas statute outlawed ''intentionally or knowingly'' desecrating a ''national flag.'' The statute, defined the term ''desecrate'' to mean ''to deface, damage or otherwise physically mistreat in a way that the actor knows will seriously offend one or more persons likely to observe or discover his action.'' The Court of Appeals for the Fifth District of Texas upheld Johnson's conviction under the Venerated Objects law. The Court of Criminal Appeals, Texas' highest criminal court, reversed the lower court decision, holding that the Texas law had been unconstitutionally applied to Johnson in violation of his First Amendment rights.

The Supreme Court affirmed the Texas Court of Criminal Appeals ruling and determined that the First Amendment protects those citizens who burn the U.S. flag in political protest from prosecution. The Supreme Court ruled that Johnson's conduct constituted a symbolic expression that was both intentional and overly apparent. According to the Supreme Court, the Texas statute was ''content-based'' and, therefore, subject to ''the most exacting scrutiny test'' outlined in another Supreme Court case, Boos v. Barry. The Texas statute was deemed content-based because Johnson's guilt depended on the communicative aspect of his expressive conduct and was restricted because of the content of the message he conveyed. Furthermore, the Court stated that, although the Government has an interest in encouraging proper treatment of the flag, it was prohibited from criminally punishing a person for burning a flag as a means of political protest. The Court determined that the Texas statute was designed to prevent citizens from conveying ''harmful'' messages, reflecting a government interest that violated the First Amendment principle that government may not prohibit expression of an idea simply because it finds the idea offensive or disagrees with the idea.

In response to the Johnson ruling, Congress passed the content-neutral ''Flag Protection Act of 1989.'' The Flag Protection Act of 1908 prohibited flag desecration under all circumstances by removing the requirement that the conduct cast contempt upon the flag. The statute also narrowly defined the term ''flag'' in an effort to avoid any vagueness problems. After the Flag Protection Act was passed, a series of the flag burnings took place in cities across. Criminal charges were brought against protesters who participated in flag burning incidents in Seattle and Washington, D.C. In both cases, the federal district courts relied on Johnson, striking down the 1989 law as unconstitutional when applied to political protesters.

In U.S. v. Eichman, the Supreme Court protected First Amendment freedom of speech, and in a 5–4 decision upheld the lower federal court rulings and struck down the Flag Protection Act of 1989. The Court ruled, again, that the Government's stated interest in protecting the status of the flag ''as a symbol of our Nation and certain national ideals'' was a ''suppression of free expression'' that gave rise to an infringement of First Amendment rights. The Court acknowledged that the 1989 law, unlike the Texas statute in Johnson, contained no content-based limitations on the scope of protected conduct. However, the Court determined, the federal statute was subject to strict scrutiny because it could not be enforced without reference to the message of the ''speaker.''

The supporters of H.J. Res. 4 argue that flag desecration should not be considered speech within the meaning of First Amendment. On the contrary, it is precisely the expressive content of acts involving the flag that the amendment would target. These expressive acts are within the definition of speech. It is obvious that the criminal sanctions against flag burning in the Johnson case, and the criminal sanctions the sponsors of this amendment will likely seek to enact if H.J. Res. 4 is adopted, are directly related to the expressive content of the act of burning the flag.

Under current law ''[t]he flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.'' It is clear then, that the prohibitions against flag burning or ''physical desecration'' in H.J. Res. 4 are fundamentally content-based. Burning a flag to demonstrate respect or patriotism is permissible under current law. Should the proposed amendment pass, burning the flag to convey a political viewpoint of dissent or anger at the United States would become a crime.

The airing of unpopular, dissenting views is an affirmative social good. Attempt to place limits on the manner of form of expressing unpopular views must inevitably translate into limits on the content of the unpopular views themselves. Likewise, limitations on the use of the flag in political demonstrations ultimately undermines First Amendment free speech.

Adoption of H.J. Res. 4 will also create a number of dangerous precedents in our legal system. The Resolution will encourage further departures from the First Amendment and diminish respect for our Constitution. Doing so would make it unlikely to be that this would be the last time Congress acts to restrict our First Amendment liberties.

H.J. RES. 4 DOES NOT HONOR AMERICA'S VETERANS

It also flawed reasoning to argue that this amendment honors the courage and sacrifice of America's veterans. It may be the opinion of many American's that we should condemn those who would dishonor our nation's flag. However, H.J. Res. 4 will dishonor the Constitution and betray the very ideals for which so many veterans fought, and for which so many members of our armed forces made the ultimate sacrifice. In a May 18, 1999 letter to Senator PATRICK LEAHY, General Colin L. Powell said:

The First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous. I would not amend that great shield of democracy to hammer a few miscreants. The flag will by flying proudly long after they have slunk away.

Another honored member of our Armed Services, Jim Warner, a Vietnam veteran and prisoner of the North Vietnamese from October 1967 to March 1973, wrote:

The fact is, the principles for which we fought, for which our comrades died, are advancing everywhere upon the Earth, while the principles against which we fought are

everywhere discredited and rejected. The flag burners have lost, and their defeat is the most fitting and thorough rebuke of their principles which the human could devise. Why do we need to do more? An act intended merely as an insult is not worthy of our fallen comrades. It is the sort of thing our enemies did to us, but we are not them, and we must conform to a different standard. . . . Now, when the justice of our principles is everywhere vindicated, the cause of human liberty demands that this amendment be rejected. Rejecting this amendment would not mean that we agree with those who burned our flag, or even that they have been forgiven. It would, instead, tell the world that freedom of expression means freedom, even for those expressions we find repugnant.

The flag is a symbol of our freedoms. The right to speak openly, even if that speech is unpopular, is a freedom. As we consider this Amendment we are faced with a difficult question: Do we protect a symbol of freedom of speech, or do we protect free speech itself? When given the choice, I choose to protect freedom itself over a symbol of freedom.

Mr. Speaker, while many Americans find desecration of the flag offensive or distasteful, the strength of our nation lies in our ability to tolerate dissent and allow free speech especially when we disagree. We should not let a handful of offensive individuals cause us to surrender the very freedoms that make us a beacon of liberty for the rest of the world. For these reasons, I urge my colleagues to vote no on H.J. Res. 4.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the word seems to be around here that the Supreme Court decisions are sacrosanct and we should never amend the Constitution when the Congress and the several States believe the Supreme Court is wrong. I believe the Supreme Court is wrong in this, and that is why this amendment is before us.

But I point out that in three of the 17 instances since the Bill of Rights was ratified, the Congress and the States have amended the Constitution to reverse Supreme Court decisions. The 11th Amendment reversed the decision relative to the judicial power of the United States. The 14th Amendment reversed the Dred Scott decision. The 16th Amendment reversed the decision on the income tax. So, three of the 17 amendments that have been ratified since 1791 have reversed Supreme Court decisions that the Congress and the States have thought were erroneous.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

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

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

I must tell you, Mr. Speaker, I think this is a great debate. As a member of the Committee on the Judiciary, as someone trained in constitutional law, I find the passion that I hear on this floor today for the First Amendment truly inspiring, and I respect it immensely.

In fact, would that we had heard that same passion for protecting the free speech rights of Americans when last year this Congress adopted severe limitations on campaign speech in the so-called campaign finance reform legislation. But that is a battle for another branch of this government and another day.

I rise today, rather, Mr. Speaker, to try and express from my heart what I believe this amendment means to millions of patriotic Americans who support it, and I do so with a sincere heart, to speak to those millions of patriotic Americans who oppose it.

After surviving the bloodiest battlefield since Gettysburg, a squad of Marines trudged up Mount Suribachi on Sulfur Island with a simple task: to raise the American flag above the devastation below. When the flag was raised by Sergeant Mike Strank and his men, history records that a thunderous cheer rose from the troops on land and on sea, in foxholes and on stretchers. Hope returned to that field of battle when the American flag began flapping in the wind.

It is written, Mr. Speaker, that without a vision, the people perish. The flag was the vision that inspired and rallied our troops on Iwo Jima, and I would offer to you humbly today, the flag is still the vision for Americans who cherish those who stood ready to make the necessary sacrifices. It may well be why every single veterans group in America is scoring the vote in favor of the flag resolution today.

I would offer that by adopting this flag protection amendment, we will raise Old Glory again. We will raise her above the decisions of the judiciary that was both wrong on the law and on history. We will raise the flag above the cynicism of our times. We will say to my generation of Americans those most unwelcome of words, there are limits. Out of respect for those who serve beneath it and for those who died within the sight of it, we must say there are boundaries necessary to the survival of freedom.

Let us raise the American flag to her Old Glory again.

Mr. NADLER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, we are gathered here today to debate a constitutional amendment that would restrict the right of an American to make a foolish, foolish mistake with his own property. My primary objection to this amendment is that it will give government a tool with which to prosecute Americans with minority views, particularly at times of great national division, behavior that would have been perceived as patriotic if done by the majority.

Unfortunately, our history has abundant examples of patriotism being used to hurt those who express views in disagreement with that of the majority. Let me share with you some news stories taken from the New York Times in years of great strife in America.

The first one I would like to read is from April 7, 1917, 1917, headline: ''Diners Resent Slight to the Anthem. Attack a Man and Two Women Who Refuse to Stand When It Is Played. There was much excitement in the main dining room at Rectors last night following the playing of the Star Spangled Banner. Frederick Boyd, a former reporter on the New York Call, a Socialist newspaper, was dining with Miss Jessie Ashley and Miss May Towle, both lawyers and suffragists. The three, alone of those in the room, remained seated. There were quiet, then loud and vehement protests, but they kept their chairs.

''The angry diners surrounded Boyd and the two women and blows were struck back and forth, the women fighting valiantly to defend Boyd. He cried out he was an Englishman and did not have to get up, but the crowd would not listen to explanation. Boyd was severely beaten when the head waiter succeeded in reaching his side. Other waiters closed in and the fray was stopped.

''The guests insisted upon the ejection of Boyd and his companions and they were asked to leave. They refused to do so, and they were escorted to the street and turned over to a policeman who took Boyd to the West 47th Street Station, charged with disorderly conduct.

''Before the magistrate, Boyd repeated that he did not have to rise at the playing of the National Anthem, but the court told him that while there was no legal obligation, it was neither prudent nor courteous not to do so in these tense times, and he was found guilty of disorderly conduct and released on suspended sentence.''

Another one, July 2, 1917, headline: ''Boston Peace Parade Mobbed. Soldiers and Sailors Break Up Socialist Demonstration and Rescue Flag. Socialist Headquarters Ransacked and Contents Burned, Many Arrests for Fighting.

''Riotous scenes attended a Socialist parade today which was announced as a peace demonstration. The ranks of the marchers were broken up by self-organized squads of uniformed soldiers and sailors. Red flags and banners bearing socialistic mottos were trampled on, and literature and furnishings in the Socialist headquarters in Park Square were thrown into the street and burned.

''At Scollay Square there was a similar scene. The American flag at the head of the line was seized by the attacking party and the band, which had been playing 'The Marseillaise' with some interruptions, was forced to play 'The Star Spangled Banner' while cheers were given for the flag.''

The last one, from March 26, 1918.

□ 1530

''Pro-Germans Mobbed in Middle West. Disturbances Start in Ohio and are Renewed in Illinois. Woman among Victims.

''Five businessmen of Delphos, a German settlement in western Allen County near here, accused of pro-Germanism, were hunted out by a volunteer vigilance committee of 400 men and 50 women of the town, taken into a brilliantly lit downtown street and forced to kiss the American flag tonight under pain of being hanged from nearby telephone poles.''

What do these old stories from the New York Times have to do with this very important and heartfelt debate today? The decision we make today, it seems to me, is a balancing, a weighing of what best preserves freedom for Americans. There may well be a decrease in public deliberate incidents of flag desecration, acts that we all deplore, if this amendment becomes part of our Constitution.

On the other side of our ledger, if this amendment becomes part of our Constitution, in my opinion, it will become a constitutionally sanctioned tool for the majority to tyrannize the minority. As evidenced by these news stories from a time of great divisiveness in our Nation's history, government, which ultimately is human beings with all of our strengths and weaknesses, will use this amendment to question the patriotism of vocal minorities, will use it to find excuses to legally attack demonstrations which utilize the flag in an otherwise appropriate manner.

Let me give an example. I was at a rural county fair in Arkansas several years ago, and a group had a booth with a great patriotic display in addition to handouts and signs. They had laid across the table like a tablecloth an American flag. I knew these people thought this to be a very patriotic part of the display. I watched as one of the volunteers sat on the table, oblivious to the fact he was sitting on our American flag. His action was a completely innocent mistake, and he did not realize such behavior is inconsistent with good flag etiquette.

I believe that had this group been a fringe group, those with views contrary to the great majority, and should we have laws prohibiting physical desecration of the flag, such an action as I described would not be excused as an innocent mistake. Instead, a minority group might be prosecuted, out of anger, out of disgust, but make no mistake, the motivation for such a prosecution would be that they hold a minority view.

Mr. Speaker, I do not think our Constitution will be improved nor our freedoms protected by placing within it enhanced opportunity for minority views to be legally attacked, ostensibly because of their misuse of the flag, but in reality because of views that many consider out of the mainstream.

I urge a ''no'' vote on the proposed amendment, and for the same reasons, a ''no'' vote on the substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield 7 minutes to the gentleman from Illinois (Mr. HYDE), my distinguished predecessor as chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Speaker, I thank the gentleman from Wisconsin for yielding time to me.

Mr. Speaker, one of the great aspects of the privilege of being a Congressman is that we get to debate some pretty noble issues. We get to engage in them. This is certainly one. I am delighted this debate is occurring.

In my view, there is something larger at work here than simply the flag itself. I think this amendment offered by the gentleman from California (Mr. CUNNINGHAM) is an effort by mainstream Americans to reassert community standards. This bill is a protest against the vulgarization of our society.

In our popular culture, decent standards are under constant and withering assault. This amendment is an assertion that the community has some rights, too, and that with rights go responsibilities which help provide a moral compass for our ''anything goes'' society.

This amendment partially corrects the oversight in our Constitution whereby we have a Bill of Rights, oh, do we have a Bill of Rights, but no bill of responsibilities. Then, of course, a right is meaningless unless we are all responsible for respecting it, so one depends on the other.

This amendment asserts that our flag is not simply a piece of cloth, but like a photograph of our families on our desks, it symbolizes certain unifying ideals that most Americans hold sacred.

Our national motto, ''E Pluribus Unum,'' underscores the fact that we are a thoroughly diverse Nation. If we look around this room, not at this moment, but when we are all present, we see a wildly diverse group of Irish and Greeks and Poles and African Americans and Hispanics, et cetera, et cetera, et cetera. Our whole country is a diverse exposition of people coming together, proud of their ethnicity, of their language, their native music, their culture.

But at the same time, there are unifying principles, things we share together. That is what ''E Pluribus Unum'' means, ''one from many.'' We are still one Nation. We are all blessed, no matter our background, with the rule of law. That is a unity worth celebrating, not denigrating.

What is it about this swatch of fabric we call a flag? What gives it such beauty and power as it floats in the breeze? Well, men have followed it into battle again and again in defense of freedom, draped it over the coffins of heroes returned.

I remember standing at a gravesite in Normandy and looking at the cross. It says, ''Here lies in honored glory, a comrade in arms known but to God.'' And decorating that sparse, grim grave was a little flag that somebody had put near the cross. I looked at that and I thought that little flag was saying thank you for all America to that unknown soldier, thank you and God grant you peace.

If we ask an old veteran attending a Memorial Day ceremony as he struggles to his feet to salute the flag, what does he think of when we see the flag, he will tell us freedom, sacrifice, and hope. Yes, it is called Old Glory because it is old; it has been handed down from generation to generation, and Glory because it stands for the most precious ideas human beings have ever known.

Justice Frankfurter in a 1940 case said, ''We live by symbols.'' He went on to say, ''The ultimate foundation of a free society is the binding tie of cohesive sentiment.''

Woven into the fabric of the flag is the collective memory of America from Bunker Hill to Baghdad. America lacks the cultural homogeneity that China or Japan or even France has, but as Americans, we share the unity of the Declaration.

But cohesive sentiment is what the flag symbolizes, and as tombstones are not for toppling nor churches for vandalizing, flags are not for burning. Burn a $10 bill and you violate the law. Walk down Constitution Avenue at high noon without your clothes on and you will soon learn the limits of self-expression. Free speech is not absolute, never has been. We have slander and libel laws, copyright laws, and many other limitations.

This amendment does not trivialize our Constitution, far from it. It recognizes that nothing is more important in a democratic society than emphasizing the tradition of responsibility that nourishes our liberty.

Saul Bellow, the novelist, said years ago, ''A great deal of intelligence can be invested in ignorance when the need for illusion is great.'' When I hear my learned friend, the gentleman from New York (Mr. NADLER), managing this bill on the other side of the aisle, saying that never in 200 years have we attempted to amend the first amendment, I refer him to the 13th amendment and the 14th amendment, 1865–1868, and suggest that maybe some law schools are better than others.

In any event, let me close with a paragraph from an article that I have saved over the years written by a woman named Diane Schneider. ''You, of course, have the right to burn Old Glory. If you are compelled to so express your disdain, if you can find no civil outlet in speech or song, you are protected by law. But if I am there when you put a match to the colors, know this: I will take the flaming fabric in my hands, crush the embers and hold the star-spangled banner as high as I can in the free wind.''

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank the gentleman for yielding time to me, my New York colleague. He and I both came to Congress together.

I rise in support of and cosponsor this resolution which proposes an amendment to the Constitution allowing Congress to ban the desecration of our an American flag. You can speak your mind, but do not burn our flag.

I am a strong supporter of our first amendment rights to the freedom of expression. However, we do have limits. If I burn my car, protesting the auto maker, I am fine. If I burn a U.S. dollar, it is illegal.

For instance, court-made law restricts our freedom of speech as limited by the example given in law school classes about not screaming fire in a theater. That is court-made law that restricts my freedom of speech.

What we are trying to do today with this amendment is similar. We want the authority to enact legislation to say that desecration or burning the symbol of our country is unjust, just as yelling fire in a crowded theater is unjust.

A hallowed symbol like our flag deserves to be respected and protected as a national treasure. Our flag represents a principle our Nation was founded on and many people have given their lives for. I believe it should be afforded the maximum protection we can give it legislatively.

For these reasons, I am proud to be a cosponsor, and urge my colleagues to join me in supporting it.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, the issue that we face this afternoon is very simple. It is whether or not the American flag is of such importance to the American people that their elected Representatives should have the right to protect the desecration of that flag.

I would submit that the answer to that is deafening from voices from every military base, local barbershop, restaurant, church, school, or veterans group in America.

Last week I had the privilege to fly out to the USS *Roosevelt* as she returned home from her great efforts in Iraq. Just before that great aircraft carrier made its turn into the pier, all of those sailors in white uniforms circled around the aircraft carrier and in each of their hands was an American flag. As they turned and looked at the pier, they all raised their flags up, and the people on the pier raised their flags up in a great symbol of unity.

If we ask any of them if the flag is worth protecting, they will tell us that we are absolutely doing the right thing.

But Mr. Speaker, I will tell the Members that the testimony that was most compelling to me did not come from any of these, or any of the testimony before the subcommittee or the full committee, but it came really in the unintentional testimony of my 17-year-old son, Justin, that convinced me of what we were doing today and that it was the right thing.

Justin is like a lot of teenagers, he does not like politics and his greatest love is basketball. My wife and I were therefore surprised when we discovered a few weeks ago that he had written an essay that had been selected as the number one essay on patriotism in Virginia by the State PTA.

He wrote that he was just an ordinary teenager who spent most of his time talking about girls, playing basketball, or fixing up his 1981 Jeep. He said he had an ordinary grandfather who was neither richer, smarter, nor better-looking than most people. Yet when his grandfather was 19 years old, he left for the Army only 3 days after he got married, and he ended up in a little place called Normandy. Fortunately, he arrived several weeks after the initial invasion, but Justin wrote that he could not get over the courage and commitment of 19-year-old boys coming off landing craft.

He wrote about September 11, when he looked at ordinary men and women who did extraordinary things across the country, and the thing that united them was the American flag.

Mr. Speaker, Justin concluded by saying that most of our heroes are very ordinary people who do very extraordinary things. He said that even though he might be ordinary, there was one time when he became very extraordinary, and that was when he held his flag high. That united him with his grandfather, it united him with the victims of 9/11, and it united him with all the other great heroes of this country.

I agree with him. I think it is time we hold this flag up high. It is time we say it really is a special piece of cloth.

Mr. Speaker, I think it is time we pass this legislation.

Mr. NADLER. Mr. Speaker, I am delighted to yield 3 minutes to the distinguished gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, certainly I am totally appreciative of my dear friend, the gentleman from New York (Mr. NADLER), yielding time to me.

When I first came to Congress, and each Congress since, I raised my right hand and swore to uphold and defend our Constitution. I rise today in the spirit of that oath.

Flag desecration offends all of us. Above all, we are a nation of law. Our Supreme Court has consistently held that behavior to be political expression, the very sort of unpopular speech the first amendment was intended to protect. No matter how rude or unpleasant, political expression of opposition to the government is constitutional.

This Congress, Mr. Speaker, is made up of people from all walks of life, of all political, religious, and philosophical persuasions. That does not deduce our patriotism among any of us. I was not born Julia Carson; I was married into the family of Carsons. My husband, Sam Carson, was a 100 percent service-connected Korean War veteran. My son, Sam Carson, is also a veteran of the Marine Corps.

Once again this week, in the fifth Congress in a row, in anticipation of Flag Day we are called upon to consider a bill to bring about an amendment to the Constitution to get around the Supreme Court's repeated holdings that tampering with, insulting, or defiling the flag is protected conduct under the first amendment, the bedrock of our Bill of Rights.

□ 1545

I heard one of my distinguished colleagues indicate how good it is for soldiers to come back into this country and be met by the waving of the flag.

I was very troubled recently to see on the news where so many of our reservists who were called up and who leave families behind, families are in dire straits economically. One particular reservist left a $25,000 job to serve his country and his family; his wife and four children had to move in with her parents in very small and cramped quarters. Yet we do a tax cut and cut out the families of those who are sent to protect the freedom of Iraq and the freedom of America.

Over the years we have made constructive changes to our Constitution. But in the 200 years we have enjoyed its protections, we have never before changed the meaning of the Bill of Rights, not so much as a single comma, recognizing and protecting that document as our freedom shield. I believe that this is no time to change the first amendment's protection of freedom and expression, so basic and so critical to the way American democracy works. This is brought home especially by the sacrifice of soldiers fighting and dying even today to ensure that Iraqi people have the right to speak and live freely and the right to protest against their own government. This is a fundamental value of freedom's promise, no less in Iraq, no less in the United States.

When first I came to Congress, and each Congress since, I raised my right hand and swore to uphold and defend our Constitution. Mr. Speaker, I rise today in the spirit of that oath.

Flag desecration offends us all but, above all, we are a nation of law. Our Supreme Court has consistently held that behavior to be political expression, the very sort of unpopular speech the first amendment was intended to protect—no matter how rude or unpleasant—political expression of opposition to the government.

Once again this week, in the fifth Congress in a row, in anticipation of Flag Day we are called upon to consider a bill to bring about an amendment to the Constitution to get around the Supreme Court's repeated holdings that tampering with, insulting or defiling the flag is protected conduct under the first amendment, the bedrock of our Bill of Rights.

The main objective of the first amendment is to stop Congress and the courts from picking and choosing what kinds of speech are permitted. It is clear that what would be regulated by this amendment is not physical desecration of the flag, but the sentiments expressed by the action.

Over the years we have made constructive changes to our Constitution but in the 210

years we have enjoyed its protections we have never before changed the meaning of our Bill of Rights—not so much as a single comma—recognizing and protecting that document as our freedom's shield.

I believe that this is no time to change the first amendment's protection of freedom of expression, so basic and so critical to the way American democracy works. This is brought home especially by the sacrifice of our soldiers fighting and dying—even today—to assure the Iraqi people the right to speak and live freely, and the right to protest against their own government. This is a fundamental value of freedom's promise, no less so in places where we would see freedom take new root than here at home.

However offensive such conduct may feel, the answer is not to restrict the freedom to speak. Rather, the answer is to remind our fellow citizens of how important unfettered political speech is to our democracy, how fundamental to our freedom. Supreme Court Justice Robert Jackson put it well back in 1943—during World War II: "Freedom to differ is not limited to things that do not matter. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order."

Sometimes we make a law because we can and not because we should, a powerful temptation we should resist. Changing the meaning of the Constitution to address hateful conduct by a tiny minority is unnecessary.

Together we have weathered severe crises over the past 2 years, proof that we can withstand the ugly actions of a few misguided protesters. Secretary of State Colin Powell said it well, "I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away."

Patriotism that forces reverence for national symbols at the expense of vital constitutional rights is not what our country is about.

I will honor and celebrate the flag by taking a stand for liberty and to support the Constitution and the Bill of Rights by voting to defeat this proposal.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I am getting a little sick of hearing that this is an assault on the first amendment. We are using constitutional processes to overturn a Supreme Court decision that made no sense.

Now, last year a lot of my colleagues, not me, voted for a campaign finance reform bill that significantly restricted people's rights to express themselves on political issues. And that was emaciated by a lower Federal court, and it probably will be declared unconstitutional as well by the Supreme Court. So let us be consistent, the first amendment is not absolute.

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman for yielding me time. I wish to associate myself with the gentleman's remarks just previous and also restate the Supreme Court has changed the meaning of the Bill of Rights. That is why we are here today.

I am a cosponsor of House Joint Resolution 4, which empowers Congress to protect the paramount symbol of liberty of the United States by providing that "the Congress shall have power to prohibit the physical desecration of the flag of the United States."

To desecrate the American flag is equal to inciting a riot. Those that burn the flag do so for the sole purpose of striking horror into the hearts of veterans, members of armed services and patriots across the country.

For over half a century, every single State in the Union, and later the Federal Government, outlawed flag desecration without constitutional objection. Such laws have now been negated by a single opinion that the five Justices of the United States Supreme Court rendered in 1989 in Texas v. Johnson.

Countless Americans have fought and died under our flag. Our flag stands for our freedom as a Nation, a bulwark signifying not only our sovereignty but our resolve as a people against tyranny and terror. We must restore our great symbol of liberty to its rightful place under the laws so that our ancestors and immigrants, our friends and enemies, will have no doubt about its value, its meaning, or the very dear price paid to preserve our freedom.

I witnessed the desecration of hundreds of flags in this city this year. It is a sad and sickening sight. I urge you to vote for H.J. Res. 4 to protect our flag that Americans have fought and died for.

Mr. NADLER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, last year this House and the other body and the President all cooperated in passing legislation to improve campaign financing techniques. Some people say that regulated speech. What it did was regulate expenditures of money. Many people do not consider money as speech. It is a different issue.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER).

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

Mr. TANNER. Mr. Speaker, I rise to oppose what I think is a well intentioned but misguided effort here to amend the first amendment, the Bill of Rights.

Every nation on Earth that I know of has a flag. There is only one that has a bill of rights and that is us. And that is the difference here. Every repressive regime I know of throughout history has tried in some form or another to repress the destruction of whatever they have consider symbolic. Again, every nation on Earth has a flag. There is only one that has a bill of rights, and that is us. We are talking about the first amendment.

For Congress to knowingly give to the government the power to prescribe what is permissible protest when that protest does not affect any other freedoms, nor does it physically harm anybody else, but yet give to the government the right to prescribe limits on that I think is wrong. And I just say this, once we breach the Bill of Rights, they then become relevant. Up until now they are not. We breach those, they become relevant, believe you me it will not be long before there will be some on this floor talking about the second amendment and why we need to change that.

So I want all the conservative thinkers in this body and around the country to think about what we are doing. As a symbol, we are going over ground that has not been plowed. Every nation has a flag only. One has a bill of rights, and that is why I think this is a misdirected effort.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Speaker, even though I generally do not support amending the Constitution, today I rise in strong support of this proposed constitutional amendment.

We have come here today because five individuals in black robes have opined that we must tolerate flag desecration as protected speech. As a result of that opinion, 48 States and the District of Columbia have decided not to enforce their own laws prohibiting the desecration of the flag of the United States of America.

Clearly, I believe the Supreme Court has it wrong. The flag is a unique symbol that merits our special recognition. The flag represents our freedom, our history, and our values as a Nation. In battles spanning 2 centuries in all corners of the globe, the flag has served as an inspiration and rallying point for U.S. soldiers fighting for the ideals it embodies.

More than a million Americans have given their lives in defense of our flag and our unique way of life. Many of those who gave the last full measure of devotion in serving their Nation were honored with a flag draped over their caskets. This proposed amendment places the debate exactly where our framers intended for it to take place, in the town halls across America. It is the American people, not the Supreme Court, that have the ultimate responsibility to answer constitutional questions. And that is encouraging to me, Mr. Speaker, because as it was suggested earlier that we act today to amend the Constitution because of the vulgarization of society, I believe we are here actually today because of the facilitation of the vulgarization of society by the highest Court in the land, the Supreme Court of the United States.

Forty-nine State legislatures, including my home State of Indiana, have passed resolutions asking that Congress approve this amendment to the Constitution. Moreover, Mr. Speaker, I find the words of the Pledge of Allegiance telling: "I Pledge Allegiance to the flag of the United States of America and to the republic for which it stands."

I would underscore that this simple phrase recited every morning in this

very Chamber pledges our allegiance not only to the Republic but to the flag itself. Mr. Speaker, others will argue that the ideals of the flag are the only things that are worth protecting. I must respectfully disagree with their argument.

The flag itself occupies a unique place in our Republic. It is the one symbol that merits our allegiance. Why do we continue to pledge our devotion and support to a flag if we are not willing to protect it from desecration? I urge my colleagues to support the proposed amendment.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I thank the ranking member for yielding me time.

When I was a little girl in elementary school and I learned the Pledge of Allegiance, I was so very proud. Even in my French class our French teacher taught us how to say the Pledge of Allegiance in French. As I stand here today, I know I can still remember those words.

I am so pleased to hear so many talk about allegiance to the flag and to the Republic, and they drape themselves in the flag and talk about all these issues that are important to them; yet I have stood here on the floor of the House and listened to my colleagues pass legislation that denies liberty and justice for all in this country.

I have seen us pass legislation that denies liberty and justice for all with regard to the child care credit. I have seen them deny liberty and justice for all for a whole lot of reasons. But what I say to you today is this debate is not about that piece of material up there, the flag that we all revel. This debate is merely about whether we are going to stand here and be divided, one side or the other, about whether or not people have a right to free expression and a right to free speech. And I stand with those who are entitled to free speech and a right to speak out on their own.

I love the flag. All of us love the flag. But let us not fool anybody about why we are debating the issue. It would be great. I even heard someone talk about African American soldiers. My father was an African American soldier. He is 83 years old. He was denied his rights of liberty and justice because he had to serve in a segregated Army, and he talks to me about that all the time.

So let us get real. Let us talk about the facts, and let us say the only reason we are up here debating this issue is because there are some who want to deny people the right of free expression and the right of free speech. So I stand here opposed to this resolution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

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

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

Mr. Speaker, I rise in opposition to this amendment. I do not believe much good will come of it. A lot of good intentions are put into the effort, but I see no real benefit.

It was mentioned earlier that those who supported campaign finance laws were inconsistent. And others would say that we do not have to worry about the first amendment when we are dealing with the flag amendments. But I would suggest there is another position. Why can we not be for the first amendment when it comes to campaign finance reform and not ask the government to regulate the way we spend our money and advertise, at the same time we protect the first amendment here?

It seems that that consistency is absent in this debate.

It is said by the chairman of the committee that he does not want to hear much more about the first amendment. We have done it before, so therefore it must be okay. But we should not give up that easily.

He suggested that we have amended the Constitution before when the courts have ruled a certain way. And he says absolutely right, we can do that and we have done that. But to use the 16th amendment as a beautiful example of how the Congress solves problems, I would expect the same kind of dilemma coming out of this amendment as we have out of the 16th amendment which, by the way, has been questioned by some historians as being correctly ratified.

I think one of our problems has been that we have drifted away from the rule of law, we have drifted away from saying that laws ought to be clear and precise and we ought to all have a little interpretation of the laws.

The gentleman earlier had said that there are laws against slander so therefore we do violate the first amendment. Believe me, I have never read or heard about a legislative body or a judge who argued that you can lie and commit fraud under the first amendment. But the first amendment does say ''Congress shall write no laws.'' That is precise. So even the laws dealing with fraud and slander should be written by the States. This is not a justification for us to write an amendment that says Congress shall write laws restricting expression through the desecration of the flag.

□ 1600

So we do not know what the laws are, but when the laws are written, that is when the conflict comes.

This amendment, as written so far, does not cause the conflict. It will be the laws that will be written and then we will have to decide what desecration is and many other things.

Earlier in the debate it was said that an individual may well be unpatriotic if he voted against a Defense appropriation bill. I have voted against the Defense appropriation bill because too much money in the Defense budget goes to militarism that does not really protect our country. I do not believe that is being unpatriotic.

Mr. Speaker, let me summarize why I oppose this Constitutional amendment. I have myself served 5 years in the military, and I have great respect for the symbol of our freedom. I salute the flag, and I pledge to the flag. I also support overriding the Supreme Court case that overturned State laws prohibiting flag burning. Under the Constitutional principle of federalism, questions such as whether or not Texas should prohibit flag burning are strictly up to the people of Texas, not the United States Supreme Court. Thus, if this amendment simply restored the State's authority to ban flag burning, I would enthusiastically support it.

However, I cannot support an amendment to give Congress new power to prohibit flag burning. I served my country to protect our freedoms and to protect our Constitution. I believe very sincerely that today we are undermining to some degree that freedom that we have had all these many years.

Mr. Speaker, we have some misfits who on occasion burn the flag. We all despise this behavior, but the offensive conduct of a few does not justify making an exception to the First Amendment protections of political speech the majority finds offensive. According to the pro-flag amendment Citizens Flag Alliance, there has been only 16 documented cases of flag burning in the last two years, and the majority of those cases involved vandalism or some other activity that is already punishable by local law enforcement!

Let me emphasize how the First Amendment is written, ''Congress shall make no law.'' That was the spirit of our Nation at that time: ''Congress shall make no laws.''

Unfortunately, Congress has long since disregarded the original intent of the Founders and has written a lot of laws regulating private property and private conduct. But I would ask my colleagues to remember that every time we write a law to control private behavior, we imply that somebody has to arrive with a gun, because if you desecrate the flag, you have to punish that person. So how do you do that? You send an agent of the government, perhaps an employee of the Bureau of Alcohol, Tobacco and Flags, to arrest him. This is in many ways patriotism with a gun—if your actions do not fit the official definition of a ''patriot,'' we will send somebody to arrest you.

Fortunately, Congress has modals of flag desecration laws. For example, Sadam Hussein made desecration of the Iraq flag a criminal offense punishable by up to 10 years in prison.

It is assumed that many in the military support this amendment, but in fact there are veterans who have been great heroes in war on both sides of this issue. I would like to quote a past national commander of the American Legion, Keith Kreul. He said:

> Our Nation was not founded on devotion to symbolic idols, but on principles, beliefs and ideals expressed in the Constitution and its Bill of Rights. American veterans who have protected our banner in battle have not done so to protect a golden calf. Instead, they carried the banner forward with reverence for what it represents, our beliefs and freedom for all. Therein lies the beauty of our flag. A patriot cannot be created by legislation.

Secretary of State, former Chairman of the Joint Chiefs, and two-time winner of the Presidential Medal of Freedom, Colin Powell has also expressed opposition to amending the constitution in this manner:

> I would not amend that great shield of democracy to hammer out a few miscreants. The flag will be flying proudly long after they have slunk away.

Mr. Speaker, this amendment will not even reach the majority of cases of flag burning. When we see flag burning on television, it is usually not American citizens, but foreigners who have strong objections to what we do overseas, burning the flag. This is what I see on television and it is the conduct that most angers me.

One of the very first laws that Red China passed upon assuming control of Hong Kong was to make flag burning illegal. Since that time, they have prosecuted some individuals for flag burning. Our State Department keeps records of how often the Red Chinese persecute people for burning the Chinese flag, as it considers those prosecutions an example of how the Red Chinese violate human rights. Those violations are used against Red China in the argument that they should not have most-favored-nation status. There is just a bit of hypocrisy among those members who claim this amendment does not interfere with fundamental liberties, yet are critical of Red China for punishing those who burn the Chinese flag.

Mr. Speaker, this is ultimately an attack on private property. Freedom of speech and freedom of expression depend on property. We do not have freedom of expression of our religion in other people's churches; it is honored and respected because we respect the ownership of the property. The property conveys the right of free expression, as a newspaper would or a radio station. Once Congress limits property rights, for any cause, no matter how noble, it limits freedom.

Some claim that this is not an issue of private property rights because the flag belongs to the country. The flag belongs to everybody. But if you say that, you are a collectivist. That means you believe everybody owns everything. So why do American citizens have to spend money to obtain, and maintain, a flag if the flag is community owned? If your neighbor, or the Federal Government, owns a flag, even without this amendment you do not have the right to go and burn that flag. If you are causing civil disturbances, you are liable for your conduct under state and local laws. But this whole idea that there could be a collective ownership of the flag is erroneous.

Finally, Mr. Speaker, I wish to point out that by using the word ''desecration,'' which is traditionally reserved for religious symbols, the authors of this amendment are placing the symbol of the state on the same plane as the symbol of the church. The practical effect of this is to either lower religious symbols to the level of the secular state, or raise the state symbol to the status of a holy icon. Perhaps this amendment harkens back to the time when the state was seen as interchangeable with the church. In any case, those who believe we have ''no king but Christ'' should be troubled by this amendment.

We must be interested in the spirit of our Constitution. We must be interested in the principles of liberty. I therefore urge my colleagues to oppose this amendment. Instead, my colleagues should work to restore the rights of the individual states to ban flag burning, free from unconstitutional interference by the Supreme Court.

Mr. NADLER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. ACKERMAN).

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

Mr. ACKERMAN. Mr. Speaker, I love our flag and that for which it stands. It stands for a Nation founded by people fleeing from an oppressive regime. It stands for freedoms, not the least of which is the freedom of opinion and the unimpeded expression thereof, including the freedom to protest.

Bear in mind, this was a Nation founded by protesters. When our Founding Fathers sought to guarantee these freedoms, they created not a flag but a Constitution, debating the meaning of each and every word, every amendment, every one of which gives people rights. They did not debate a flag. The flag would become a symbol of these rights.

There are those who would have fewer rights. Why? What is the threat to the Republic that drives us to erode the Bill of Rights?

Well, someone burned the flag. Whatever happened to fighting to the death for somebody's right to disagree? We now choose instead to react by taking away a form of the right to protest. Most people abhor flag burners, but even a despicable, low-life malcontent has a right to disagree and disagree in an obnoxious fashion if he wishes. That is the true test of free expression, and we here are about to fail that test.

These are rare but vile acts of desecration that have been cited by those who would propose changing our founding document, but these acts do not harm anybody. If a jerk burns a flag, America is not threatened. If a jerk burns a flag, democracy is not under siege. If a jerk burns a flag, freedom is not at risk. We are offended. To change our Constitution because someone offends us is, in itself, unconscionable.

Hitler banned the burning of the flag. Mussolini banned the burning of the flag. Saddam banned the burning of the flag. Dictatorships fear flag burners. The reason our flag is different is because it stands for burning the flag.

Though we in proper suits may decry the protests and the protestors and the flag burners, protecting their right is the true stuff of a democracy. The real threat to our society is not the occasional burning of a flag, but the permanent banning of the burners. The real threat is that some of us have now mistaken the flag for a religious icon to be worshiped as pagans would, rather than to be kept as the beloved symbol of our freedom that is to be cherished.

It is not the flag burners who threaten democracy. Rather, it is those who would deny them. In the name of our Founding Fathers, save us from those who would put up this defense.

The Constitution was written by intellectual giants and is here today being nibbled by small men with press secretaries. If flag burners offend us, do not beat a cowardly retreat by rushing to ban them. Protesters, like grapes, cannot be eliminated by stomping on them. Meet their ideas with bigger ideas for an ever better America to protect the flag by protecting democracy, not by retreating from it.

We cannot kill a flag. It is a symbol, and yes, patriots have died; but recall what they have died for. They have died for liberty. They have died for democracy. They have died for the right to speak out in protest. They have died for values.

The flag is a symbol of those values. What they died for are American principles. Saying that people died for the flag is symbolic language. The Constitution gives us our rights. The Constitution guarantees our liberties. The Constitution embodies our freedoms. It is our substance. The flag is the symbol for which it stands.

True patriots choose substance over symbolism. Diminish one right and it shall forever stand for less. Do not pass this amendment. Do not diminish the Constitution. Do not cheapen the flag.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. GOODLATTE. Mr. Speaker, I thank my chairman for yielding me the time.

Mr. Speaker, I rise in strong support of this resolution to amend the Constitution to give the Congress the authority to prevent the physical desecration of the American flag, and I would note the comments of the gentleman from New York, citing some dictators who have prohibited destroying flags, and would point out that many others of a very different mindset have strongly supported this, including President Abraham Lincoln. Many justices of the Supreme Court, as disparate in their views as Earl Warren and William Rehnquist and Hugo Black have found that the laws of the many States prohibiting the desecration of the flag to be constitutional, and it is only because of a narrow five-four majority at one moment in time in our Court's history, finding these laws to be unconstitutional and overturning the work of 48 States and the District of Columbia, that it is necessary for the Congress to address this.

I would argue to the gentleman from Texas, for whom I have respect, that we are turning away from the rule of law when we do not recognize that with freedom comes responsibility, and we have always recognized in the first amendment that there are a number of instances in which free speech is limited. A person cannot shout fire in a crowded theater. They cannot engage in slander or libel. They cannot engage in fighting words. There are a number of such restrictions, and certainly, the prohibition on the physical act of destroying a flag should be included

amongst them because it is the equivalent of fighting words to burn a flag in front of a group of veterans who put their lives on the line for their country and fought for the freedom which that flag represents.

This is a very basic, very straightforward amendment supported by the overwhelming majority of the American people, and I urge my colleagues to support this resolution.

Mr. NADLER. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Maryland (Mr. HOYER), the minority whip.

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

Mr. HOYER. Mr. Speaker, it has been said before and will be said again that everyone who speaks on this amendment loves this flag that hangs behind me as a symbol of the greatest democracy on the face of the earth, as a symbol of the country that has demonstrated throughout history the greatest countenance in the principles for which that flag stands.

It gives me absolutely no pleasure to oppose this proposed constitutional amendment providing the physical desecration of our flag. I believe people ought not to engage in that kind of activity, but our flag is more than mere cloth. It is a universal symbol for freedom, democracy and liberty, and it will continue to be so for so long as the symbols for which it stands flies high in the hearts of every American. That is where it needs to fly high, in our hearts and in our intellect.

Those who would desecrate it only seek to grab attention for themselves and inflame the passions of patriotic Americans. Without doubt, they deserve both our contempt and our pity for their stupidity, but while I appreciate and respect the motivations of those who offer and support this amendment, I will oppose it for the reasons so eloquently articulated by the gentleman from Texas (Mr. PAUL) and Senator MCCONNELL of Kentucky.

In opposing a similar amendment a few years ago, Senator MCCONNELL stated that it ''rips the fabric of our Constitution at its very center, the first amendment.'' That was Senator MCCONNELL. He added, ''Our respect and reverence for the flag should not provoke us to damage our Constitution, even in the name of patriotism.''

The question before us today is how we, the United States of America, the greatest democracy the world has ever known, the greatest bastion of freedom the world has ever known, a bastion of freedom that remains free because of the efforts of the Duke Cunninghams and the Sam Johnsons and so many others who risked their lives to maintain that freedom, the question before us is how to deal with those individuals who dishonor our Nation in this manner.

Mr. Speaker, a constitutional amendment, in my opinion, is neither the appropriate nor the best method for dealing with these malcontents. As the late Justice Brennan wrote in the Supreme Court of Texas v. Johnson, ''The way to preserve the flag's special role is not to punish those who feel differently about these matters. It is to persuade them that they are wrong.''

That is what Thomas Jefferson talked about, that the best response to wrong speech was right speech, not prohibiting speech.

Our traditions, our values, our democratic principles, all embodied in our Constitution and the Bill of Rights, should not be overridden to prohibit this particularly offensive manner of speech, no matter how much we may disagree with it or how much contempt we may have for those who would express themselves in such an inappropriate and negative way.

The inflammatory actions of a few misfits cannot extinguish, it must not extinguish, our ideals. We can only do that ourselves, and I submit that a constitutional amendment to restrict speech, even speech as this, is the surest way to stoke the embers of those who will push for even more restrictions.

''America'' is one of the great songs, and one of the lines from that song is ''Long may thy land be bright with freedom's holy light.'' Freedom is not allowing those with whom we agree to express their opinion; it is allowing those with whom we deeply disagree to express theirs.

Long may this land be bright with freedom's holy light. That is our responsibility. That is our oath.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this proposed constitutional amendment does not restrict anybody from saying whatever they want to say about the flag, about the government, about their opinions of any public official, of any candidate for office, of the policies that have been made by the Federal Government, the State government or the local government. What it does do is to prohibit offensive acts, such as burning the flag or, in my own State, using the Johnson and Eichman decisions, the State Supreme Court said that defecating on the flag was an act that was a protected political expression under the first amendment to the United States Constitution.

The only way to put sense back into the law is to pass H.J. Res. 4.

Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I rise today to defend not only the flag of the United States, but also what it stands for and for those who have defended it throughout our Nation's history.

□ 1615

The American flag is the greatest symbol of hope and freedom in the world. Countless Americans have fought and died for the freedom that our flag represents, and the desecration of our great flag is an assault on their sacrifice.

Police officers and firefighters, as well, wear the flag on their sleeves each and every day as they do their duty to protect our communities. And on September 11, every American witnessed those brave firefighters raising Old Glory out of the rubble of the World Trade Center. That was a symbol of America's resolve that our freedom will reign even in the face of unprecedented terror.

To allow the desecration of the flag is to give hope to those whose goal it is to destroy our freedom. I urge my colleagues to stand up for the freedom that the flag represents, to stand up for those who have fought and died to defend our freedom, to stand up for those who protect our communities and our Nation, to stand up for our flag.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Mr. Speaker, I rise today as a law professor who fiercely believes in the first amendment, but I am also the son and grandson of Army generals and a veteran of ground combat in Vietnam.

I accept the argument that I, my father, my grandfather, other relatives, many of whom were wounded, some of whom died, did not fight for a piece of cloth, but rather for what it symbolizes. Yet our memories and emotions are inextricably intertwined with that cloth itself. And the cloth symbolizes a country whose Constitution is not writ in stone, immutable for all time. Instead, our Constitution establishes a process for its amendment.

Mr. Speaker, no harm or violence is done here to our constitutional system by an amendment designed to respect the memories and emotions that are inextricably interwoven with the cloth of our flag. In fact, I believe that respecting those memories and emotions nourishes a vital spirit in this country, the spirit of individual sacrifice in combat for the good of the country.

Our country's great freedoms were won and enjoyed today because of the selfless sacrifices of countless, often nameless, sometimes unknown heroes. Amending the Constitution to prohibit flag desecration is a small way to thank these individuals who cannot be thanked enough. And this amendment is a small price to pay if it strengthens our Republic and helps ensure its future.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, the gentleman from California (Mr. CUNNINGHAM) made the statement, and it is true, that during our Civil War flag desecration was regarded as treasonous and punishable by death.

Today's resolution brings to mind when I was a POW in Vietnam. All they told us was that there were demonstrations here in this country; that people were burning our flag; that people were against the war. And you know what that did for our morale? Nothing. It was bad. We need to stop that.

I well remember when, at our homecoming, which was the day the longest-held prisoners left Vietnam for America, and I was part of that group, I remember cheering when we got out over the water. And looking out the window of our C–130 as we got in to Clark Air Base, guess what we saw? The American flag, the flag of the United States of America, with all the people on that base out to welcome us waving those flags. Not one of them was burning it or desecrating it. They were draped on the hangars, they were draped on the buses. What I remember most was how happy everyone looked, including those of us who were returning to this country to see the American flag hanging from a hangar.

We are truly blessed to call America the land of the free and the home of the brave, and I do not think we should disrespect all she stands for and all those who have fought for her. We need to protect this great flag. Vote for this amendment.

Mr. NADLER. Mr. Speaker, how much time do I have left, please?

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from New York (Mr. NADLER) has 20 minutes remaining, and the gentleman from Wisconsin (Mr. SENSENBRENNER) has 17½ minutes remaining.

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

Mr. Speaker, first let me comment on what was just said by the distinguished gentleman from Texas, by reading an article written by a prisoner of war named James Warner. He wrote in ''The Retired Officer'' on September of 1989 of his experience as a prisoner of war in Vietnam. He writes as follows:

''We could subvert them,'' meaning his torturers, the North Vietnamese, ''by teaching them about freedom through our example. We could show them the power of ideas. I did not appreciate this power before I was a prisoner of war. I remember one interrogation, where I was shown a photograph of some Americans protesting the war by burning a flag. There, the officer,'' that is the enemy officer, ''there, the officer said, people in your country protest against your cause. That proves that you are wrong. No, I said, that proves that I am right. In my country we are not afraid of freedom, even if it means that people disagree with us. The officer was on his feet in an instant, his face purple with rage. He smashed his fist onto a table and screamed at me to shut up. While he was ranting, I was astonished to see pain, compounded by fear in his eyes. I have never forgotten that look, nor have I forgotten the satisfaction I felt at using his tool, the picture of the burning flag, against him.''

That is the close of the quote from this article from ''The Retired Officer'' by James Warner, former prisoner of war in Vietnam.

Mr. Speaker, the truth of the matter is we have heard today that desecration of the flag ought to be made unconstitutional because it is not valid speech. True, the first amendment is not absolute. We do not allow people to yell fire in a crowded theater unless there is evidence that there is a real fire. The Supreme Court ruled that many years ago. But the core protection of the first amendment is for ideas, for outrageous ideas, for obnoxious ideas, for ideas that we find horrible and offensive and dangerous.

Our philosophy, what makes this country different and unique, is that this country is built on a foundation, the foundation being the belief in freedom, in liberty, in the fact that, not always the case but we fervently believe in the fact that good ideas will drive out of the marketplace of bad ideas; that good speech will defeat bad speech. And we do not legislate against bad speech; we do not legislate against speech that we disagree with or find outrageous.

Now, we have heard, of course, that we are not talking about speech here, we are talking about expressive acts. But the fact of the matter is, again, we are talking about speech. We are talking about speech that people are frightened of and outraged about because it offends them. Because, again, the very acts we would be outlawing or permitting Congress to outlaw with this amendment would not, by anybody's stretch of the imagination, be outlawed unless accompanied by the wrong speech.

Again, as the gentleman from Virginia earlier today told us, and as I mentioned in my opening remarks, the recommended manner, recommended by the law, of disposing of a flag is to burn it. So, again, if you burn the flag, and while you burn it you say respectful things, that is wonderful. But if you burn the flag while saying what a terrible policy the current administration is following or if you burn the flag while saying what a terrible policy we are conducting and that we do not like this country, then we would make that criminal. Why? Not because the act of the flag burning is any different than when it was done with respectful words, but because in the one case the words were respectful and in the other case the words were obnoxious.

I agree the words are obnoxious. But the whole idea of freedom is to protect obnoxious words, especially obnoxious words or words that I or you may regard as obnoxious, though someone else may regard as fine and intelligent. That is their privilege. That is what freedom is about. The freedom of speech is not freedom for what we agree with, but freedom for what we find outrageous. Not just disagreeable, but outrageous.

When someone criticizes our country and says the war we are fighting is wrong, or the conduct of our troops is terrible, or whatever they may say that we may find disagreeable, outrageous and horrible, the glory of this country is that we give them the freedom to say it. And when someone burns a flag, and again there is no epidemic of flag burning, this amendment is really directed not at an existent problem, or has not existed really in the last 30 years of any size, but when you burn a flag and say respectful things, that is okay, because the law says that is okay; but when you burn a flag and say disrespectful things, that is not okay, what these circumstances say and that what we are really legislating against is the speech and not the act.

The act, accompanied by the right circumstances, would never be outlawed. We would not prosecute people who desecrated the flag as part of a movie or a play when they were portraying enemy soldiers, Nazi soldiers, or Chinese soldiers in the Korean War, because we do not think they mean it. What do they not mean? The speech. It is the ideas and the speech that we are outlawing by such an amendment. That is at the core of protected speech, at the core of the first amendment, at the core of the values we are supposed to hold dear. And that is why this amendment is so wrongheaded and ought not to be adopted.

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

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

Mr. Speaker, the Constitution of the United States was ratified and came into effect in 1789. For 200 years, nobody seriously said that desecrating the American flag violated the first amendment to the Constitution. In fact, the Federal Government, 48 States and the District of Columbia passed statutes declaring flag desecration criminal conduct and prescribing criminal penalties.

It was only after 200 years and the Vietnam War that a flag desecration case claiming that first amendment rights were violated reached the Supreme Court of the United States. And what were the facts of the Johnson case? The Johnson case did not involve protesting the Vietnam War. It was burning the flag in front of the 1984 Republican National Convention that was held in Dallas.

Five years later, the case reached the Supreme Court. They decided, by a 5 to 4 margin, that flag desecration was political expression that enjoyed constitutional protection. And that was the first time in over 200 years of this Constitution being affected that the courts ruled that that type of activity was constitutionally protected.

I agree with what Chief Justice Rehnquist said in the dissenting opinion: ''I cannot agree that the first amendment invalidates the act of Congress and the laws of 48 of the 50 States which made criminal the public burning of the flag.''

If Members agree that the first amendment does prohibit this, then vote ''no'' on the constitutional amendment. I do not impugn anybody's patriotism. This is a legitimately held political position. But if my colleagues think that the Constitution should allow a criminal statute to prevent the public desecration of the American flag, the only way this can be accomplished is through the strong medicine of amending the Constitution.

The Supreme Court has twice said that if this is attempted to be done by statute, the first amendment is violated. I think that the government should be able to prevent the physical desecration of the American flag no matter how it is done. That is why I support this amendment, and I would hope that over two-thirds of the Members of this House of Representatives will support this amendment when we vote on it shortly.

Mr. S0UDER. Mr. Speaker, for more than two hundred years, the American flag has occupied a unique position as the symbol of our nation. During the Second World War, U.S. Marines fought hand to hand against thousands of Japanese at Iwo Jima. Upon reaching the top of Mount Suribachi, a group of these Marines raised a piece of pipe and from one end fluttered a flag. This ascent cost nearly 6,000 American lives. As you know, the Iwo Jima Memorial in Arlington National Cemetery memorializes that event. There would seem to be little question about the power of Congress to prohibit the mutilation of this monument. The flag itself can be seen as a monument, subject to similar protection.

It is true that a person may, in a sense, ''own'' the flag. But this ownership is subject to special burdens and responsibilities. Congress has prescribed detailed rules for the design of the flag, the time and occasion of the flag's display, the position and manner of its display, respect for the flag and conduct during hoisting, and lowering and passing the flag. With the exception of Alaska and Wyoming, all the States have statutes prohibiting the burning of the flag.

When the desecration of the flag is used as a protest, far more than a single flag is being violated. The devotion of every American who has expended their blood, sweat, and tears for this great nation is being battered. This amendment takes on even more importance given the events of September 11th. After watching the horrific events unfold on television, our nation came together through the patriotic display of old glory. The flag became a rallying point and sent a message to our enemies that we will not back down.

I commend the gentleman from California for this important piece of legislation. As it is phrased, H.J. Res. 4 would permit Congress to enact laws addressing physical desecration of our flag. Passage of this legislation through both the House and Senate would allow the American people to vote on this amendment. In doing so we will not only affirm the right to speak one's opinions, but also to protect the symbol of those freedoms that thousands of Americans have died giving their last full measure of devotion to protect.

Mr. SWEENEY. Mr. Speaker, I cannot tell you how excited I am that we are finally going to have the chance to pass this amendment that will restore the American flag to its rightful position of honor. I share much of the feelings of my predecessor in this seat: the Honorable Gerald Solomon. It has been a long time coming since that tragic day in 1989 when five Supreme Court justices decided it was OK to burn the flag and thereby hurt so many feelings around this country. That is why I am so proud to cosponsor this amendment on behalf of the American people. Today, we are going to hear the same arguments against this amendment that we have heard for years now. I respect the opinions of those opponents. That is their first amendment right.

But, Mr. Speaker, supporters of this amendment come to the floor today with the overwhelming support of nearly 80 percent of the American people. They are people from all walks of life: from religious organizations like the Knights of Columbus and the Masonic Orders, from civic organizations like the Polish and Hungarian and Ukrainian federations, from fraternal organizations like the Benevolent Order of Elks, Moose International, and the Federation of Police, and from other groups like the National Grange and Future Farmers of America.

Perhaps most impressive is the resounding support from the States around this country. All 50 States support this Flag Protection Amendment. After all, when have all 50 States agreed on anything?

Some opponents of this amendment claim it is an infringement of their First Amendment rights of freedom of speech, and they claim if the American people knew it, they would be against this amendment. Well, there is a Gallup poll taken of people outside the Beltway—that is real people, you know, real down-to-earth people. Seventy-six percent of the people in that poll say ''No,'' a constitutional amendment to protect our flag would not jeopardize their right of free speech. In other words, the American people do not view flag burning as a protected right, and they still want this constitutional amendment passed, no matter what.

Mr. Speaker, we should never stifle speech, and that is not what we are seeking to do here today. People can state their disapproval for this amendment. They can state their disapproval for this country, if they want to. That is their protected right. However, it is also the right of the people to redress their grievances and amend the Constitution as they see fit. They are asking for this amendment. Therefore, I am asking you to send this amendment to the States and let the American people decide. That is really what America is all about.

And speaking of America, what is more important than Old Glory. It is what makes us Americans—and not something else. Over the past two centuries and especially in recent years, immigrants from all over this world have flocked to America, knowing little about our culture and our heritage. But they know a lot about our flag and respect it! Salute it—pledge allegiance to it. Mr. Speaker, it is the flag, which has brought this diverse group together, and made them Americans. No matter what our ethnic differences; no matter where we come from, whether it is up in the Adirondack Mountains of New York where I come from or Los Angeles, California; no matter what our ideology point of view, be it liberal or conservative, we are all bound together by those uniquely American qualities represented by our flag.

It is that common bond which brings us to this point, where we can elevate the Stars and Stripes above the political fray, and carry out the will of the vast majority of the American people. It is only appropriate, that the Constitution, our most sacred document, include within its terms, a protection of Old Glory, our most sacred and beloved national symbol. All that is required now, is for each of us to draw upon our patriotic fire, and do all we can to effect this demanded change to our Constitution. Please vote for this constitutional amendment.

Mr. VAN HOLLEN. Mr. Speaker, my father served in World War II and when I look at the American flag I see the sacrifices he and our nation's troops and veterans have made for us to be able to live freely. An important part of that freedom is the ability of our citizens to express themselves in any way that does not infringe on the rights of others. That is what sets the United States apart from so many other nations. Our constitutionally assured freedom of speech serves as a check against government oppression and injustice.

The Supreme court has held in several important First Amendment cases that a person may desecrate a flag, so long as a danger is not created. In 1989, the Supreme Court stated in Texas V. Johnson that any speech, particularly such intentionally expressive and overtly political speech as the burning of the flag, is protected; it is within the realm of liberties which our constitution guarantees us. Our government cannot dictate how we express ourselves politically, so long as we do not endanger or violate the rights of others.

While I personally find the desecration of this country's flag to be reprehensible, even more important than the flag itself is the freedom and liberty it represents. It is a sad day when, in the name of patriotism, we limit the freedoms enshrined in the First Amendment of the constitution. The flag is a symbol of the principles and freedoms that make our country great. When we encroach upon those freedoms, we risk doing far more harm to our nation than any flag burner could ever do.

Mr. LARSON of Connecticut. Mr. Speaker, I regret that due to a family medical emergency I could not be present today during the debate and votes on H.J. Res. 4, a proposed amendment to the Constitution of the United States to make burning or otherwise desecrating a United States flag a federal offense. I would, however, like to submit this statement for the record so that my position on this resolution is clear.

The flag burning amendment is an emotional issue that in my opinion cuts to the core of the things we hold dear and value as a nation. I do not question anyone's patriotism or conviction no matter where they stand on this issue. Mine is a matter of record. As a member of the Connecticut State Senate I voted to protect the flag, I did so not to limit peoples' freedom of expression, but to limit hateful behavior. Burning the flag is not speech, and as an expression it seeks to engender hate.

I am not a constitutional scholar, but have long felt that honoring my father's memory and that of so many veterans of his generation and mine, who have given their lives in defense of the nation should be afforded the respect they richly deserve. I do not believe that we endanger our freedom by protecting the flag and honoring their memory.

While I do support this proposed amendment, and have voted for it in the past, I also

understand and respect the opinions of those who have expressed concern about the possibility that this amendment could affect First Amendment rights guaranteed under the U.S. Constitution. I would, therefore, consistent with my votes in the 107th Congress on this issue, also support the substitute amendment offered by my colleague Congressman Watt that I believe represents an acceptable compromise on this issue.

I will remain steadfast in protecting peoples' freedom of speech, and speaking out against discrimination and injustice. As someone who adamantly supports the crime legislation, I cannot be oblivious to the incendiary nature and emotional response evoked by burning the nation's flag. For many Americans, burning the flag is a hateful action that is as repugnant as burning a cross on a lawn, or painting a swastika on a synagogue.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in opposition to H.J. Res. 4, an amendment to the Constitution of the United States to authorize Congress to prohibit the desecration of the flag. This amendment not only stands in stark contrast to what the flag represents, but this debate today is keeping the House from addressing more urgent matters facing our country.

The flag is a symbol of American greatness. It inspires awe and pride and is the official emblem of our nation. And, above all, it stands for freedom; the freedom we are guaranteed by being lucky enough to live in America. Ironically, this amendment would punish those who exercise that freedom. In our country, dissenting views are allowed and tolerated, even expressions as offensive as flag desecration. To take away this fundamental freedom of expression is to dishonor the flag and the liberty it represents.

Furthermore, this amendment is uncalled for. At this time when there are so many issues that this House should be addressing—when American soldiers continue to die every day in Iraq, when millions of low-income families are being left behind by the Republican Congress and the Bush Administration, when seniors across America can't afford their prescription drugs and millions more lack any health care coverage, and when millions of schoolchildren lack such basic resources as textbooks and safe classrooms—the House is instead debating a bill that is unnecessary, controversial, vague, and, if passed, would undermine our democracy.

Webster's dictionary defines ''desecrate'' as ''violating the sanctity of'' and ''treating disrespectfully, irreverently, or outrageously.'' This bill does not specifically define ''desecration.'' Therefore, if the amendment were to be passed, we would then be forced to discuss whether flag desecration included printing the flag on clothing or dropping small plastic flags on the ground after parades; we would have to discuss if the ''protected flags'' had size regulations or had to be made of specific material; we would have to decide if flags on personal property were ''protected''; and on and on. These debates are necessary. Instead of debating what freedoms we should be infringing upon and taking away, this House of Representatives should be doing everything it can to protect people's freedoms, especially our freedom of speech, and be working toward solutions to the problems that plague our constituents every day.

I urge my colleagues to vote no on H.J. Res. 4.

Mr. VITTER. Mr. Speaker, I rise today in strong support of House Joint Resolution 4 to ban the desecration of the United States flag. Following the horrific events of September 11th, our nation responded with an overwhelming show of patriotism. Across our land Americans proudly flew their flags from their homes, cars and workplaces as a demonstration of their love for the United States, our values, and their support for the war against terrorism.

These actions clearly illustrate that the American people see the flag as a symbol of hope, strength, and freedom. It is the one national symbol that we can all unify behind. In the flag is at one time our history, our aspirations, and our identity. Therefore, we should act today as reaffirmation of what our country stands for.

I would be the first person to stand up in defense of freedom of speech; however, there are some actions that are not free political speech but behaviors gauged to anger. Defacing the United States flag is one of these actions. Those who wish to protest against the actions of our country can do it through our media, hold rallies, give speeches, and march in demonstrations. Those same people can contact elected officials, sign petitions, and express their views in many ways.

To burn the flag not only suggests disgust for our great country, it also shows a lack of respect for the men and women who are currently fighting overseas, and even more so for those who have fought and died to make the United States of America what it is today.

I urge my colleagues to support the Resolution and vote in favor of final passage.

Mr. UDALL of Colorado. Mr. Speaker, I cannot support this resolution.

I am not in support of burning the flag. But I am even more opposed to weakening the First Amendment, one of the most important things for which the flag itself stands.

I agree with the Boulder Daily Camera that ''If Congress and the states embraced this amendment, it would shield a symbol of freedom while assailing the very freedom it signifies. That symbolic flag desecration would be far more egregious than the theatrics of any two-bit protester.''

As the Denver Post put it when the House considered a similar proposal two years ago. ''The American flag represents freedom. Many men and women fought and died for this country and its constitutional freedoms under the flag. They didn't give their lives for the flag; they died for this country and the freedom it guarantees under the Bill of Rights. Those who choose to desecrate the flag can't take away its meaning. In fact, it is our constitutional freedoms that allow them their reprehensible activity.''

I completely agree. So, like Secretary of State Colin Powell, former Senator John Glenn, and others who have testified against it, I will oppose this resolution.

For the benefit of our colleagues, I am attaching the editorials on this subject in the Daily Camera and the Denver Post:

[From the Boulder (CO) Daily Camera, May 7, 2003]

THE REAL DESECRATION

''FLAG PROTECTION AMENDMENT'' ASSAILS AMERICAN VALUES

Colin Powell loves our country, its Constitution and the flag. A general and a statesman, he has spent decades defending all three. Unlike many members of Congress, however, Powell can differentiate between our sweet liberty and a cherished symbol of that liberty.

Congress should heed Powell's advice. Let's hope it does. In the U.S. House of Representatives today, a committee is scheduled to consider a proposed constitutional amendment on ''flag protection.''

If ratified by three-fourths of the state legislatures, the amendment would allow Congress to do what the First Amendment forbids: to criminalize the physical desecration of the U.S. flag.

The House version of the flag-protection resolution has 135 co-sponsors, including Colorado Reps. Bob Beauprez, Joel Hefley, Marilyn Musgrave and Tom Tancredo. Colorado Sens. Wayne Allard and Ben Nighthorse Campbell are among the 55 Senate co-sponsors.

For years ago, Powell was asked about the flag-desecration amendment, which members of Congress were then, like now, pursuing. First, Powell noted, very few Americans burn the flag. Second, he said, these desecrators are irrelevant: ''They may be destroying a piece of cloth, but they do no damage to our system of freedom, which tolerates such desecration.''

Powell said he would not alter the Constitution on their account. ''I would not amend that great shield of democracy to hammer a few miscreants. The flag will still be flying proudly long after they have slunk away.''

It's just that simple. If Congress and the states embraced this amendment, it would shield a symbol of freedom while assailing the very freedom it signifies. That symbolic flag desecration would be far more egregious than the theatrics of any two-bit protester. It is nothing short of stupefying that many of our leaders continue to ignore this self-evident truth.

[From the Denver (CO) Post, June 25, 2001]

FLAG AMENDMENT SHOULD DIE

Although a proposed constitutional amendment to ban desecration of the American flag continues to lose steam, it nonetheless is once again being considered in the U.S. House.

The amendment, one of the most contentious free speech issues before Congress, would allow penalties to be imposed on individuals or groups who burn or otherwise desecrate the flag.

In past years, the amendment has succeeded in passing the House only to be killed, righteously, on the Senate floor.

The American flag represents freedom. Many men and women fought and died for this country and its constitutional freedoms under the flag. They didn't give their lives for the flag; they died for this country and the freedom it guarantees under the Bill of Rights. Those who choose to desecrate the flag can't take away its meaning. In fact, it is our constitutional freedoms that allow them their reprehensible activity.

American war heroes like Secretary of State Colin Powell and former Sen. John Glenn strongly oppose this amendment. Glenn has warned that ''it would be a hollow victory indeed if we preserved the symbol of freedoms by chopping away at those fundamental freedoms themselves.''

In addition, the Supreme Court has ruled that desecration of the flag should be protected as free speech.

Actual desecration of the flag is, in fact, a rare occurrence and hardly a threat. There have been only a handful of flag-burnings in the last decade. It's not a national problem. What separates our country from authoritarian regimes is the guarantee of free

speech and expression. It would lessen the meaning of those protections to amend our Constitution in this way.

The amendment is scheduled to go before the House this week, although if it passes it would still have to face a much tougher audience in the Senate. The good news is that House support of the amendment has been shrinking in recent years. It is possible that if that trend continues, the amendment could not only die this year but fail to return in subsequent years. We urge House lawmakers to let this issue go.

Ms. LEE. Mr. Speaker, I will not vote for any constitutional amendment that undermines the First Amendment, which, as the U.S. Supreme Court has repeatedly affirmed, protects even unpopular forms of dissent. Our founding fathers well know the importance of free speech and expression, and carrying on that tradition, we should do everything possible to ensure that this fundamental cornerstone of our democracy remains intact.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in opposition to this legislative proposal to amend the Constitution, giving Congress the power to prohibit the physical desecration of the flag.

For more than 2 centuries, the first amendment to the Constitution has safeguarded the right of our people to write or publish almost anything without interference, to practice their religion freely and to protest against the Government in almost every way imaginable. It is a sign of our strength that, unlike so many repressive nations on earth, ours is a country with a constitution and a body of laws that accommodates a wide-ranging public debate.

There is little question that those who would desecrate the flag have a lack of respect for this great nation. But we need not give these misinformed individuals any more attention than they deserve.

One can imagine the future protest situations that would take place should this legislation ever receive the massive support required of a constitutional change. It would be outrageous. And the contribution to the average hardworking American? More taxpayer dollars and police manpower wasted in the pursuit of little more than an offender lacking patriotism and good taste. The American flag does not need protection from such poor behavior. The principles embodied in it outshine such cowardly attempts to defame its stature.

Rather than spending time today arguing the merits of the 1st amendment, we should be focusing more attention on improving the daily lives of millions of Americans. From the rising costs of health care to a lack of affordable housing, many of our nation's veterans are struggling to make ends meet and now brace for the substantial cuts in benefits passed by this body. But instead of tackling those issues, we stand here debating a solution in search of a problem. Those brave men and women who risked their lives protecting our democracy need more than politicians paying them lip service, they need money to help pay the bills.

Heck, they can't even get a proper military burial service at Arlington National Cemetery because cuts to Veterans Affairs funding have eliminated the use of live buglers and replaced them with battery powered boom boxes. What a shame.

In short, the amendment in question is unnecessary. We don't need it and we must not become the first Congress in U.S. history to chill public debate by amending the Constitution in such a way. This issue truly tests the notion of freedom of speech guaranteed by our fore fathers. Let's pass this test and do the right thing by opposing this unmerited resolution.

Mr. SHAYS. Mr. Speaker, I rise today in opposition to H.J. Res. 4, which would amend the Constitution to allow Congress to pass laws banning the desecration of the flag.

I find it abhorrent anyone would burn our flag. And if I saw someone desecrating the flag, I would do what I could to stop them at risk of injury or incarceration. For me, it would be a badge of honor.

But I think this Constitutional Amendment is an overreaction to a nonexistent problem. Keep in mind the Constitution has been amended only 17 times since the Bill of Rights was passed in 1791.

This is the same Constitution that eventually outlawed slavery, gave blacks and women the right to vote and guarantees freedom of speech and freedom of religion.

Amending the Constitution is a very serious matter. I do not think we should allow a few obnoxious attention-seekers to push us into a corner, especially since no one is burning the flag now, without an amendment. I agree with Colin Powell who, when he served as Chairman of the Joint Chiefs of Staff, wrote it was a mistake to amend the Constitution, ''that great shield of democracy, to hammer a few miscreants.''

When I think of the flag, I think about the courageous men and women who have died defending it and the families they left behind. What they were defending was the Constitution of the United States and the rights it guarantees as embodied by the flag.

I love the flag for all it represents, but I love the Constitution even more. The Constitution is not just a symbol; it is the very principles on which our nation was founded.

I urge my colleagues to vote against this resolution.

Mr. BUYER. Mr. Speaker, I rise in support of this constitutional amendment to empower Congress to enact legislation to protect Old Glory from desecration.

This is not an issue about what people can say about the flag, the United States, or its leaders. Those rights are fully protected. The issue here is that the flag, as a symbol of our Nation, is so revered that Congress has a right and an obligation, to prohibit its willful and purposeful desecration. It is the conduct that is the focus.

After September 11, Old Glory of any size, any fabric, including ones made by school children from construction paper; those stuck in flower pots, pinned on lapels, or decals posted in the back window of pickup trucks were displayed everywhere. On the news, Tom Brokaw referred to this phenomenon ''like countless bandages of patriotism covering a nation's wounds—a reassuring symbol'' of what it means to be an American. It represents the physical embodiment of everything that is great and good about our nation—the freedom of our people, the courage of those who have defended it, and the resolve of our people to protect our freedoms from all enemies, foreign and domestic.

It is not a coincidence that when others seek to criticize America, they burn the American flag. Old Glory is the embodiment of all that is America—the freedoms of the Constitution, the pride of her citizens, and the honor of her soldiers, not all of whom make it home.

I have seen the Stars and Stripes on a distant battlefield. Across the river from here is a memorial of another battlefield and to the valiant efforts of our fighting men to raise the flag at Iwo Jima. It was not just a piece of cloth that rose on that day over 50 years ago. It was the physical embodiment of all we, as Americans, treasure—the triumph of liberty over totalitarianism; the duty to pass the torch of liberty to our children undimmed.

The flag is worth protecting, defending. I urge the adoption of the Amendment.

Mr. BARRETT of South Carolina. Mr. Speaker, I rise today in strong support of H.J. Res. 4. This amendment rightfully restores authority to Congress to regulate the treatment of our most precious national symbol—the American flag.

The flag has been a symbol of our freedoms for over 200 years.

Our flag has sailed around the world, it has traveled to the moon, it has flown atop the North Pole and Mt. Everest, it has withstood war both on our soil and abroad—each time representing what our nation stands for—freedom and democracy.

Over the years our flag has not only inspired but has comforted our nation. This was never more evident than the days, weeks and months following September 11. It was a photo of 3 firefighters raising the flag amidst the rubble of the World Trade Center that showed not only our nation, but the world we would not fall. A few days later we watched as the flag was draped over the Pentagon—we showed the world with that one action—terrorists may have tried but they did not succeed in destroying our nation and all we hold dear.

On September 11 the terrorists forced war upon our country. Since that day our military has been fighting a global war against terrorism. These brave young men and women risk their lives every day to defend the very freedoms the flag represents.

I served in the United States Army, fortunately during peacetime, but as a Captain in the US Army if my country called, myself and those who I served alongside, were prepared to make the ultimate sacrifice to defend the freedoms our flag represented.

It saddens me to see people in foreign countries celebrate as they burn our flag—I cannot do anything about what they do in their streets, but I can try to do something about what happens in our streets. It disgusts me when I see our own citizens desecrate the flag, the flag represents all our nation has been through and embodies all our nation stands for—to burn the flag is to burn all it stands for.

I wonder how the soldiers in Afghanistan or Iraq, who fight every day to protect our nation from ever seeing the horrors of another September 11, feel when they see or hear about American citizens burning the American flag—the very flag they fight under.

Therefore, I urge my colleagues to support H.J. Res. 4, the U.S. Flag Protection Constitutional Amendment.

Mr. SIMMONS. Mr. Speaker, I rise today in strong support of House Joint Resolution 4, the Constitutional Amendment to prohibit flag desecration.

Our flag is a symbol of the American character and its values. It tells the story of victories won—and battles lost—in defending the principles of freedom, and democracy.

These are stories of real men and women who have selflessly served this Nation in defending that freedom. And many of them lost their lives for it. Bunker Hill, Gettysburg, San Juan Hill, Iwo Jima, Korea, Da Nang, Persian Gulf—our men and women had one common symbol—the American flag.

The American flag belongs to them, as it belongs to all of us.

Critics of the amendment believe it interferes with freedom of speech. I disagree. Americans enjoy more freedoms than any other people in the world. They have access to public television. They can write letters to the editors to express their beliefs, or call into radio stations. I meet with constituents everyday in order to best represent their interests in Washington. Americans can stand on the steps of the Nation's capitol building to demonstrate their cause.

They do not need to demonstrate our noble flag to make their statement, and I do not believe protecting the flag from desecration deprives Americans of the opportunity to speak freely.

And let us be clear: speech, not action, is protected by the Constitution. Our Founding Fathers protected free speech and freedom of the press because in a democracy, words are used to debate and persuade, and to educate. A democracy must protect free and open debate, regardless of how disagreeable some might find the views of others. Prohibiting flag desecration does not undermine that tradition.

The proposed amendment would protect the flag from desecration, not from burning. As a member of the American Legion, I have supervised the disposal of over 7,000 unserviceable flags. But this burning is done with ceremony and respect. This is not flag desecration.

Over 70 percent of the American people want the opportunity to vote to protect their flag. Numerous organizations, including the Medal of Honor Recipients for the Flag, the American Legion, the American War Mothers, the American G.I. Forum, and the African-American Women's Clergy Association all support this amendment.

Forty-nine states have passed resolutions calling for constitutional protection for the flag. In the last Congress, the House of Representatives overwhelmingly passed this amendment by a vote of 298 to 125, and will rightfully pass it again this year.

Mr. Speaker, I am proud to be an original cosponsor of H.J. Res. 4 and ask that my colleagues join me in supporting this important resolution that means so much to so many.

Mr. TERRY. Mr. Speaker, I rise in strong support of H.J. Res. 4 to allow Congress to ban the physical desecration of the flag.

During the War of 1812, American soldiers valiantly fought at Fort McHenry, Maryland to preserve the newly-formed United States. The story of the fort's battle flag, which continued to wave despite the barrage of bombs from British warships, was captured in the poetry of Francis Scott Key. He marveled at the resiliency of our flag, and the unfailing courage it brought to the men battling for freedom under its stars and stripes. His words are now our national anthem, sung in school rooms, at sporting events, and whenever our nation pays homage to its fallen heroes. The image of our flag is ingrained in the hearts of all freedom-loving Americans.

The flag represents our ideals of freedom, liberty, and justice for all. It also symbolizes the sacrifice of 41 million Americans who have fought our wars dating back to the Revolution, and the one million Americans who have died to defend our freedoms. We live in liberty today because they did not shrink from duty. The least we can do to show our eternal gratitude is to protect our flag—our treasured symbol of those who made the ultimate sacrifice.

We are debating H.J. Res. 4 today because the Supreme Court has ruled that flag burning is ''protected expression'' under the First Amendment. Since this misguided decision was handed down, every state in the union has asked Congress to approve a Constitutional Amendment to protect Old Glory from physical desecration. Our First Amendment does not allow citizens to yell ''fire!'' in a crowded theater, nor does it protect intentionally outrageous acts of destruction. Desecrating our flag falls squarely into this category.

We are not debating free speech rights today. We are debating whether our sons and daughters will appreciate the sacrifices of their forefathers when they see the flag waving. The freedom, honor and sacrifice symbolized by Old Glory must never be taken for granted.

Mr. Speaker, I urge my colleagues to join me in supporting H.J. Res. 4.

Mr. BACA. Mr. Speaker, I rise in support of H.J. Res. 4 to protect our nation's flag.

Our flag is a symbol of pride to all of the veterans who have bravely fought for this nation. It is a symbol of hope and prosperity to the many immigrants who have traveled to this land seeking a better way of life. But most of all, it is a symbol of freedom to all Americans.

We must ensure that our symbol, representing all of the things Americans hold sacred is respected. We must stand up and protect our flag from destruction.

Just as no one has the right to take away our freedom and democracy, no one should have the right to burn our flag.

Many soldiers have died protecting our freedom and democracy. The rights and freedoms that we enjoy today are because of the courage of our brave soldiers. Our flag, flies as a constant reminder of our military's victories.

We must not forget that all of our soldiers have not yet returned from war. Many of our men and women are still in the Middle East trying to safeguard Iraq. Many of our soldiers are still in Afghanistan, searching for Osama Bin Laden. The battle for peace in the Middle East is not over.

Our soldiers are still risking their lives and dying in the name of this nation. Now is not the time to question patriotism. We must be united and stand behind our soldiers and our symbols of freedom.

When a soldier or a veteran dies, his family receives a flag honoring the loss of their loved one. We proudly drape the flag over their coffins. We must make sure the families know that their loved one did not die in vain. The American Flag is the symbol that represents the soldier's sacrifice and a nation's respect.

Many people come to this land seeking religious freedom, freedom from oppressive governments, economic prosperity and a better way of life for their children. Many people come to this land and join the military because they know America is a land worth protecting. To them the flag is a promise of liberty, security, and opportunity.

Our flag flies high symbolizing the hopes and dreams of immigrants all over the world. We must keep our flag sacred to welcome those believing in the American Dream.

Just as you would not melt the Liberty Bell, tear up the Declaration of Independence, or destroy the Statue of Liberty, we must protect our nation's flag. I stand in support of this legislation for the soldiers and veterans who have fought to protect it, the immigrants who believe in its promise, and all of the Americans who pledge their allegiance to it. We must keep our flag flying high.

Mr. SKELTON. Mr. Speaker, even before we were a nation, we had our flags. Different from today's to be sure. But serving the same purpose—symbols of unity, and of our hopes, achievements, glory, and high resolve.

Brave New England patriots faced down British regulars at a place called Bunker Hill under the Continental Flag which prominently featured a pine tree.

''Don't Tread on Me,'' said the colonists in the South, and a coiled rattlesnake on their flag reinforced that message.

The Grand Union Flag went to sea with John Paul Jones and marched under George Washington in the early days of our Revolution. By combining the British Union Jack with thirteen red and white stripes it reflected the thinking of the colonists during that time: allegiance to the Crown, but willing to fight for their rights as Englishmen.

That thinking had changed, however, by July 4, 1776. The Declaration of Independence—''That these United Colonies are, and of Right ought to be Free and Independent States''—set us on a new course, from which there was no turning back. It was a realization that a people could not at once fight against the king and at the same time profess their loyalty to him. And, it meant that the new United States would need a national flag.

On June 14, 1777—the day we now celebrate as Flag Day—the Continental Congress adopted the following brief resolution: ''Resolved, that the flag of the thirteen United States be thirteen stripes, alternate red and white: that the union be thirteen stars, white in a blue field, representing a new constellation.''

It is now believed that Francis Hopkinson, a signer of the Declaration of Independence, designed the first national flag that legend attributes to Betsy Ross. For his services, he submitted Congress a bill for nine dollars. Of course, government in 1777 was not really much different from government today. Hopkinson never got paid.

So, we had a national flag, the ''Stars and Stripes.'' In 1792, the first version with thirteen stars in a circle appeared. In 1795, the flag was changed to recognize the entry of Vermont and Kentucky into the Union with the addition of two stars and two stripes. This flag of fifteen stars and fifteen stripes figured in many stirring episodes. It was the first flag to be flown over a fortress of the Old World when it was raised at Tripoli in 1805. It was flown at the Battle of Lake Erie and by Andrew Jackson at New Orleans. And it was flown at our young nation's most inspiring moment.

In 1812, our nation had declared war on Great Britain because of British seizure of neutral U.S. trading vessels, and the impressment of American seamen into service on British ships. The British, preoccupied with Napoleon, were not amused. They were even less amused when we sent forth speedy privateers to seize their merchant ships and to frustrate their heavily gunned men-of-war.

In 1814, with Napoleon exiled to the island of Elba, the British determined to put the upstart former colonists in their place. They dispatched a 50-ship expeditionary force—veteran soldiers and sailors from the world's strongest military power. Up the Chesapeake Bay they came, and on August 24 and 25, 1814, they burned Washington. Their next target: Baltimore—third largest city in the U.S., a rich trading center, and home to many of the fleet privateers that had humiliated the proud Royal Navy.

As the British moved on Baltimore, one thing blocked their way—Fort McHenry, whose guns dominated the channels leading into Baltimore Harbor. Unless they could get past the fort, the British Navy could not support its ground forces whose advance on the city had been stalled.

So, at dawn on September 13, a 25-hour bombardment began. At the same time, a 35-year-old American lawyer was being held on board a British ship pending the end of the battle. Francis Scott Key watched the ''rockets red glare'' and ''the bombs bursting in air'' through the night. At the first light of dawn, Key was relieved to see that Fort McHenry's giant flag—30 feet by 42 feet—''The Star Spangled Banner''—did indeed still wave over ''the land of the free and the home of the brave.'' Inspired by the sight, he took pen in hand and gave us what would become our National Anthem.

The burning of Washington and the victory at Ft. McHenry united our young nation like nothing before had done. We emerged from the War of 1812, with a new national identity, confidence, and patriotism, a recovering economy, and a place in the world. And we continued to grow—to the valleys of the Ohio and Mississippi Rivers and beyond with new states joining the union and the number of stars in that field of blue growing.

Less than 50 years after the end of the War of 1812, our flag would face one of its greatest challenges. As our nation was split asunder in a great civil war, and its ability to endure as one hung in the balance, courage related to the flag often spelled the difference between victory and defeat.

Missionary Ridge, Tennessee, November, 1863. A key link between the east and west for the Confederacy. Confederate troops entrenched along a 400-foot-high, seven-mile-long summit. Sixty Union regiments under General George Thomas attacked positions at the foot of the ridge, and then, unexpectedly, surged up the slope. Flag bearers led the way. When one fell, another stepped forward to grab the colors, and the advanced continued. A young First Lieutenant—not yet 20 years old—caught the flag of the 24th Wisconsin as it was about to fall, and carried it to the crest. Arthur MacArthur's bravery earned him a battlefield promotion to major and the Medal of Honor that day. Many of you here today may have served under his son, Douglas, in the Pacific or Korea. In all, seven flag bearers won the Medal of Honor at Missionary Ridge. At day's end, the flags of 60 Union regiments lined the summit.

The War ended and the Union was preserved. And the flag proved as inspiring in peace as it was in war. In 1868, a former Union Army Sergeant, Gilbert Bates, set out to carry the Stars and Stripes from Vicksburg, Mississippi, to Washington, D.C., to prove to friends back in Wisconsin that we were once again one nation. Crowds cheered him at every town and village as he marched through the heart of the Old Confederacy. Ironically, and maybe today we could say prophetically, Sergeant Bates and his flag encountered real hostility and opposition only in our nation's capital.

Westward we moved, behind the flag. Across the Wide Missouri, and along the South Platte to the Rockies, and beyond to Oregon and California. South to Santa Fe and the Rio Grande—conquering a wilderness, settling a continent, and fulfilling our destiny. New stars added to the flag and more people to enjoy the blessings of liberty it embodies: people in the new lands, and immigrants from the Old World—the ''huddled masses yearning to breathe free.''

Our flag went to foreign shores. Up San Juan Hill with Teddy Roosevelt in the Spanish American War ending four centuries of Spanish colonialism in the New World. At Veracruz, on the Gulf coast of Mexico, its honor was defended by brave sailors and marines. ''Over there'' it went with a Missourian, General John Pershing, in the ''War To End All Wars.''

Our flag was tattered, but not lowered at Pearl Harbor. And we rallied behind it, lifted it higher. We took it ashore at Normandy, and across the Rhine with Eisenhower, Bradley, and Patton, and Hitler's ''Thousand Year Reich,'' the worst tyranny the world has yet known, crumbled at its advance. Across the South Pacific it went, island by island. In 1944, the most dramatic flag raising in American history, on a rocky Pacific island called Iwo Jima. When the sun rose the next day on that flag atop Mount Suribachi, the sun of Japanese Imperialism began to set.

The flag was with us: In Korea helping to preserve democracy for half of a divided nation. In Vietnam, where brave American POWs fashioned handmade flags to defy their captors. It went to the moon with the astronauts of Apollo 11.

Yes, our flag has stood by us—leading us, inspiring us, sustaining us—in all of our national endeavors, in war and in peace, for over 200 years.

Now, sadly, it seems that some people don't want to stand by our flag. The Supreme Court has said that it is all right to desecrate our flag, to burn it even, in the name of free speech. ''Government,'' says the Court, ''may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.''

I agree that everyone in this country has the right to make his views known on any issue, no matter how irrational, how wrong, or how unpopular those views might be. But does that mean that every form of conduct is permissible as a means of exercising rights guaranteed by the First Amendment to the Constitution? I say no. And I say so as a student of law and of history. The framers of the Bill of Rights used words carefully to convey a precise meaning. The First Amendment to the Constitution says ''Congress shall make no law . . . abridging the freedom of speech, . . .'' It says nothing about ''expression.''

Legal precedent and common sense tells us that there can be limits on conduct which are not inconsistent with First Amendment rights. Consider some extreme examples: Would anyone, even the Supreme Court, contend that we must permit human sacrifice under the guise of free exercise of religion? Would someone be allowed to blow up the Lincoln Memorial to express a political view?

Flag burning does not merit First Amendment protection. It is conduct that is offensive and provocative to the overwhelming majority of Americans. Moreover, it is unnecessary. Any point of view that can be expressed by flag burning can be better expressed in a manner that is reasoned, rational and more effective in communicating an idea or attempting to persuade others.

We have a great system of government, and one reason it is so great is that if you disagree with a government action, even a decision of the highest court in the land, you can work to change it.

Therefore, I support legislation being considered by the House of Representatives today that will create a Constitutional Amendment that will allow Congress and the States to ban flag burning and other similar forms of flag desecration. The process of changing the Constitution is not fast and easy. The framers wanted to make amending the Constitution a difficult, deliberative process.

I am confident that a Constitutional Amendment can be passed. But if it fails, or if it stalls, we can move in other areas. We can redraft and enact new flag desecration statutes that attempt to meet the Court's objections to the Texas statute. If those new statutes won't pass muster, we'll enact new ones.

We can do still more. Our children must be taught to respect the flag not only in our schools, but by our example. We must instruct them to display it and use it properly and salute it appropriately. We must encourage our children and every future generation to value the freedoms we enjoy and to stand tall and proud when they say, ''I pledge allegiance to the Flag of the United States of America . . .'' We must instill in them a strong sense of the heritage embodied in our flag, and the pride of being an American. Finally, we must ensure that they continue to recognize and honor the great sacrifices made by previous generations of Americans, many of whom gave ''the last full measure of devotion'' so that we could live free.

The poet Edgar A. Guest said it best when he penned:

THE BOY AND THE FLAG

I want my boy to love his home, his Mother, yes, and me:
I want him, wheresoe'er he'll roam, With us in thought to be.
I want him to love what is fine, Nor let his standards drag,
But, Oh! I want this boy of mine To love This country's flag!

Let me take a moment and put a few things in perspective. As much as the Supreme Court decision has disappointed me, it is in the final analysis no real threat to our nation. Our flag stands for too much to be brought down by matches lit by those who would desecrate it. Its glory cannot be diminished by a U.S. Supreme Court ruling. It cannot be threatened by any enemy, foreign or domestic. If they step on it, write on it, tear it to shreds, even burn it to ashes, we'll just raise it up again, and it'll fly higher and more gloriously than ever before.

A few years ago, we had a flag day ceremony in the House of Representatives. County-western singer Johnny Cash recited these lyrics that he had written:

RAGGED OLD FLAG

(By Johnny Cash)

I walked through a county courthouse square
On a park bench an old man was sitting there
I said, ''Your old courthouse is kinda run down.''
He said, ''Naw, it'll do for our little town.''
I said, ''Your old flag pole is leaned a little bit,''
And that's a ragged old flag you got hanging on it.''
He said, ''Have a seat.'' And I sat down.
''Is this the first time you've been to our little town?''
I said, ''I think it is.'' He said, ''I don't like to brag,
But we're kind of proud of that ragged old flag.''
''You see, we got a little hole in that flag there
When Washington took it across the Delaware
And it got powder burned the night Francis Scott Key
Sat up watching it, writing 'Say Can you see'
It got a bad rip in New Orleans
With Packingham and Jackson pulling at its seams
And it almost fell at the Alamo,
Beside the Texas flag, but, she waved on though
She got cut with a sword at Chancellorsville
And she got cut again at Shiloh Hill
There was Robert E. Lee, Beauregard and Bragg
The South wind blew hard on that Ragged Old Flag
On Flanders field in World War One
She got a big hole from a Bertha gun
She turned blood red in world War Two,
She hung limp and low by the time it was through
She was in Korea and Viet Nam
She went where she was sent by he Uncle Sam
She waved from our ships upon the briny foam
And now they've about quit waving her back here at home
In her own good land she's been abused
She's been burned, dishonored, denied, refused
And now the government for which she stands
Is scandalized throughout the land
And she's getting threadbare and she's wearing thin
But she's in good shape for the shape she's in
Cause she's been through the fire before
And I believe she can take a whole lot more
So we raise her up every morning
Bring her down slow every night
We don't let her touch the ground
And we fold her up right.
On second thought, . . . I do like to brag,
Cause I'm mighty proud of that ragged Old Flag.''

Mr. Speaker, I urge all my colleagues to support H.J. Res. 4 and to give Old Glory the respect it deserves.

Mr. KIND. Mr. Speaker, I have the utmost reverence and respect for the flag of the United States, one of the most recognizable symbols of freedom and liberty in the world. And I have the utmost respect for those who want to protect it. Among other things, the flag represents our rights as Americans, including those protected by the Bill of Rights. The first amendment in particular is the amendment that embodies the very essence upon which our democracy was founded because it stands for the proposition that anyone in this country can stand up and criticize this government and its policies without fear of prosecution.

The first amendment is perhaps the best known provision of the Constitution and has been well guarded over the years by Congress and the Courts. But today's amendment would create a tremendous spiritual change, effectively turning the words ''no law'' in ''Congress shall make no law'' into ''few laws.'' Which is to say it would sap the first amendment of the principle it represents, the one that insists that this country does not punish ideas, no matter how unpopular.

But here we are, yet again, debating an amendment that would for the first time in our Nation's history change the first amendment to our Constitution, without a compelling reason. Flag burning is exceedingly rare. Yet supporters have never let themselves be restrained by the fact that the amendment represents a non-solution to a non-problem, and whose predictable outcome would be to make flag burning the ''in'' protest among the young and antisocial.

I am going to oppose this legislation, not because I condone or do not feel repulsed by the senseless act of disrespect that is shown rarely against one of the most cherished symbols of our country, the American Flag, but because I recognize that our Constitution can be a challenging document. It reminds us that our democracy requires all of us to permit the expression of ideas that we may spend a lifetime opposing—and not simply move to pass an amendment to silence their voice. Our democracy, rather, is about advanced citizenship. It asks all Americans to fight and even protect the right of our fellow citizens to express views that are against what we believe and value most in our country.

There are few things that evoke more emotion, passion, pride or patriotism than the American Flag. But if we pass this amendment today, where do we stop? Do we move to protect other icons of American patriotism? Should we pass an amendment that prohibits the burning of a copy of the Declaration of Independence or of the Constitution? Let us not go down that path today. We have done well these past two centuries without having to amend the Bill of Rights.

In a country of over 280 million people, I do not believe that the actions of a few individuals should compel us to change our most fundamental principles. I respect our flag as well as those who have fought and died to protect the ideals which it symbolizes, but I also respect those very ideals and principles contained in our Constitution. The purity of the first amendment should not be adulterated now so that Congress can protect flags that nobody's burning anyway.

Mr. KLECZKA. Mr. Speaker, the American flag is a visible symbol of all the freedoms that make our Nation great, and this includes our First Amendment right to express ourselves freely. Our Constitution protects even those forms of speech that others may disagree with or find offensive. It is this very liberty to publicly voice one's opinions and ideas no matter how controversial they may be that distinguishes our great Nation from others.

While the desecration of our flag triggers an almost universal reaction of disgust by Americans, we are strong enough as a nation to allow individuals to express themselves in this manner, and stronger still to resist the urge to stamp out free speech that challenges us. By outlawing the expression displayed in desecrating the flag, we would diminish and undermine our flag's value by suppressing the very freedoms that it represents.

We must also note that this amendment offers a solution to a problem that simply doesn't exist. Only 45 incidents of flag desecration were reported between 1777 and 1989. Since then, these acts have been very rare. This was particularly noteworthy during the lead-up to the War in Iraq. Despite vehement anti-war sentiment, no groups burned or desecrated the flag during rallies or protests. I fail to see why it is necessary to tinker with the Bill of Rights—the bedrock of our Republic—for the first time in 211 years to outlaw an act that rarely occurs.

The United States of America has a long and proud history of protecting the right of free expression for its citizens, and I do not believe that the voice of freedom should be muzzled.

Mr. STARK. Mr. Speaker, I rise today to oppose H.J. Res. 4, a constitutional amendment to prohibit the desecration of the U.S. flag. In doing so, I rise in support of protecting the right to free speech.

The First Amendment to the Constitution says, ''Congress shall make no law . . . abridging the freedom of speech . . .'' Yet, this bill would overturn two Supreme Court decisions upholding flag burning as symbolic speech protected under the First Amendment. If ratified, this amendment would be the first time ever that the Bill of Rights has been altered and in a manner that limits the freedoms that belong to the American people.

Conveniently, we debate this bill just before Flag Day. Now Republicans can run back to their districts to flaunt what they believe is patriotism. But, we must ask ourselves: is it patriotic to trample upon the Constitutionally protected freedoms? The freedom of speech is vital to our democracy—it sets our nation apart from those oppressive regimes we have fought and deposed throughout our history.

Some of my colleagues—mainly on the other side of the aisle—will mention today that veterans across the nation support this amendment. I respect these brave Americans and what the flag means to them. But, the Republicans are using this issue to cover over their failure to fully compensate our veterans for their heroic service.

Republicans have no intention to provide for the real needs of these men and women, like improved veterans benefits, better health care for them and their families, access to affordable housing and affordable educational opportunities to name a few. Instead, Republicans are using this amendment for political gain without paying respect to those things that bring real dignity and honor to our veterans. And let us not forget, these veterans fought for our freedoms and everything our Constitution stands for.

Opening the door to limiting the freedoms of all Americans is a dangerous precedent. I fear what could be next if the Republican leadership of this House have their way. I ask my colleagues to stand up for our Constitution and vote no on this amendment.

Mrs. MALONEY. Mr. Speaker, I rise today in opposition to H.J. Res. 4, which would add an amendment to the Constitution banning the desecration of the American flag.

I believe that desecrating the American flag is a terrible way to exercise one's freedom of expression. It is hurtful and offensive. Yet, freedom of speech is one of the bedrock principles of this Nation's democracy. Some of the

most powerful movements in the history of America occurred because our Constitution guarantees everyone the freedom to express themselves.

While desecrating the American flag in protest offends many people, the flag is a symbol of our Nation's powerful democracy. Protecting our citizens' right to express themselves is more vital to the strength of our democracy than the physical appearance of the flag.

I believe that all Americans should respect and honor the flag. However, I oppose placing restrictions on the First Amendment by adding this amendment to our Constitution.

While this is an important issue and it deserves to be debated by this body, we cannot forget another issue of vital importance to America's veterans. The budget proposed by the Majority includes serious cuts to the Department of Veterans Affairs.

The proposed $15 billion cut in benefits and $9.7 billion cut in health care would leave many veterans without access to critical resources. With the ongoing conflict in Iraq, there will undoubtedly be more soldiers who will need care in the future. Rather than cut the funding for the VA, we should be providing adequate funding so that the Department will be prepared for caring for the soldiers who may need care after the current conflict has ended.

Mr. OXLEY. Mr. Speaker, I stand in strong support of H.J. Res. 4, which calls for a constitutional amendment permitting Congress to protect our Nation's flag.

As the vast majority of our constituents all know, Old Glory is far more than a piece of cloth. Especially in this post-September 11 era, it is the most visible symbol of our Nation and the freedoms we have too often taken for granted. It is a unifying sign in times of peace and war, instilling pride in our great country and continued hope for our future.

Americans from across the political spectrum and from every walk of life support the passage of this amendment. Since the Supreme Court in 1989 invalidated state-passed flag protection laws, the legislatures in each of the 50 states have passed resolutions petitioning Congress to propose this amendment. I am proud that the House is taking this important step toward a constitutional amendment today.

Mr. Speaker, my hometown of Findlay, Ohio, is well known for its civic pride and spirited celebration on Flag Day. The annual display of many thousands of flags on houses and businesses throughout Findlay earned the community the designation ''Flag City USA.'' Arlington, Ohio, which I am also privileged to represent, has been named ''Flag Village USA'' for the patriotism inherent in its citizens. The letters, phone calls, and e-mails I have received from Findlay, Arlington, and throughout my congressional district in recent weeks express strong support for the protection of Old Glory.

I am proud again this year to be cosponsor of Duke Cunningham's joint resolution, and recognize him for his unwaverly leadership on this issue. I urge my colleagues to support their constituents and vote in favor of sending this amendment to the states for ratification.

Mr. THOMAS. Mr. Speaker, I rise today in support of H.J. Res. 4, which would amend the United States Constitution to restore to Congress the power to prohibit the physical desecration of the flag of the United States.

Amending the United States Constitution is not something that should be undertaken in a cavalier manner. The gravity with which such changes in the document that provides the structure for our system of governance should be taken is reflected by the amendment process devised by the Founding Fathers. Article V of the Constitution provides that amendments can be proposed by two-thirds of both Houses or through a convention called by two-thirds of the states. Additionally, the Article provides that these proposed amendments must be ratified by three-fourths of the state legislatures or by conventions in three-fourths of the states.

So, the question before us today is whether we believe that we should restore to Congress the power to protect the flag if Congress so chooses. As I have stated previously, we are considering this question because the United State Supreme Court has taken what the Bill of Rights says is protected speech, and has extrapolated it to encompass behavior that the Bill of Rights does not specifically mention, the burning or otherwise desecration of the United States flag. When the Supreme Court did this, it handcuffed Congress in order to provide Constitutional protection to behavior that many Americans find despicable. Notwithstanding those assertions that H.J. Res. 4 itself would ban the desecration of our flag, H.J. Res. 4 would instead unlock the handcuffs that the Supreme Court slapped on Congress.

While the question of protecting our Nation's flag from desecration is not before us today, I do recognize that man of my constituents do not view the flag as merely a compilation of red, white, and blue cloth; rather, they see that cloth as the enduring emblem of freedom and America. I also recognize that to preserve both freedom and America, many American men and women, including some of my constituents in the recent Middle East conflicts, have willingly sacrificed their lives and limbs and have endured hardships that few of us can comprehend. And, I know that the desecration of our flag is a direct affront to these brave men and women and their sacred sacrifices. Thus, I now take my Constitutional prerogative to ensure that Congress has the ability to enact, or not to enact, legislation as Congress sees fit to protect our Nation's flag from intentional desecration.

Mr. BLUMENAUER. Mr. Speaker, the United States flag is one of the two most enduring symbols of our freedom and liberty. I believe that those who desecrate the flag degrade themselves and I find it a reprehensible act. So too, it is reprehensible for people to express hateful language against our country and some of our citizens. One of the values our flag represents is the freedom of expression. The United States and our cherished freedom are strong enough to withstand assaults of the crude, the bigoted and the hateful. The strength to withstand assaults comes from the other enduring symbol of our liberty: the Constitution. We should not trivialize the importance of that document, especially the freedom of speech enshrined in the First Amendment, by rushing to change the Great Document when we are offended by acts.

Because Americans honor this cherished symbol, I understand the rage and disgust most of us feel towards those who made their points by trampling on our flag. It is important to note that flag burning today is not a major problem. Throughout my years in Congress, only one constituent has voiced his concerns regarding flag burning, and none back home in Oregon.

The proposed constitutional amendment is the wrong way to protect the flag. Ironically, it would be the fastest way to make the very rare occurrences of flag burning more frequent. After all the publicity surrounding ratification by the states occurs, we will have made our flag the target for every publicity-seeking protester in America. Burning the flag will be the fastest way to go to court, perhaps to jail, but certainly the evening news. Because we cherish our flag and our Constitution, we should reject this amendment.

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of our American flag and as a cosponsor of H.J. Res. 4, which would amend the Constitution to allow Congress to protect the United States flag from acts of physical desecration.

Our flag has become a symbol of freedom for Americans and people around the world, whether flying outside of a home, or raised out of the rubble of the World Trade towers after the September 11 attacks. As an international emblem of the world's greatest democracy, the American flag should be treated with respect and care. We should not consider the flag as mere ''personal property,'' which can be treated any way we see fit, including physically desecrating it as a form of political protest.

The American flag is a source of inspiration wherever it is displayed, and a symbol of hope to all nations struggling to build democracies. As a proud member of the House Armed Services Committee, I deeply admire those who have fought and died to preserve our freedoms in Iraq, Afghanistan, and around the world throughout our history. These men and women have bravely defended our flag and the fundamental principles for which it stands. They deserve to know that their government treasures the flag and all it represents as much as they do.

Before being overturned by the Supreme Court in 1989, 48 states and the District of Columbia passed laws protecting the flag. Over the last few years, all 50 states have passed resolutions calling on Congress to pass a Constitutional amendment, which is the only way to restore the power of states and Congress to implement the will of the people.

For these reasons I, as well as a great number of Americans, believe that our flag should be treated with dignity and deserves protection under the law. With Flag Day on June 14, I can think of no better way to honor the enduring symbol of our democracy than adopting this resolution today. I urge my colleagues to join me in supporting H.J. Res. 4 to allow Congress to prohibit desecration of the American flag.

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

□ 1630

The SPEAKER pro tempore (Mr. THORNBERRY). All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WATT

Mr. WATT. Mr. Chairman, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. Is the gentleman from North Carolina (Mr.

WATT) the designee of the gentleman from Michigan (Mr. CONYERS)?

Mr. WATT. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

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

Amendment in the nature of a substitute offered by Mr. WATT:

Strike all after the resolving clause and insert the following:

SECTION 1. CONSTITUTIONAL AMENDMENT.

The following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''Not inconsistent with the first article of amendment to this Constitution, the Congress shall have power to prohibit the physical desecration of the flag of the United States.''.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the amendment and claim the time.

The SPEAKER pro tempore. Pursuant to House Resolution 255, the gentleman from North Carolina (Mr. WATT) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

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

Mr. Speaker, I have not been involved in the debate up to this point on the proposed constitutional amendment, but I want to commend the chairman of the Committee on the Judiciary and my colleagues who have conducted this debate up to this point on the quality of the debate. This is always a debate which I think has the capacity to bring out the best of the Members of our body. It does not always do that because there are strongly held positions, and sometimes emotion overtakes the day and we see the debate deteriorate. There have been instances when that has happened today, but by and large, I think this has been a high-quality debate, and I want to compliment my colleagues for maintaining the high quality of that debate.

I was, at one point, the ranking member on the Subcommittee on the Constitution, occupying the position now held by the gentleman from New York (Mr. NADLER); and during my time in service as the ranking member of that subcommittee, I realized that the quality of the debate on this proposed constitutional amendment was not the kind of quality that I really wanted to be involved in.

What I saw was that Members who supported the proposed constitutional amendment would come to the floor and they would claim that Members who opposed the constitutional amendment were somehow unpatriotic; and Members who opposed the proposed constitutional amendment and were on the opposite side from the proponents of the amendment would come to the floor, and they would accuse the other side of being somehow unpatriotic. And I would have to admit that when I first became a party to this debate, I was a part of that name-calling process.

I thought that anybody who really supported the first amendment to the Constitution had to respect, even if they did not admire or like, they had to respect the right of people who wanted to express themselves in opposition to various kinds of injustices that were taking place in our society by expressing themselves verbally, expressing themselves through political action, expressing themselves by even burning or desecrating the American flag.

I thought it was a fairly simple proposition because I was not listening very carefully to the people who were on the other side of that debate, and I was not honoring the strong positions and commitments that they held to the fact that the flag was somehow different and that burning or desecrating the flag was somehow different than other kinds of free speech that citizens could engage in.

And then I started to listen to what the other side was saying, and I started to study this issue with a little more intensity, and I concluded that it could not possibly be the case that you could have a five-person majority on a United States Supreme Court that had nine members, and the court was split five people on one side and four people on the other side, and this not be a very, very difficult issue.

Can Members imagine that Justice Scalia supports the position that I am advocating here that when one burns the flag, they are engaging in protected speech; yet Justice Rehnquist, somebody who I think most people think is pretty close philosophically to Justice Scalia, takes exactly the opposite position.

I tried to imagine during the course of that debate whether Justice Scalia ever looked at Justice Rehnquist and said, ''You are unpatriotic''; or on the other hand, whether Justice Rehnquist looked at Justice Scalia and said, ''You are unpatriotic.''

So I started to listen to my good friend, the gentleman from California (Mr. CUNNINGHAM), and the gentleman from Texas (Mr. SAM JOHNSON) and what he was saying, and I said, those Members believe as vigorously in the position they are asserting as the Members on our side believe in the position we are asserting, and we could have a high-quality debate about this flag burning amendment if we honored each other's positions and opinions and really came in and talked about the merits of this proposed constitutional amendment as opposed to calling each other unpatriotic.

So I decided I would offer an amendment which simply says, not inconsistent with the first article of amendment to this Constitution, the Congress shall have power to prohibit the physical desecration of the flag of the United States.

I thought that if we framed the issue in that context, we could really have an honest debate not only about what the physical desecration of the flag might consist of, but we could have an honest debate about what is or is not protected by the first amendment.

Now, I should say straight off that my opinion is that adding to the underlying proposed constitutional amendment, which itself says the Congress shall have the power to prohibit the physical desecration of the flag of the United States, simply adding to that that whatever statutory act we take as a Congress must be consistent with the first amendment to the Constitution, I pretty much assumed was a given. And a number of my colleagues who have supported the underlying proposed constitutional amendment have said, we do not want to do harm to the first amendment, we are not trying to cut off speech. So it seems to me that at some point, even if we pass the underlying proposed constitutional amendment that we are debating here, the one that says that Congress shall have the power to prohibit the physical desecration of the flag of the United States, that at some point the Supreme Court is going to be called upon to make that constitutional amendment reconciled with the first amendment, which says that this Congress shall make no law that tramples on the right of free speech.

So it may be that the amendment that I am offering here is kind of a redundancy. I am just basically saying that whatever we do as a Congress to prohibit the physical desecration of the flag must be done consistently with the first amendment to the Constitution, not anything revolutionary here.

Well, what does the first amendment mean? I thought I knew what the first amendment meant. I had a good law school education from what they tell me is one of the best law schools in the country, Yale University. Some of my colleagues will differ about whether it is the best or the second best or in the top 10 or in the top 30, but most people agree that it is at least one of the good universities, one of the good law schools in the country; and I will tell Members, Mr. Robert Bork was my constitutional law professor. We had some free-wheeling discussions in that class about what the first amendment meant. I thought once I got out of law school, I understood fully what the first amendment was all about.

And then I went back to North Carolina, and I went into the practice of law, and one day my senior law partner, a gentleman by the name of Julius Chambers, came to me and said, I want you to go down to eastern North Carolina and represent some Native Americans who have been charged with parading and threatening with a tomahawk in a demonstration that has taken place out there. They have been

charged with resisting arrest and all of the things that people get charged with when the police do not like what they are out there parading about, and these Native Americans had been arrested, four or five of them had been arrested. And my senior law partner sent me to eastern North Carolina to defend them against the criminal charges.

I did not know much more about those criminal charges until I got down to eastern North Carolina, and I sat down with my clients, and as I started to talk to them about what they were demonstrating about, they looked at me and they said, well, we did not want to go to school with black people. So we were out there demonstrating against going to school with black people. So I kind of swallowed hard and finished that day of activity, and I went back to my law office in Charlotte and I confronted my senior law partner and said, Julius, why would you send me down to eastern North Carolina as a black man to defend people who were out there demonstrating against going to school with black people?

□ 1645

Julius Chambers looked me straight in the eye, and he told me that day what the first amendment was all about. He simply said to me, ''Don't you believe in the first amendment?''

Those are words that I have never forgotten. That same law firm represented the Ku Klux Klan when they wanted the right to demonstrate and it was unpopular.

This is a difficult issue, and there are patriots on both sides of this issue. This is not about whether one side has a monopoly on patriotism or the other side has a monopoly on patriotism. This is a difficult issue because we love the flag and the one kind of common theme that I was able to gather from all of this discussion over all these years because we have been debating this constitutional amendment for 5 or 6 or 7 or 8 or 9 years. Ever since I have been here, it seems like, we have this constitutional amendment.

But the one thing that I think we all have agreed upon is that none of us like people who burn the flag. We are all patriots. There are 435 of us in this body. Every single one of us represents over 600,000 people. Can you imagine 600,000 people sending somebody to this Congress who was not patriotic? This, my friends, is not about whether you are a patriot or not. It is about your idea of what the first amendment truly means. It could not be that you could have Justice Brennan, Justice Marshall, Justice Blackmun, Justice Scalia and Justice Kennedy saying that this is protected speech when you burn the flag in certain contexts and them be not patriotic. These men are not unpatriotic. And it could not be that Justice Rehnquist and Justice Stevens and Justice White and Justice O'Connor are out to lunch on this issue, either. This is a difficult issue. And I think the important thing here is that we should not minimize the difficulty of the issue and we should not minimize each other because some of us happen to be on one side of this issue and some of us happen to be on the other side.

I value the first amendment, not that the people on the other side do not value it, too. I am sure they do. But in the process of having the Congress draft and pass a law to prohibit the physical desecration of the flag, the last thing I want is for us to do it in such a way that violates the first amendment to the Constitution. That amendment has been there for years and years and years and it has served us well. Nobody has tested this new amendment that is being offered here today which says the Congress shall have power to prohibit the physical desecration of the flag. Who knows what the United States Supreme Court might read into that. But what I can tell you is that our first amendment has served this country well. And people have fought and died for the right of people to express themselves. Maybe they do not like them expressing themselves by burning the flag, but it is considered by some people protected speech. And it cannot be, even in current day, more recent times, that Colin Powell, the Secretary of State, who happens to believe that this proposed constitutional amendment is unnecessary and ill advised, surely we would not dare to call him unpatriotic.

Whatever we do, my colleagues, I simply implore us to do it consistent with the first amendment to the Constitution. And if we are able to do that, then I think we will have served our country well. What I suspect is that Congress wants to just, let's pass this amendment and leave the difficult part, which is crafting something that really prohibits the physical desecration of the flag without trampling on the first amendment, to a future time. Let us just finesse that issue. This proposed amendment in the nature of a substitute does not allow us to finesse it. What it says is that whatever we do when it comes time to start drafting our statute that prohibits the physical desecration of the flag must be done consistent with the first amendment to the Constitution.

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

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

Mr. Speaker, the gentleman from North Carolina (Mr. WATT) graduated from one of the finest law schools in the country. His speech just concluded and his amendment showed that he learned his constitutional law well from Professor Robert Bork, who is one of the outstanding constitutional scholars in the country. The only difference between the Watt substitute amendment and the constitutional amendment introduced by the gentleman from California (Mr. CUNNINGHAM) is the words ''not inconsistent with the first article of amendment to this Constitution.''

What his amendment does is constitutionally codify the Johnson and Eichman decisions that said that flag desecration is protected free speech by the first amendment to the United States Constitution. So the gentleman from North Carolina's qualifying phrase is legislative sleight of hand that will prevent any future Supreme Court from deciding they made a mistake in the Johnson decision and in the Eichman decision. For that reason and for that reason alone, this amendment should be rejected, because it does the exact opposite to what the gentleman from California and his cosponsors are attempting to do in House Joint Resolution 4. It writes into the Constitution Supreme Court decisions that a vast majority of the American public believe were erroneously decided.

Never before has Congress tried to do this. I just thank the Lord that they have not. Because if someone tried to constitutionally codify the separate but equal decisions of the United States Supreme Court in the late 1890s, Brown v. Board of Education would never have been possible and would never have been constitutional. That is one of the things that has given minorities in this country the opportunity for education, to be able to graduate from high school and go to a good college and go to the top law schools in the country. So I think that we should hit this amendment head-on. We should vote for it or vote against it, patriots all; but we should not attempt to put into the Constitution the effect of the United States Supreme Court decisions, two of them, in fact, that have brought us to this point here.

Let me repeat. The Watt substitute amendment puts into the Constitution the Johnson and the Eichman decisions that state that physical desecration of the American flag is conduct that is protected by the first amendment to the United States Constitution.

Vote ''no'' on the Watt substitute amendment and pass the resolution.

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

Mr. WATT. Mr. Speaker, I am proud to yield 5 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I rise in support of the amendment offered by the gentleman from North Carolina (Mr. WATT). His amendment is an attempt to clarify how the underlying legislation will affect the first amendment as well as the rest of the Constitution. It changes the proposed constitutional amendment to read, ''Not inconsistent with the first article of amendment to this Constitution, Congress shall have the power to prohibit the physical desecration of the flag of the United States.''

So under the Watt amendment, a person could not be prosecuted just for the expression of opinion, or whether or not the sheriff is offended by that opinion; and, in other words, you should

not pass a law that provides for the criminal prosecution for someone who burns a worn-out flag while criticizing the administration at an anti-war rally if that same legislation allows someone to burn a worn-out flag if they say something nice about the administration while at a flag retirement ceremony sponsored by war supporters. The fact is that many consider peace rallies as vulgar and would like to throw the participants in jail. The fact is in many communities, the Bill of Rights is the only thing between those protesters and the jailhouse.

We should acknowledge that the ultimate purpose of the proposed amendment is to stifle political expression we find offensive. And while I agree that we should all respect the flag, I do not think it is appropriate to use the criminal code to enforce our views on those who disagree with us or to stifle political expression for those who happen to offend us.

The Watt amendment would make the proposed amendment consistent with the ideals of the Bill of Rights. It says that Congress could pass a law prohibiting the physical desecration of the flag so long as it is consistent with the first amendment. And so the underlying amendment is either consistent with the rest of the Constitution or it trumps the rest of the Constitution. Either the underlying amendment will override the first amendment or it will not. At least we ought to be honest and answer the question.

The Watt amendment says the underlying amendment will not override the first amendment and that any legislation passed under it has to be consistent with the first amendment. On the other hand, if the Watt amendment is defeated, then that action suggests that legislation passed under the constitutional amendment may not be consistent with the first amendment. And if it overrides the first amendment on speech, what else does it override? Does it override the first amendment in terms of religion? If you were to pass a statute establishing a national prayer for the protection of the flag, that would be inconsistent with the establishment clause. But does this constitutional amendment override the establishment clause? What about the equal protection clause? Can you pass a law that says some people can burn the flag but other people cannot, in violation of the equal protection clause? Will this legislation trump that? Or will the rest of the Constitution remain as it is?

My view is that this amendment is superfluous, that the rest of the Constitution is there. The chairman suggests that it codifies present law and, if so, if it does codify present law, this amendment as it is, you ought to say so. You ought to say whether or not it is consistent with the free speech provision of the first amendment, you can pass the law, or whether or not it is consistent with the rest of the Constitution, you can pass the law. It does not say so.

□ 1700

So I think we are stuck with the present law. The Watt amendment forces us to address the question.

Now, remember, as the gentleman from North Carolina (Mr. WATT) has pointed out, the underlying amendment does not prohibit anything, it just says that Congress may pass a law regarding the desecration of the flag. The real question is what standard are we going to use to judge what constitutes desecration and whether or not it has to be consistent with the speech provisions of the first amendment and the rest of the Constitution or not. This is what the Watt amendment is aimed at determining.

Mr. Speaker, I do not think we ought to repeal the Bill of Rights, and therefore, I urge my colleagues to support the Watt amendment.

Mr. WATT. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. DAVIS).

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

Mr. Speaker, I rise in support of the amendment from my very able colleague from North Carolina. At the outset, Mr. Speaker, I want to talk about what it is that is really the strength of our system, and I would define it this way: The strength of our system is nothing less than its capacity to absorb the worst impulses in our character.

Now, my very able colleague from Wisconsin mentioned Brown v. Board of Education. The day the Supreme Court issued the ruling in Brown v. Board of Education, there were crosses burned in this country. There were crosses that were burned on the day that Martin Luther King was assassinated. There are bigots who paint swastikas on synagogues in our country. There were thugs who called our soldiers war criminals and who waived the Vietcong flag in their face when they came back from Vietnam.

There is no constitutional amendment to regulate the cross burners or the bigots who paint swastikas on synagogues. There is no constitutional amendment to regulate or prescribe the enemies of our democracy who would call our soldiers war criminals. The reason is because we have frankly concluded that we do not need one. We count on our values and we count on the best angels in our nature to overwhelm the worst of us. We do not count on amendments, we count on the best angels in our nature.

If we pass this amendment without the Watts substitute, let us make it clear what we are doing. We would be singling out one class of speech, one uniquely obnoxious viewpoint, and we would be saying that this idea is somehow so corrosive, so dangerous, that we cannot count on our values to trump it.

Mr. Speaker, I am frankly not prepared to give the idiocy and the stupidity of flag burning this kind of power. We do not need an amendment to underscore our commitment to the flag and the values behind it any more than we need an amendment to suppress the other enemies of our political character. I trust the system that we have, and I think it is that, frankly, for which our veterans have fought.

We have heard a lot of talk today about whether our veterans have fought for a symbol or whether they fought for a flag. I would submit to you, as one Member's opinion, I think they fought for a system, and I trust that system. Whether it yields a 5–4 Supreme Court decision or a 9–0 Supreme Court decision, I trust that system to address that issue.

I will say in conclusion, Mr. Speaker, that this first amendment of ours has always been unique because it is this amendment that has somehow stood as a barrier to our temporary impulses, it has stood as a barrier to the temporary ways that we would react to things, and it has served us well. If we are going to change the way we look at flag burning, it ought to be done through our courts, our highest courts. If we are going to tinker with the edges of the first amendment, it ought to be done by our Court, our highest Court.

I ask my colleagues to vote for the Watts substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, there is a difference between the Court decisions on flag desecration and the Court decisions on burning crosses and painting swastikas on synagogues. On the one hand, the Court has said that flag desecration is protected by the first amendment as free speech or free political expression. The Supreme Court has never struck down an anticross-burning law or a hate crime law that makes it a crime to paint a swastika on a synagogue as political expression protected by the first amendment to the United States Constitution.

That is why we are here debating this constitutional amendment, because there are a lot of us that believe that the Supreme Court was wrong when they decided that desecrating the flag was political expression protected by the first amendment.

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

Mr. CUNNINGHAM. Mr. Speaker, I would say to my colleagues on the other side of this issue, if you do not have an outlet for civil unrest, burn a French flag; but do not try to do it in France, because you will end up in jail.

As my friend on the other side that offered this substitute said, we all have different opinions on this particular issue. We feel very, very strongly, as the gentleman does on that side. But I will tell my friend the reason I think he is wrong, and that is that for 200 years we had tradition in this country that States had penalties for those that desecrated the flag, and in one 5–4 decision, that was changed.

Now, 80 percent, up to 86 percent sometimes when they take polls, of the

American people disagree with the gentleman. All 50 States, not 40, not 30, but all 50 States have passed resolutions saying that they will ratify this position, which says that my friend's opinion is wrong.

I will say that 100 percent of the veterans organizations, those men and women that fought to keep this country free, support this. They are out in this city campaigning for this amendment, and they are going to score this vote, every single one of them, because they feel so strongly and say that my friend is wrong in his opinion.

Yes, he does have the right to that opinion. But I would say that when some people have said that it does no harm, listen to what it did to the gentleman from Texas (Mr. JOHNSON) when he was a POW and the Vietnamese told him they were burning the American flag. It was disheartening. That does affect us.

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

Ms. WATERS. Mr. Speaker, I would like to thank my colleague on the Committee on the Judiciary for his brilliant presentation on behalf of opposing this amendment.

Mr. Speaker, I came to the floor simply to say that despite the fact that the debate has been about the first amendment, we really do have another issue that has not been talked about a lot, and the issue is this: There are those who would use this particular amendment to try and send a message to the veterans that they care more about them than some of us, that they are more patriotic than some of us.

We are all patriotic. We all say the Pledge of Allegiance to the flag. We all sing ''My Country 'tis of Thee.'' And some of us add to that our support for veterans by putting our money where our mouths are. We do not support the cuts that are being proposed by the opposite side of the aisle. We have stood up on this floor relative to this budget time and time again asking our Republican friends, please do not cut the veterans.

I am patriotic. I support the veterans. I may be against this amendment, but I will be there at appropriations fighting for them. The folks on the opposite side of the aisle will not.

Mr. Speaker, I rise in opposition to the proposed constitutional amendment and in support of the Watt substitute which is intended to harmonize the proposed amendment with the protections of the First Amendment.

It seems to me that the substitute that Congressman WATT is proposing is a common sense amendment that Members can and should support, whatever their position on the need for, or desirability of a flag desecration amendment.

Mr. Speaker, I believe that flag desecration is an act that deserves condemnation. Nonetheless, I strongly oppose the proposed constitutional amendment. The amendment is dangerous and should not be approved.

Yet, at a minimum, if we are going to adopt the proposed flag desecration amendment, I believe that we should reaffirm that our intention is not to limit the protections of the First Amendment. We should not start down the road toward narrowing the scope of the First Amendment to our Constitution.

Yet, Mr. Speaker, unfortunately, I fear that the Watt substitute will not receive the support that it deserves because the process of considering this resolution is not about the law. It's about politics. In my view, the underlying flag desecration resolution is really political theater of the worst kind.

While the Resolution no doubt is calculated to win favor with veterans organizations, and may well satisfy some of them, decimating our Constitution is the wrong way to honor our veterans. Thus, the need for the Watt substitute.

The reality is that many of the Republicans who will speak so fervently this afternoon about the need for this Resolution are the same Members of Congress who voted for a House Republican Budget Resolution that would have cut appropriations for Veterans health care over ten years by a total of $6.2 billion below the level needed to maintain purchasing power at the 2003 level.

Just so that the Republicans, who could not see fit to provide a child tax credit to millions of low income workers, nonetheless could provide more than $1 trillion in tax cuts over ten years, principally to the wealthy, to those who need it least.

The original House Budget resolution would have cut veterans programs by $28 billion over ten years. As all of us know, the Budget Resolution Conference Agreement that ultimately was adopted provides for an unspecified $128 billion cut over ten years in discretionary spending with $7.6 billion in additional unspecified cuts to take place in FY 2004 alone. So the risk to veterans programs is real, and the appropriations process will reflect it.

Mr. Speaker, our veterans need help, not just flag-waving. The best way that Congress can honor veterans is to ensure that programs designed to protect Veterans and provide them with desperately needed assistance are properly funded.

Mr. Speaker, the issue before us is not one of patriotism. It's one of priorities. We have veterans who now wait six months before they can see a doctor in the VA health system. Our veterans wait years before they can even get a decision on their VA disability claims. Is this how we honor our veterans? Is this how we honor their service and their sacrifice?

Mr. Speaker, we will know that this House is serious about honoring our veterans, when we focus our attention on Democratic proposals to reduce the waiting times for our veterans to see a doctor, and reduce the handling time for VA disability claims.

H.J. Res. 4 will merely serve to dishonor the Constitution and to betray the very ideals for which so many veterans fought, and for which so many members of our armed forces made the ultimate sacrifice.

Adopting this resolution will encourage further departures from the First Amendment and diminish respect for our Constitution. Once we start down the road to limiting speech on the basis of content, it is virtually certain that further restrictions of our First Amendment liberties would follow.

Mr. Speaker, freedom of expression is at the very heart of our democracy. It is our First Amendment and the robust exchange of views that it promotes that distinguishes our country from countries that fear political dissent and imprison dissenters for expressing their views.

Mr. Speaker, the proposed cure of a Constitutional Amendment is far worse than the disease it is intended to address. Our Constitution is a great document that has protected us from oppression for over 200 years. We ought not to tinker with it when such tinkering clearly is not required. I urge my colleagues to support the Watt substitute and reject the dangerous, ill-considered underlying base bill.

Mr. WATT. Mr. Speaker, I yield 30 seconds to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, let me just remind the Members of this House that just 74 short days ago in this same room we stood in the People's House and stripped the veterans' budget by about $30 billion. That is $30 billion. We cut 20,000 VA nurses. Where was the patriotism when we lost 6.6 million outpatient visits? Where were you waving your flag as you voted to drop over 160,000 veterans from the VA health care?

Mr. Speaker, we can talk the talk; we need to walk the walk. Let us support the veterans, not with our discussion of the flag, but with service to our VA veterans.

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

Mr. Speaker, I think the gentleman from Alabama (Mr. DAVIS) hit the nail on the head that this is about our system. I have the utmost confidence in our system. This is not really about those two Supreme Court opinions, because a different composition of the Supreme Court may well say that flag burning is not prohibited, that it is protected speech or is not protected speech. The first amendment will continue to say what it says.

But I respect the system under which we operate that allows the Supreme Court to be the ultimate arbiter of whether we have violated the first amendment or not.

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

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

Mr. Speaker, this debate here and now is not on the appropriation for the Department of Veterans Affairs; it is on whether or not the Congress can pass the constitutional amendment reversing two Supreme Court decisions and prohibiting the physical desecration of the American flag.

The gentleman from California (Mr. CUNNINGHAM), who is a veteran, and I am not, stated the position of every veterans organization in the country: They are for this.

The vote at hand is going to be on the Watts substitute amendment. As I stated in my earlier argument, what this substitute amendment does is constitutionally codify the Johnson and the Eichman decisions, which state

that flag desecration is protected free speech under the first amendment of the United States Constitution.

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

Mr. SENSENBRENNER. I yield to the gentleman from North Carolina.

Mr. WATT. Mr. Speaker, I appreciate the chairman yielding, because the chairman has made that point several times. Does the chairman understand that future Supreme Courts may, in fact, have a completely different interpretation of that, and that my amendment does not say anything about those decisions? It just respects the system under which we are operating.

Mr. SENSENBRENNER. Mr. Speaker, reclaiming my time, what it does do is, in order to prevent flag desecration, it requires the Supreme Court of the United States to admit it made a mistake and expressly overrule both the Johnson and Eichman decisions. The Supreme Court of the United States does not overrule previous decisions very often. It did it in Brown v. The Board of Education. But not very often in other major areas, particularly in the interpretation of constitutional law, does the Supreme Court of the United States do it.

The way to hit this issue is head on. If you do not like this amendment, vote ''no,'' but do not adopt the Watts substitute amendment, which merely tosses the ball back to the Supreme Court, which twice has told us that flag desecration is constitutionally protected.

The only way to reverse what the Supreme Court has done for sure is to defeat the Watts substitute amendment and pass the underlying bill introduced by the gentleman from California (Mr. CUNNINGHAM).

Mr. Speaker, I ask for a ''no'' vote on the substitute, a ''yes'' vote on passage of the constitutional amendment.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the substitute to H.J. Res. 4, a resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the American flag, offered by my colleague The Honorable MELVIN WATT. I urge my colleagues to reject H.J. Res. 4 as it is presently written, and to support the substitute.

H.J. Res. 4, states, ''The following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purpose as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification: Article—'*The Congress shall have power to prohibit the physical desecration of the flag of the United States.*'.'' (emphasis added).

The amendment to the Constitution proposed in H.J. Res. 4 is a severe abridgement of the freedom of expression protected by the First Amendment of the United States Constitution. If ratified, H.J. Res. 4 would, for the first time in our Nation's history, modify the Bill of Rights to limit freedom of expression.

This Constitutional amendment is a response to a pair of Supreme Court decisions, Texas v. Johnson, and United States v. Eichman, two cases in which the Court held that state and federal government efforts to prohibit physical ''desecration'' of the flag by statute were content-based political speech restrictions and imposed unconstitutional limitations on that speech.

In Texas v. Johnson, Gregory Johnson was arrested for burning the U.S. flag during a protest at the Republican National Convention in Dallas. His acts were a deemed a violation of Texas's ''Venerated Objects'' statute that outlawed ''intentionally or knowingly'' desecrating a ''national flag.'' The Supreme Court found that Johnson's conduct constituted symbolic expression and was, therefore, protected by the First Amendment. The Court determined that because Mr. Johnson's guilt depended on the content of his expressive conduct and was restricted because of that content, the Texas law was an unconstitutional violation of the First Amendment.

After the Johnson ruling Congress passed the Flag Protection Act. Under that Act, criminal charges were brought against protesters in Seattle and Washington, D.C. In both cases, the federal district courts relied on Johnson, striking down the Flag Protection Act as unconstitutional when applied to political protesters. The Supreme Court concluded that Congress' attempt to protect the flag was related to ''the suppression of free expression'' that gave rise to an infringement of First Amendment rights.

The substitute proposed my Mr. WATT is designed to protect American's right to express their opinions and views in a way that is consistent with the First Amendment, and also consistent with Supreme Court precedent.

Freedom of speech and freedom of expression are fundamental components of our democracy. Limiting the ability of American citizens to voice their opinions about their government, through flag desecrations or otherwise, is a violation of the principles of our democracy that are symbolized in the American flag. The ability of American citizens to speak their views, especially when those views are unpopular, against the status quo, or even considered outrageous, is an affirmative social good. It is those dissenting views that often bring about social changes, legal changes, and government changes that benefit all Americans. For example, I shudder to image that America would be today if the ''unpopular'' views of Dr. Martin Luther King, Jr. were silenced.

The substitute offered by my colleague Mr. WATT protects all First Amendment Free Speech including those expressions that are critical of our local, state, and Federal governments. I proposed an Amendment to H.J. Res. 4, to protect Americans' right to speak our against their governments, even if they express themselves by desecrating the flag. I support Mr. WATT's substitute because it protects American's rights to voice unpopular views.

I join many Americans in the belief that some desecrations of the flag are distasteful and offensive. However, my offense at some expressions of free speech is outweighed by my respect for the First Amendment. I may disagree with some how some Americans express their views by destroying the American flag. But I will not trample on the First Amendment to silence a voice with which I do not agree. H.J. Res. 4 places limits on the manner in which some American may express their dissent with Government activity. This is an unacceptable limit on the content of the dissent itself.

Mr. WATT's substitute to H.J. Res. 4, ensures that every American can voice their opinions in a way that is consistent with the First Amendment to the United States Constitution, including speech that is critical of our local, State, and Federal governments.

Mr. Speaker, I reject H.J. Res. 4 as it is presently written. I support Mr. WATT's substitute to H.J. Res. 4, and urge my colleagues to support the substitute to protect the First Amendment freedoms of all Americans.

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

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 255, the previous question is ordered on the amendment in the nature of a substitute and on the joint resolution.

The question is on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. WATT).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 129, nays 296, not voting 8, as follows:

[Roll No. 233]

YEAS—129

Abercrombie
Ackerman
Allen
Baldwin
Ballance
Becerra
Bell
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Cummings
Davis (AL)
Davis (IL)
DeFazio
DeLauro
Dicks
Dooley (CA)
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gilchrest
Gonzalez
Greenwood
Grijalva
Hastings (FL)
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Larsen (WA)
Leach
Lee
Lofgren
Lowey
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Paul
Payne
Pelosi
Price (NC)
Rangel
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Slaughter
Solis
Spratt
Stark
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters

Watson
Watt
Waxman
Weiner
Woolsey
Wu

NAYS—296

Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Carson (OK)
Conyers
Gephardt
Herger
Larson (CT)
Ryan (WI)
Smith (WA)
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised that 2 minutes remain for this vote.

□ 1737

Messrs. PASCRELL, DEUTSCH, FRANKS of Arizona, PETRI, LEWIS of Georgia, BISHOP of New York, SMITH of Michigan, FLAKE and SHADEGG changed their vote from ''yea'' to ''nay.''

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

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This vote will be followed by a 5-minute vote on the motion to suspend the rules and adopt House Resolution 231 on which the yeas and nays were postponed yesterday.

The vote was taken by electronic device, and there were—yeas 300, nays 125, not voting 8, as follows:

[Roll No. 234]

YEAS—300

Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardoza
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Edwards
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hinojosa
Hobson
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
McCarthy (NY)
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—125

Abercrombie
Ackerman
Allen
Baldwin
Ballance
Becerra
Berman
Blumenauer
Boucher
Brady (PA)
Capuano
Cardin
Carson (IN)
Case
Clay
Cooper
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Dreier
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Gilchrest
Gonzalez
Greenwood
Grijalva
Hastings (FL)
Hill
Hinchey
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Majette

Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
Meehan
Meeks (NY)
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Oberstar
Obey
Olver
Owens
Pastor
Paul
Payne
Pelosi
Petri
Price (NC)
Rangel
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Shadegg
Shays
Slaughter
Snyder
Solis
Stark
Tanner
Tauscher
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu

NOT VOTING—8

Carson (OK)
Conyers
Gephardt
Herger
Larson (CT)
Ryan (WI)
Smith (WA)
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members have 2 minutes remaining in this vote.

□ 1754

Ms. LORETTA SANCHEZ of California and Mrs. NAPOLITANO changed their vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF PEACE OFFICERS MEMORIAL DAY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 231.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and agree to the resolution, H. Res. 231, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 235]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Cardin
Carson (OK)
Conyers
Gephardt
Gordon
Greenwood
Herger
Larson (CT)
Ryan (WI)
Smith (WA)
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1803

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I regret that I could not be present today, Tuesday, June 03, 2003, to vote on rollcall vote Nos. 230, 231, 232, 233, 234, and 235 due to a family medical emergency.

Had I been present, I would have voted:

''No'' on rollcall vote No. 230 on S. 222—Zuni Indian Tribe Water Rights Settlement Act of 2003;

''No'' on rollcall vote No. 231 on S. 273—Grand Teton National Park Land Exchange Act;

''Yea'' on rollcall vote No. 232 on S. 7563—To designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse'';

''Yea'' on rollcall vote No. 233 on the amendment in the nature of a substitute to H.J. Res. 4 offered by Congressman WATT;

''Yea'' on rollcall vote No. 234 on final passage of H.J. Res. 4—Constitutional Amendment to Prohibit Desecration of the Flag; and

''Yea'' on rollcall vote No. 235 on H. Res. 231—Supporting the goals and ideals of Peace Officers Memorial Day.

JOBS AND GROWTH PLAN

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

Mrs. BLACKBURN. Mr. Speaker, I suppose I should not be surprised by the latest tactics Democrats are employing to convince Americans that the jobs and growth plan ignores working families, but today I think most of

us were a bit shocked at the frantic attempts to spin these tax cuts as harmful to low-income families.

Those across the aisle who oppose this tax relief should be nervous. They voted against the plan that exempts another 3 million-plus low-income workers from any Federal tax liability. They voted against a plan that expands the 10 percent income bracket so that more low-income working Americans get to keep a greater portion of their paychecks. And they voted ''no'' to giving small businesses the ability to expense investments, a provision that is a boon to mom-and-pop operations in virtually every single corner of this country.

In an article printed in the Wall Street Journal yesterday, it was pointed out that the Nation's bottom 50 percent of filers had very little income tax liability. And you know what? Republicans reduced the burden on these working families even further when we passed the jobs and growth act. So do not be fooled by the screeching coming from across the aisle. Democrats know that people are going to love this bill when they start reaping the benefits of lower taxes; when they take a long overdue vacation, buy a new car, and put a little bit more in retirement or college funds.

We were right to pass the tax relief bill. Today, the economy looks to be on the verge of a turnaround, and Chairman Greenspan has said that the jobs and growth plan will likely boost consumer spending and feed into the job market. This is great news for Americans and should be cause for reflection for those who voted against the tax and relief bill.

TAX RELIEF BILL

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

Mr. MORAN of Virginia. Mr. Speaker, I just want to say a word about what happened before we went into recess, the fact that we voted on a bill that provided hundreds of billions of dollars of tax relief, but not to the people who needed it the most.

In fact, we now see that about one-tenth of 1 percent of the very wealthiest Americans receive approximately as much tax benefit as the 90 percent of Americans with incomes of $95,000 or less. But the most outrageous thing about this tax cut was something we did not know. It took the newspapers, and I saw it in The New York Times a week later, that revealed that we actually eliminated the child tax credit for families with incomes below $26,000, the working poor, the families who needed tax cuts the most.

I mean, I cannot believe that this Congress did that to working-class families and did not even give us the opportunity to debate it. I hope that there is a groundswell of public opposition to what we do and we can reverse this. The Democratic Party is determined to do so.

IN HONOR OF OUTGOING AMERICAN DIABETES ASSOCIATION CHAIRMAN MICHAEL WEISS

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

Mr. MURPHY. Mr. Speaker, I rise today to congratulate one of my constituents, Michael Weiss, for his work as national chairman of the Board of the American Diabetes Association. I am proud of his commitment to the local Pittsburgh community and his leadership at the national level. His efforts are helping to improve the lives of millions of Americans who are impacted by diabetes.

Michael Weiss is an attorney in Pittsburgh and has been an active volunteer for the American Diabetes Association at the local, State, and national level. He will be completing his term as the ADA's national Chair of the Board next week at the ADA's Annual Meeting and Scientific Sessions in New Orleans.

Michael's tireless efforts have earned him the distinguished Charles H. Best Medal of Service. Named for Dr. Best, the cofounder of insulin, this award recognizes meritorious service on behalf of the Association of Americans with Diabetes.

An active participant in many civic and community organizations, Michael Weiss lives in Mt. Lebanon, Pennsylvania, with his wife, Gerri. I am sure that Gerri and their two children, Melissa and Douglas, will join me in offering sincere congratulations to Michael for his great work as the national chairman of the ADA. He is a credit to our community, and we are proud of and thankful for all that he has done to improve the lives of those with diabetes.

CONCERNING THE STAGED RESCUE OF PRIVATE JESSICA LYNCH

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

Mr. KUCINICH. Mr. Speaker, was the dramatic rescue operation of Private Jessica Lynch staged for domestic propaganda purposes? The administration portrayed Private Lynch as receiving bullet and knife wounds, experiencing mistreatment by Iraqi officials, and being spirited away amid harsh enemy fire. But nothing the administration has said about Private Lynch and the circumstances of her rescue have been verified by independent news reports.

Specifically, Private Lynch sustained no bullet or knife injuries. U.S. forces knew in advance of the operation, that no Iraqi forces were guarding the hospital. Iraqi medical staff treated Private Lynch humanely, even donating their own blood. Iraqi medical staff actually tried to deliver Private Lynch in an ambulance 2 days earlier, but they were fired upon by U.S. forces. U.S. forces participating in the rescue of Private Lynch were not fired upon by Iraqi forces.

Last week I sent a letter which requested that the administration order the public release of the unedited footage taken by the military cameramen, and a letter follows. It is time to find out the truth. Mr. Speaker, I include for the RECORD the letter I referred to.

The letter referred to is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, May 30, 2003.

Hon. DONALD H. RUMSFELD,
Secretary, Department of Defense,
The Defense Pentagon, Washington, DC.

DEAR SECRETARY RUMSFELD: I am writing to request your assistance in resolving the controversy surrounding the rescue of Private Jessica Lynch.

In the days following Private Lynch's rescue from an Iraqi hospital by U.S. Special Forces, numerous U.S. officials described to national media outlets the circumstances surrounding this event. They portrayed Private Lynch as receiving bullet and knife wounds, experiencing mistreatment by Iraqi officials, and being spirited away amid harsh enemy fire. Although U.S. officials requested anonymity, their stories were widely reported without correction or qualification by the Defense Department. Indeed, the Department appeared to confirm the veracity of these reports, releasing for reporters an edited section of videotape taken by a military cameraman using night vision equipment. Indeed, in introducing this clip, General Vincent Brooks, the U.S. spokesman in Doha, reportedly said: ''Some brave souls put their lives on the line to make this happen.''

More recently, however, contrary media accounts have emerged. At their core, these accounts argue that the rescue was essentially staged. Specifically, these accounts have reported that, in fact, Private Lynch sustained no bullet or knife injuries. They have also reported that U.S. forces knew in advance of the operation that no Iraqi forces were guarding the hospital. They have reported that Iraqi medical staff treated Private Lynch humanely, even donating their own blood. They have reported that Iraqi medical staff actually tried to deliver Private Lynch in an ambulance two days earlier, but they were fired upon by U.S. forces. And they have reported that U.S. forces participating in the rescue of Private Lynch were not fired upon by Iraqi forces. Perhaps the harshest account claimed that the Pentagon's staging of this event was ''one of the most stunning pieces of news management yet conceived.''

As you can see, there is a wide gap between the facts as reported initially and the manner in which they are being reported now. As I understand the Defense Department's position, these recent accounts are ''outrageous, patently false and unsupported by the facts.'' At the same time, Defense Department officials now seem to be qualifying their earlier statements. For example, Bryan Whitman, a Department of Defense spokesman, reportedly said ''the U.S. military never claimed that the troops came under fire when they burst into the hospital.''

In this case, I believe the best course of action is not to rely solely on omissions and gaps in past statements by Department officials. Instead, I believe the better course is to provide as much information as possible.

Only by disclosing all the facts will the credibility of the Defense Department be maintained. For this reason, I have several questions I would like you to answer formally;

Did U.S. forces encounter any Iraqi forces in the hospital?

Were U.S. troops fired upon during the rescue operation? If so, please describe specifically the nature of the interchange.

Did U.S. have any information suggesting that Iraqi forces had abandoned the hospital?

Did Private Lynch sustain any gunshot or knife wounds?

Did U.S. officials have any information suggesting that Iraqi medical staff were trying to deliver Private Lynch to American forces?

Did U.S. forces at any time fire on any ambulances?

In addition to posing these questions, I would like to make two additional requests. First, there has been a great deal of commentary on the manner in which the Department edited and aired a videotape of the rescue operation. Several media representatives have requested that the full tape be released so the American people can make an independent assessment of these conflicting claims. I see no reason for the Department to reject this request. Therefore, I request that you order the public release of the unedited footage taken by the military cameraman. Of course, if you have security or other concerns, I would be happy to review the tape myself and discuss those issues with you personally.

Finally, I understand the Department has ordered an investigation into the facts surrounding Private Lynch's capture by Iraqi forces. I also understand, however, that investigators were not asked to examine the circumstances surrounding Private Lynch's rescue. In light of the controversy that has arisen regarding this case, I suggest that the Pentagon's ongoing investigation also include the facts surrounding Private Lynch's rescue, as well.

If you have any questions about this request, please call my Chief of Staff, Jaron Bourke, at (202) 225–5871. I look forward to receiving your response.

Sincerely,

DENNIS J. KUCINICH,
Ranking Minority Member, Subcommittee on National Security, Emerging Threats, and International Relations.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART 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.

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

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

TAX FAIRNESS FOR EVERYONE, EXCEPT LOW-WAGE WORKING FAMILIES

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

Mr. BROWN of Ohio. Mr. Speaker, the Republicans passed a bill last week which will provide a $90,000 tax cut to the Nation's millionaires, but let us look at what else it does.

The independent Urban-Brookings Tax Policy Center estimates that making the earned income tax credit marriage penalty relief effective this year would have offered an average tax cut of $340 to 4 million working American families. But the President decided to make them wait until 2008 for the marriage penalty relief he offered their more affluent neighbors. House Republican leadership had several opportunities to correct the President's mistake and restore fairness to the tax bill, but they decided to cut working families loose. So that is $90,000 for millionaires, not a cent for working lower-income families.

The gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, said, ''If you are not going to incentivize marriage, at the very least make sure you don't punish it.'' The gentleman from Texas (Mr. DELAY), the House majority leader, said, ''A country founded on freedom should not maintain a tax code that arbitrarily places an extra burden on husbands and wives.'' Speaker of the House, the gentleman from Illinois (Mr. HASTERT), said, ''We need a tax code that doesn't punish married couples. They don't need the Federal Government picking their pocket.''

$90,000 for a millionaire, but nothing for married, poor, or working families.

Any one of those powerful officials could have taken a stand, could have spoken up for low-wage working families, could have ensured that no legislation would pass this House that valued the marriages of families of wealthy Americans above those of their less affluent neighbors. But none of those Republican leaders said a thing. None of them raised a voice of concern or lifted a finger to stop the advance of a bill that says loud and clear to millions of Americans, your marriage is worth less than your neighbor's marriage or your boss's marriage.

$90,000 of tax cuts for a millionaire, but not a cent for low-income working couples.

Given that track record, it was disappointing, but not surprising, to learn the White House and the congressional Republican majority used their last-minute back-room deal in the tax bill to take another cheap shot at low-wage working families. The final conference bill brokered by Vice President CHENEY included a last-minute change that freezes 12 million low-wage families out of the bill's child tax credit increase.

$90,000 for millionaires, nothing for working families, lower-income working families.

At the signing ceremony for this bill, the President said, ''We are helping workers who need more take-home pay.'' But 7 million American families who pay income tax will get no benefit at all from this bill.

$90,000 for millionaires, nothing for low-income families.

Now that the word is out, some of our Republican colleagues are saying they did not know about these changes. They are looking for someone to blame for the decision to cut low-wage working families loose on the child tax credit. But the deal was cut by the Vice President and his party's leadership, so the ''I did not know it'' excuse just simply does not wash.

If the White House had wanted to correct the injustices in the tax bill, if Republican leadership had been serious about fairness for married couples and children, there were plenty of opportunities. They could have dropped the average tax cut for millionaires, like the President's friend, Enron's CEO Chair Ken Lay, from $93,000 to $88,000, and that would have left enough money to give that tax break to working families.

They could have dropped the dividend tax cut that the President and Vice President worked so hard for, just over 2 percent, and the capital gains provision cost just 2 percent; and that would have paid for those lower-income working families who do pay taxes.

So they could have offset the cost by including some responsible corporate tax loophole reforms. We all know corporate expatriates like Tyco and Stanley use loopholes in the law to abandon their U.S. headquarters and reincorporate overseas. So they give tax breaks to them, they give tax breaks to millionaires, but not a cent for so many low-income working families in this country.

The simple truth is this was not a mistake. Any Republican Member of the House who thinks it was should listen carefully to today's statement by their elected majority leader. Asked about the prospects for legislative proposals to restore just some fairness, just a bit of fairness to the child tax credit, the majority leader, DELAY, said, ''There is a lot of other things that are more important than that.''

□ 1815

Mr. Speaker, $90 million for millionaires, not a cent for working, lower-income families. It is shameful.

PHARMACEUTICAL COMPANIES RUN ROUGHSHOD OVER AMERICAN CONSUMERS

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, it was Will Rogers who said, ''All I know is what I read in the newspapers,'' and I was reading yesterday's Wall Street Journal, and I would invite my colleagues to read the Wall Street Journal of yesterday, as well, because there is a story there that is just shameful about American policies as it relates to prescription drugs.

Let me read from this article from the Wall Street Journal front page yesterday. Let me read a couple of paragraphs. In fact, the headline is, ''Empty Shells: As U.S. Balks on Medicine Deal, African Patients Feel the Pain,'' and the subtitle is ''Big drug makers protecting their patents seek limits to a global trade accord, searching for insulin in Chad.'' As one reads the article, it is shameful.

Let me just read a couple of paragraphs for the benefit of Members. ''Wealthier countries where drugs are produced and patented promised 18 months ago at global trade talks in Qatar to loosen patent restrictions in order to ease shortages and reduce prices. It was just after September 11, and the U.S. led the rhetorical charge, eager to demonstrate its desire to battle suffering among the world's poor while mounting a war on terrorism. But last December when all of the other 143 countries in the World Trade Organization had lined up behind a new plan on the trade of medicines, the United States blocked the proposal.

''The Bush administration, under heavy lobbying from the pharmaceutical industry seeking to limit the scope of the deal, endorsed a list of some 20 infectious diseases, and that was it. That was all they were willing to address. These included HIV-AIDS, malaria, tuberculosis, typhus, hemorrhagic fever, and others categorized as epidemics in the developing countries, but that was it. Drug manufacturers feared that without the limitation, the deal could lead to a broader undermining of their lucrative patent rights. Poor nations were outraged.''

Mr. Speaker, we should be outraged. As we speak, there are people suffering from diabetes in the country of Chad in sub-Saharan Africa that cannot get insulin. It is time for us to take control of this issue. For too long we have allowed the special interests and some of the misinformed people over at the FDA to sort of box us into a corner so Americans now pay the world's highest prices. We are the world's best customers, but yet we pay the highest prices for prescription drugs.

Do not just take my word for it. We were in Munich, Germany, about a month ago, and we bought and I have the receipt here for what we paid for these drugs. Let me take this drug, Cipro, which we all know about after the anthrax scare. In Germany, at the Munich airport, we paid 35.12 Euros for this product. That is about $34. This same product in the United States sells for $60. The average price in the United States, according to one study, is over $80. We paid $34.

Let me take Coumadin, and this is a drug that my father takes, made by DuPont. This drug in the United States, the average price is over $64. In Munich, Germany, we bought this drug for 20.43 Euros. That works out to about $19 in American currency; $64 in the United States, $20 in Europe.

Glucophage, a marvelous drug for diabetics, which we bought in Germany for $5. This drug can cost as much as $100 here in the United States of America.

But here is the one that really got to me. This is a drug called Tamoxifen, probably the most effective drug we have ever seen on the market in treating and perhaps preventing breast cancer among women. It is a miracle drug, and we are thankful it exists. We bought this drug at the Munich Airport pharmacy for $59.05 American. This same drug here in the United States sells for $360 for the same box; $60 in Germany, $360 in the United States.

Mr. Speaker, it is not shame on the pharmaceutical industry, it is shame on us. We have created an environment where we permit these companies to literally run roughshod over American consumers.

Let me add one other thing about this drug, American taxpayers paid for almost all of the R&D costs to have it developed. In fact, the company originally said they would not patent it because it was the taxpayers who paid for the R&D. But I guess they have patented it.

I will yield back the balance of my time, but I will be back; and I have a bill that will begin to resolve this, and I hope all Members, Democrats and Republicans, will join me in cosponsoring that legislation.

TAX CUTS LEAVE OUT WORKING POOR

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

Ms. SOLIS. Mr. Speaker, there has been a lot of talk about what the recent tax cuts will do for our economy, and I would like to talk to Members about what they will not do and who they will not help.

The $350 billion in tax cuts leaves out the working poor, and many, in the State of California, working families. Republicans rejected a Democratic attempt to try to get child tax credits to low-income families earning less than $10,500. To add insult to injury, last-minute changes made by Republicans also will prevent families with incomes between $10,500 and $26,625, and that includes about 11.9 million children, and they will not receive any kind of a child tax credit or be eligible for one. One out of every four families in my district in California will get no child tax credit.

Families like this one pictured here, who live in my district in East Los Angeles, Ruben and Teresa, whose son is proudly serving us right now in Iraq, this family makes $24,000 a year. They will get no tax break, no tax break. Yet somehow Republicans found $90 billion to give to 200,000 millionaire families. That money will not make it to my district, no way, since 99 percent of the families there earn less than $200,000.

Republicans left out all of these families to accommodate tax cuts on dividends that go mostly to rich and wealthy people. The tax cuts leave out married tax filers who happen to be living in poverty. The Republicans postponed marriage penalty relief under the earned income tax credit which is claimed by many working families earning $34,000 or less. This means that working-class married tax filers are treated as second-class citizen.

The tax cuts leave out the people of California, and although California suffers from the largest budget deficit in the country, it is ranked at 43rd in terms of per capita State aid allotted by the Republican tax bill.

Mr. Speaker, 31 percent of California families are not helped by the child tax credit. That is 2.4 million children in California alone, and I mean all children; and 47 percent of Californians will get a total tax cut of less than $100. That is barely enough to take them to the movies, buy a pizza and maybe have some extra spending money to buy book supplies, if that.

Mr. Speaker, 28 percent get nothing at all. It is a sign of a grossly skewed priority by Republicans that would leave a lot of people out, yet they give $100,000 tax breaks to the largest SUVs, which pollute our air, keep us dependent on foreign oil, and spew out greenhouse gases.

So while the typical millionaire gets over $93,500 in tax cuts and another $100,000 break for their huge SUVs, working-class people are left sitting in the smog with almost nothing in their pockets. If we had only given those millionaires $88,000 instead of $93,000, we could afford to give the child tax credit to all families. That means 140,000 hard-working families in my district would have gotten some kind of tax relief.

Democrats tried to offer an economic stimulus plan with an immediate increase in the child tax credit, marriage penalty relief for all, and the expansion of the 10 percent tax bracket, and Democrats tried to put money in the pockets of working-class people. These are the people who would stimulate our economy, pull it out of the tailspin it has been in ever since this President took office.

With more than 2.7 million jobs lost in the last 2 years, we in Congress should be declaring war against poverty. Instead, Republicans have declared a war against working families, families like this who send their children to serve in our wars. We need to change that, and we need to support and extend benefits for those hard-working Americans, especially families like this that right now are hoping that their son will come home, and even he would not be eligible for a tax credit because he makes less than the amount required under this bill that was passed by the Republicans.

COMMENDING THOSE FIGHTING WAR ON TERROR

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

Mr. BEAUPREZ. Mr. Speaker, I rise today to urge my colleagues to support House Concurrent Resolution 177, recognizing and commending people of freedom for having played such a crucial role in the ongoing success in the war on terror.

Mr. Speaker, people of freedom come in all different shapes and sizes. They do not come from one nation, but from all nations. They do not go to the same house of worship, but they all have hearts filled with hope. They do not all carry a rifle, they do not all go into battle, but every single man or woman who believes in freedom also believes we can leave this world just a little better than we found it.

Mr. Speaker, the success of Operation Enduring Freedom and Operation Iraqi Freedom is not just a plan, it is not just training, it is not just willpower or determination; it is all of that and much, much more. It is about young men and women who displayed heroism in the face of grave danger. It is about leaders who redefine the very nature of conflicts, it is about a disciplined military equipped with cutting-edge technology capable of delivering surgical strikes with razor-sharp precision. It is about a fighting force filled with compassion, a force capable of delivering the fist of justice and the outstretched hand of comfort at the same time.

I have heard some disturbing things lately, Mr. Speaker. I have heard that the conflict in Iraq was unjustified. I have heard that uncovering mass graves is somehow not a good enough reason for freedom in Iraq. I have heard that mobile bioweapons labs do not count as real evidence of weapons of mass destruction. I have heard that life under one of the most brutal regimes in history really was not all that bad. That is nonsense, pure nonsense. Furthermore, it is an insult to the brave men and women now returning home.

Mr. Speaker, I join my colleagues to commend not only our troops but the entire military community, for without the people in the background, the encouragement of a family, the expertise of a scientist, the commitment of a President, the situation in Iraq today and in the free world's war against terror might be very, very different.

May God bless the men and women of our Armed Forces, and may he also bless those who give them aid and comfort.

Mr. Speaker, I call on all people of freedom to join us in celebrating our brave troops returning home. I ask them to join us in celebrating the liberation of the Iraqi people. While there is much work to be done, and while we will continue to bring justice to those who perpetrate terror, it is wholly appropriate to take this opportunity to congratulate our soldiers whose sweat and blood has made freedom a reality for oppressed people around the world, as well as the communities who support them.

□ 1830

And so, Mr. Speaker, I urge my colleagues to join me in sending a clear message of thanks by voting in favor of House Concurrent Resolution 177.

REPUBLICAN TAX CUT LEAVES POOR FAMILIES BEHIND

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, this afternoon I received the following e-mail from one of my constituents. It says:

''Dear Janice Schakowsky, our government should stand for basic fairness and justice. That's why I do not understand why families earning between $10,000 and $26,000 per year would be excluded from receiving the $400 per child tax refund that wealthier families will receive this summer just so millionaires can get bigger tax cuts. As a constituent, I ask you to please amend President Bush's unfair tax cut plan to include these poor families and their 12 million kids. To leave the tax cut as it is brings too much shame upon this great Nation. Sincerely.''

My constituent is correct. This is a shameful moment in our great Nation, and we should not rest until we undo the tremendous wrong committed by the Republican leadership and the Bush administration. This is no time for business as usual. This is a time to reverse the damage done by the disgusting choices made by our colleagues on the other side of the aisle. There are those who may tell us that the decision to leave 12 million children in low-income working families on the cutting room floor was just a mistake, but that would be a lie. As The Washington Post editorialized yesterday, ''Stiffing these children was not a last-minute oversight or the unfortunate result of an unreasonably tight $350 billion ceiling.'' In fact, this was a deliberate, mean-spirited action committed in the name of protecting special interests instead of our Nation's children. In fact, a House Republican Ways and Means Committee spokesperson confessed that, ''Well, adjustments had to be made.''

Let us be clear about what happened. Behind closed doors, Republican leaders got together with the administration and decided who was going to be thrown overboard and who would be brought to shore. There were no Democratic Members in that room. There were certainly no children or working families in the room. And the decision was made to throw children and working families, including military families, overboard and to save the dividend tax cuts for millionaires while restoring the ability of corporations to unpatriotically stash their profits in Bermuda. Compassion for millionaires and corporate traders, contempt for low-income children and their parents.

As Warren Buffett has said, ''If this is class warfare, then my class is winning.'' There are other winners besides Warren Buffett. Not surprisingly, the Bush Cabinet members who worked so hard to sell this tax cut, job-killing bill are also winners. According to a report just completed by the Committee on Government Reform minority staff, Vice President DICK CHENEY, the President's key tax negotiator, will reap $116,002 a year from the dividend/capital gains provisions in this bill. John Snow, Secretary of the Treasury, will get over $332,000 a year. Donald Rumsfeld, who gave Vice President CHENEY's former company, Halliburton, a multimillion-dollar sweetheart contract, wins big, too, as much as $604,000 a year. No wonder they all worked so hard to sell such a defective product.

We know who the winners are; and now we know at least some of the losers, 12 million children and working families. In my State of Illinois, nearly one in four children, 674,000 children in 378,000 families, were tossed aside so that Cabinet secretaries, billionaires, and corporations like Enron could be protected. We were not given time to read the Republican tax cut, job-killing bill before the vote; and I do not blame my colleagues for trying to push their bill through before we and the American public could learn what it included. I would be ashamed, too, if I decided to give Cabinet members, wealthy Members of Congress, and rich campaign contributors life jackets rather than women and children. And no wonder the Members on my side of the aisle were not given an opportunity to offer even one single amendment. What if we had learned the truth and tried to correct it?

Now we have learned the truth, and it is time to right an incredible wrong. Bob Herbert labeled this as a ''quintessential example of what the Bush administration and its legislative cronies are about. The fat cats will get their tax cuts. But in the new American plutocracy, there won't even be crumbs left over for the working folks at the bottom of the pyramid to scramble after.''

Now the actions of the Bush administration and Republican tax decision-makers are out in the open. And now it is our responsibility to act by passing the Rangel-DeLauro bill. Children and working families should be our first priority, not tossed out, given crumbs or thrown overboard. We must make the commitment to act this month.

IRAQ: WHAT NOW?

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

Mr. DUNCAN. Mr. Speaker, a front-page story today in the Washington Post says, ''Iraqi political leaders lashed out today at a plan by the top U.S. civilian administrator here to appoint an interim advisory council.'' The headline says, ''Iraqis Assail U.S. Plans.''

The front page of the Washington Times has a story today saying, ''Unemployed Iraqi soldiers swarmed U.S. occupation headquarters yesterday demanding back pay and emergency payments of $50 each and avowing vengeance if they didn't get their way.''

We are in a real mess in Iraq. Since when did it become the obligation of U.S. taxpayers to pay the salaries of the Iraqi military? When in history has a victorious army had to start paying the salaries of the defeated army? We have already given the retired people on pensions in Iraq emergency payments, handing out two crisp $20 bills to each, and probably more by now. Since when did it become the obligation of U.S. taxpayers to pay the pensions of Iraqi retirees? Those who support foreign aid found out many years ago that it was very unpopular so they just started putting our foreign aid and overseas spending into every Federal department and agency. The supporters of foreign aid very misleadingly say foreign aid is only about 1 percent of the Federal budget. What they do not say is that we are spending several hundreds of billions of dollars through every Federal department and agency.

I am very pro-military and pro-national defense. However, in many ways today we are turning the Defense Department into the biggest foreign aid agency there is. We were told a few weeks ago that the military is going to build or rebuild 6,000 schools in Iraq and set up a free basic health care plan for all Iraqi citizens. I heard one Member jokingly say that he was going to suggest changing the name of a small town in Wisconsin to the name Iraq so that town could qualify for the huge money that is about to be spent. We are told that the U.S. will spend $200 to $300 billion rebuilding Iraq over the next 10 years. This means $20 to $30 billion each year in a country where the gross domestic product last year was less than $60 billion.

Our military did a great job in Iraq, as we all knew they would. But we spent over $100 billion to defeat a country whose total military budget was only $1.4 billion, about two-tenths of 1 percent of ours. Saddam Hussein was a very evil man, but Iraq was never any real threat to us, as this 3-week war proved. Now we are in a real mess.

Fortune Magazine, in its November 25 issue a few months before the war started, had an article entitled ''Iraq, We Win, What Then?'' That article said, ''A military victory could turn into a strategic defeat. A prolonged, expensive American-led occupation could turn U.S. troops into sitting ducks for Islamic terrorists. All of that could have immediate and negative consequences for the global economy.'' That is exactly what is happening today.

I heard one American general say on the news recently that the American military was not designed to be a police force. Yet that is exactly what we are doing in Iraq today. James Webb, a hero in Vietnam and President Reagan's Secretary of the Navy, wrote before the war: ''The issue before us is not whether the U.S. should end the regime of Saddam Hussein but whether we as a Nation are prepared to occupy a territory in the Middle East for the next 30 to 50 years.'' He was one of many, many conservatives against this war.

Charley Reese, the very popular conservative columnist, wrote a column March 24 entitled ''Congratulations'' for becoming ''the proud mamas and papas of 22 million Iraqis'' since we will be providing them with so much. He then wrote:

''I have long been against taxing Americans to solve problems in foreign countries. It seems to me to be a simple proposition. Until an American politician can honestly say that all Americans are healthy and prosperous, that all children attend a clean, well-equipped school, that our entire infrastructure is up to speed, that all of our public health and environmental problems have been solved, then American tax dollars ought to be spent in the United States. I've read the Constitution I don't know how many times, but I never found anywhere in it that Congress can tax Americans and give the money to foreigners, but Congress does it, anyway.''

Are true conservatives now for massive foreign aid? I do not think so. Are true conservatives for huge deficit spending? I do not think so. Are true conservatives for world government and the U.S. becoming the world's policeman? I do not think so. Yet we will spend all these many billions in Iraq because a few big multinational companies will make sure we do and because some government officials feel more important if they are placed in charge of other countries.

Charley Reese also wrote in that same column:

''We, of course, will get stuck with the bill and it will cost hundreds of billions of dollars. Some of the politicians' corporate cronies are already being promised lucrative contracts. There's always a profit to be made from war. You and I won't make it; the soldiers, sailors and airmen won't make it. No, as consumers we pay the price in treasure and blood and grief; the big corporations reap the profit.''

In yesterday's Washington Post, a story said that some of the same Iraqis who are smiling at U.S. soldiers are harshly criticizing U.S. rule when the soldiers are not around. The Iraqi people hated Hussein, but the only ones who want us around are the ones we are paying.

We should get out of Iraq, Mr. Speaker, the sooner the better and not put more American lives at risk. We should let Iraqis use their humongous oil wealth to rebuild their own country.

REPUBLICAN TAX CUT IS UNFAIR

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

Mr. DEFAZIO. Mr. Speaker, after the passage of the largest tax cut in history 2 years ago, the President began to talk about a little glitch in that, and a glitch that no one could have anticipated, not the Republican White House which wrote it, the Republican Senate which passed it, and the Republican House which passed it who deliberately wrote the glitch in, which was, gee, the estate tax would only expire for 1 year and then if you did not die during that 1 year, you would be subject to the full estate tax again. And a number of other taxes were phased back in.

Well, it was not a glitch. They knew about it. They had to do it so they would not bust the bank and that was when they were predicting a surplus. But guess what now? Whoops, here we go again. There is a little glitch in the second largest tax cut in American history passed at the time of the largest deficit in American history 2 weeks ago in the dark of the night, personally written and negotiated by Vice President CHENEY and the Republican leadership of the House and the Senate.

How could they have known that they left out half of the American people? I mean, after all, it was Ari Fleischer who said, ''And, of course, for people in the 10 percent bracket, they benefit the most and that's the lowest income workers in America.'' He went on to say that it certainly does deliver tax relief to the people who pay income taxes. The President surrounds himself with waitresses. But unfortunately it is all a lie because those people are not going to get tax cuts under this bill. In fact, 51 percent of income-tax-paying Oregonians will get no cut under this bill and about 49 percent of income-tax-paying Americans will not get any cut under this bill. 7.6 million people who are in this 10 percent tax bracket that Mr. Fleischer referred to who were supposed to get a lot of benefits are going to get zero, zilch, nada under this bill. But every millionaire is guaranteed $93,500 or more under this bill.

To even heap more irony on top of the injustice, the $93,500 for each millionaire will come from FICA taxes, payroll taxes paid by wage-earning Americans. Wage-earning Americans pay about 7 percent of the first dollar they earn and every dollar they earn up to about $88,000 on FICA tax. In fact, more than half of American workers pay more in FICA taxes to the Federal Government than they do income taxes. No relief for them. And, hey, guess what? We have really suckered you, because we are going to borrow every penny of the FICA taxes you

have paid that you thought was going into a trust fund, in fact, a lockbox, passed seven times while the Republicans have been in charge of this House. Seven times we passed a lockbox for Social Security. Well, we cannot afford a lockbox anymore. It is busted open and robbed. Empty. That money is going to be used to finance the tax cut and replaced with IOUs. So the millionaire who gets a $93,500 benefit under this bill, they pay a FICA tax at the rate of .7 percent, one-tenth of the rate at which a wage-earning teacher or sales clerk pays that same tax, because they do not pay it on any income over $88,000 a year.

□ 1845

So $912,000 of their income is exempt from FICA tax, and the poor person who works for minimum wage or for a decent wage is paying FICA tax of 7 percent on every penny earned.

Finally, they made much hay on the fact that they were going to do so much with the child credit. Of course, it was temporary and going to expire in 2 years, but that is probably a glitch and they would have discovered that later.

But there was another little glitch. Most Americans, in fact, all Americans who earn between $10,500 and $26,625 will not get the child care credit. That is an awful lot of people who have an awful lot of need. That includes 11.9 million children.

So, all in all, what we have here is one of the biggest scams in history. Never before has this country in a time of huge deficit borrowing, and that is how this is being paid for, borrowed so much money from so many wage-earning Americans to give to so very few at the top under the premise that somehow those really rich people might invest or spend that money in a way to give those working people jobs so they can pay more FICA taxes that can be transferred to them in next year's tax cuts, which the President has already targeted toward those who earn over $1 million a year, to help them have more to contribute at election time in what is expected to be a record expensive Presidential election.

The system is incredibly corrupt.

JOBS AND GROWTH, TAX CREDITS AND SMALL BUSINESS

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

Mr. HENSARLING. Mr. Speaker, last Wednesday President Bush signed the Jobs and Growth Act of 2003, a bill I was proud to cosponsor.

After liberating the people of Iraq from despotism, it was time to liberate the American family from economic uncertainty. The best way to do that is to create jobs and economic growth, and although this bill has been substantially compromised, the bill was designed to do just that. Yet there are some in this body who still complain. They say the bill is not fair. They say that there is not tax relief for the poor.

Mr. Speaker, they are wrong. First, for all practical purposes, poor people do not pay income taxes. In fact, in this bill, we take 3.7 million Americans off the tax rolls. That is right, almost 4 million people who paid income taxes last year will pay no income taxes this year. None. How much more tax relief can you receive than having your tax bill canceled, torn up, thrown away? These Americans join millions of other low-income Americans who have already been taken off the tax rolls in recent history.

By lowering marginal rates, Mr. Speaker, other lower-income Americans benefit as well. Many who were in the 15 percent bracket last year are now in the 10 percent bracket. The net result is, the bottom 50 percent of wage earners in America now pay 3.9 percent of the income taxes. In contrast, the top 10 percent of wage earners in America pay over 50 percent of the income taxes.

What the critics of this bill fail to appreciate is that tax relief is for taxpayers. If you do not pay taxes, you should not expect tax relief.

Mr. Speaker, it is clear that some in this body are confusing tax relief with welfare. Welfare is about direct government assistance to those who are at or near the poverty line. Fortunately, under a Republican Congress we have continued to move millions of Americans from welfare to work, and we have increased Federal child care funding by 166 percent. We have increased funding for housing by 75 percent. Just this past year we committed $17 billion to the TANF program.

Tax relief is different from welfare. Tax relief is about allowing taxpayers to keep more of what they have earned, earned through their hard work, keeping more of their own wages for their families.

Mr. Speaker, let us not forget, it is not the government's money, it is the American family's money. If critics of the Jobs and Growth Act truly care about low-income people, they should help move them off of welfare, off of welfare checks, onto paychecks. In other words, they should join us in creating jobs.

But, Mr. Speaker, jobs are not to be found hanging in the trees, nor do they fall from the sky, and they sure are not brought to us by the Federal Government. Jobs are created by hard-working, risk-taking, visionary men and women who, with access to capital, roll up their sleeves, and they work hard to create that next generation of software, a new automobile repair shop, an innovative sign painting company, or any other enterprise.

Small business is the job engine of America. It creates two out of three jobs in our country. But, Mr. Speaker, the number one impediment to launching a new job-creating enterprise is access to capital. That is why we cut capital gains and dividend taxes in this bill. You cannot have capitalism without capital, and by lowering these tax rates, we will spur capital formation, the lifeblood of small business.

Additionally, we have lowered marginal tax rates. This is important, because 80 percent of the tax relief from reducing the top marginal rate goes to small business owners and entrepreneurs.

Mr. Speaker, I have had a number of jobs in my life. I used to clean out chicken houses. I used to bus tables. I have loaded windows on a loading dock. I have been an officer in two companies and started my own small business. In all of those jobs, not one low-income person has ever hired me. It was a taxpayer, a taxpayer who had vision, who had access to capital and went out and took a risk. If we want jobs, these are the people who need tax relief.

If we really care about low-income families in America, and if we truly want to be fair, let us quit trying to turn the Tax Code into a welfare system. Let us give tax relief to taxpayers, to small businessmen, to entrepreneurs, and go out and create jobs, jobs, jobs and more jobs.

TRIBUTE TO JOSEPH ROSEN

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a longtime friend, mentor, fellow activist and one of the most committed and dedicated educators that I have ever known, Mr. Joe Rosen.

Joe died a few days ago at the ripe age of 91, after having devoted much of his adult life to teaching, being a principal, a district superintendent and overall advocate for improving teaching techniques and for finding additional ways to more effectively educate racial minorities and disadvantaged children.

One of Joe's unique characteristics is that he never gave up on the neighborhood where he grew up and sharpened his skills. Mr. Rosen was born and grew up on the west side of Chicago in a community that was predominantly Jewish. He graduated from Marshall High School and put himself through college, working as a taxi driver, at the post office, and as a laundry worker.

His undergraduate studies were at the Chicago Teachers College and he earned a master's degree at DePaul University. Mr. Rosen studied to become a biology teacher, but could not find an opening during the Great Depression. Therefore, he took a job teaching physical education and did that for several years. He loved to tell the story of how he beat out the legendary Chicago Sun Times columnist Irv Kupcinet for a handball instructor's position because he was willing to work for less money.

Joe eventually got a job teaching biology at Wells High School, and in 1947

was appointed principal of the Howland Elementary School, and this set the stage for the rest of his life's work, dealing with the needs of underprivileged children.

Joe's daughter Arlene stated that ''All of our lives, all of our family, friends and relatives, if they had clothing to pass on, would take them to my dad and he would take them to school. He would take clothes for adults too. He had kids get eye exams and had an arrangement with those doing the testing to provide glasses for a very low fee.''

Mr. Rosen established an after-hours social center at Howland for elementary and high school pupils to keep them off the streets. As the neighborhood was changing, he instituted intergroup understanding as part of the curriculum.

When he became Superintendent of District 10, he established the Farragut Outpost, an alternative school for Farragut students who were not progressing well with the regular straight academic curriculum. The Outpost kept young people in school and attracted many dropouts back.

Joe was indeed an innovative educator who was able to do a great deal with teaching approaches and techniques. He was an avid supporter of early childhood education and established several Head Start and daycare center programs in his district.

Joe would be pleased to know that we are here tonight talking about the earned income tax credit program that is designed to help those at the very bottom. Joe promoted back-to-school activity. He promoted breakfast and lunch programs for children, understanding that they could not learn well if they were hungry.

However, many people knew him best through his partnership with Mrs. Ida Mae Fletcher, Ma Fletcher, a pioneer leader and education activist. Through their efforts, community involvement and parental participation became buzz words associated with public education in the Chicago area.

Joe was forced to retire at the age of 65 because of an age requirement. However, he continued to work both formally and informally for many years. He met his first wife, Ms. May Berg at a dance and they were married in 1939. After her death, he met Ms. Carol Bauer and they were married in 1984.

Joe leaves to mourn his passing his sons Laurence and Robert; stepson Harlen Bauer and stepdaughters Betsy Bauer and Susan Bauer; Yetta Rothstein, his sister; brother Walter Rosen; and four grandchildren.

Joe continued to be active and serve on various boards and committees right up to the end of his life. He was a member of our Seventh Congressional District Education Task Force and the Westside Association for Community Action.

Joe never gave up on his inner-city community, and the community never gave up on him. He leaves a tremendous legacy of commitment, dedication and commitment, to serving those who needed help. That is why Joe would be pleased to see my colleagues here extolling the virtues of tax relief or tax cuts for those who really need it, and not for those who do not, those who can benefit if we are real about what is needed.

HONORING JOHN MEHRMANN OF MANCHESTER, NEW HAMPSHIRE

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

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to honor Manchester's John Mehrmann, New Hampshire's winner of the VFW Voice of Democracy Scholarship Contest. This contest is held each year to give high school students the opportunity to voice their opinion on their responsibility to our country.

The following is Mr. Mehrmann's essay, which I found both compelling and profound, and which is why I want to read it on the floor of the United States Congress.

''We were just kids. All our lives, everything was perfect; everything worked. Everything was planned. We went to school. We came home. We slept. And somewhere along the road of our lives, we would graduate from school. After graduating from school, we would go to a new school, we would come home, and we would sleep. There was nothing to fear; there would always be food in the fridge and gas in the car. Every time we flicked the light switch, there would be light.

''Then something happened. Suddenly something, somehow, someway, somewhere shattered. As the dust settled and the magnitude of what we had lost became clear, it wasn't the death of an age for us, and it wasn't the death of jokes. But as we walked across the street or through the halls or drove our cars, something was different. The world was smaller that day. And all the faces, you with your expensive car, or you who always had something important to say, they all looked so much alike. They didn't all have the same hair color or the number of freckles. Some had straight teeth and some had big chins.

□ 1900

But they were all sad, all thinking. Innocence died that day, the innocence that let us worry about the grades or the pimples on our noses, the freedom to do what we wanted, when we wanted, was lost somewhere in 100 stories of broken steel and dust. We didn't grow up when we got our driver's licenses, and we didn't grow up when we got our first jobs, or even when we turned 18. We all grew up when we had to.

We heard a lot of talk after our abrupt maturation about freedom and responsibility. There were a lot of speeches, and everyone seemed very serious. But mostly, we knew. We knew we could never be kids again. We finally realized what it meant to be responsible. Being responsible was doing our best, even when no one was watching. The responsibility thrust on some of us unexpectedly one late summer morning opened our eyes. We learned to think with our minds and feel with our hearts. Now the people we heard speaking French or Swahili when we came to school each day weren't foreign, they were victims of reality, like the rest of us.

We never knew how or when we would grow up. We didn't know why we had to. We saw the photos and the film clips of men and women leaping from flames only to careen hundreds of feet to their deaths. Again and again, we saw the missiles which we had all thought so harmless piloted to murder what could have been our entire school in an instant.

Freedom wasn't a badge. Freedom isn't a badge. It isn't a prize trophy to be flaunted and waved in the faces of the enslaved. Freedom is a burden, but a burden worth its price. Responsibility is the price of freedom. Freedom does not unequivocally allow for self-indulgence. Self-indulgence and selfishness are not responsible, and it is irresponsible to self-perpetuate at anyone's expense.

We think identities to be so important, and we imagine our lives to be so worthy of greatness that we forget the community of mankind of which we are so preciously minuscule a part.

Obsequiousness and submission are not the stigmas they were before adolescence was made extinct. Freedom is not a right to individuality but a right to community. It is a right of individuals to determine their sociality within the bounds of a world not limited to oceans or lines drawn on a map, but one which spans the entirety of a globe, encompassing a myriad of peoples with innumerable concerns. It is the responsibility of the world's free people to determine which concerns take precedence. The free peoples of the world must recognize the greater good for which to strive. Absolute singularity is no longer an option.

These are the words of John Mehrmann of New Hampshire.

THE UNKINDEST CUT OF ALL

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART). Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, on April 26, President Bush stated in his weekly radio address, ''My jobs and growth plan would reduce the tax rates of everyone who pays income tax,'' ''everyone who pays income tax.''

On May 29, after the GOP tax bill, which included the provision of the President's plan, in full or in part, had been passed by Congress, now, one ought to understand that it was delivered at 8:45 p.m., a very large tax bill,

all sorts of provisions that had never been seen in full by any Member of this House reported out at 8:45. We were called back at approximately 10:30. It was passed at 1:55 a.m. in the morning, in the dark of night because in my opinion the majority wanted to hide this bill. They wanted to take credit for the tax cut, but they wanted to hide the specifics of the bill.

It was signed by the President. The White House Press Secretary, Ari Fleischer, stated, ''This certainly does deliver tax relief to people who pay income taxes.''

Now, my friend, the gentleman from Texas, not the gentleman who just came on the floor but who previously spoke, a new Member of the House, reiterated that mantra, that everyone who paid taxes was going to get a reduction.

Let there be no mistake, these statements are blatantly and unabashedly wrong. As the Tax Policy Center has reported, more than 8 million lower- and middle-income taxpayers who pay billions of dollars in taxes a year will receive absolutely no tax reduction under the GOP tax bill. That figure, Mr. Speaker, includes 1.8 million taxpayers who pay more than $1,000 in income tax. They will receive no relief.

In the unkindest cut of all, 6.5 million minimum-wage families with nearly 12 million children will not receive the $400 per child increase in the child tax credit in the GOP bill. Why did that happen? It happened because they said that they were going to leave their bill at a $350 billion cut. Why? Because they needed to get some Republican members of the Senate to vote for it, and they could not get them to vote for any number larger than that.

So who do they look to to cut out? Did they look at Warren Buffett? Frankly, did they look at the gentleman from Maryland (STENY HOYER)? I could have afforded it. No, they did not look at us. They did not look at the wealthy; they looked at the poorest Americans and cut them out of this bill.

As a matter of fact, most of us probably did not know that, and the President has now said he is going to fix it. But frankly, he did not offer it in his tax bill. The Republicans did not offer it in their tax bill that passed the House. It was a Democratic amendment offered by Senator LINCOLN, adopted, and was in the conference. We all thought it was going to stay in the conference, but it was dropped in the dead of night without any Democrats in the room and unbeknownst to most Members.

Mr. Speaker, we could have extended the child tax credit to all families, as we sought, simply by limiting the reduction in the highest marginal income tax rate to 35.3 percent rather than 35 percent. We needed to pay for it, and we could have done it.

Now, that same gentleman from Texas observed that we needed to reduce the taxes because we needed to get the economy moving. We had a plan. It was fast-acting, fair to all Americans, and fiscally responsible. It did not harm us in the long term.

That plan was not allowed to be offered. The plan that was offered, however, was not fair, was not fast-acting, and is not fiscally responsible. In fact, we have gone from $5.6 trillion purported surpluses that the President told us we had to a, now, almost $3 trillion deficit, and we are going to be facing what they say is a $44 trillion deficit in the future. That will be a substantial tax increase for many children in America and many children unborn who will have to pay the interest on that incredible debt that we are incurring.

But lo and behold, in the clearest possible demonstration of the majority's values and priorities, the GOP has shown once again that when push comes to shove, it will fight for the Bush class over the working class every single time. The GOP's mantra really ought to be, leave no millionaire behind.

Mr. Speaker, on April 26th, President Bush stated in his weekly radio address: ''My jobs and growth plan would reduce the tax rates of everyone who pays income tax.''

And on May 29th, after the GOP tax bill—which included the provisions of the President's plan in full or in part—had been passed by Congress and signed by the President, White House Press Secretary Ari Fleischer stated: ''This certainly does deliver tax relief to people who pay income taxes.''

Mr. Speaker, let there be no mistake: These statements are brazenly, blatantly and unabashedly false. As the Tax Policy Center has reported, more than 8 million lower and middle-income taxpayers who pay billions of dollars a year in income taxes will receive absolutely no tax reduction under this GOP tax bill.

That figure includes 1.8 million taxpayers who pay more than $1,000 in income tax. What do they receive? No tax relief whatsoever. Nothing. Not a thing.

And the unkindest cut of all, 6.5 million minimum-wage families, with nearly 12 million children, will not receive the $400-per-child increase in the child tax credit in the GOP bill.

Mr. Speaker, let's be clear: We could have extended the child tax credit to all families—as Democrats sought—simply by limiting the reduction in the highest marginal income tax rate to 35.3 percent rather than 35 percent.

But lo and behold, in the clearest possible demonstration of Republican values and priorities, the GOP has shown once again that when push comes to shove it will fight for the ''Bush class'' over the working class every single time. The GOP's mantra really ought to be—Leave no millionaire behind!

While minimum wage workers and their children get left out in the cold under the Republicans' tax bill, the Grand Old Party ensured that 184,000 taxpayers with incomes of more than $1 million would receive an average tax cut of $93,500.

Ladies and gentlemen, in the Republican vision for America, apparently that's what passes for compassion. And if you don't agree, well the GOP vilify you, charging that you're practicing class warfare.

Mr. Speaker, let's be honest.

Class warfare is precisely what the Republican Party has been practicing on working men and women in this country on issue after issue after issue.

The failure to provide the Child Tax Credit to minimum wage workers while fattening the bank accounts of millionaires is only the tip of the iceberg.

In this report session of the 108th Congress, the Republican majority passed a budget resolution that betrays our values and fails to meet our needs. It would take hot lunches out of the mouths of poor children; force the elderly out of nursing homes as the result of Medicaid cuts; and slash veterans' health care.

This Republican majority had to be dragged kicking and screaming not once but twice to extend unemployment insurance benefits—even as we face the highest unemployment rate in nine years and the loss of nearly 3 million private-sector jobs since George W. Bush took office.

This majority passed a Welfare Reform bill that would force mothers with children under the age of 6 to double the number of hours they must work every week. It passed a medical malpractice bill that would compound the pain of patients with the worst injuries while failing to reduce physicians' insurance premiums.

And it loaded up legislation such as the Defense Authorization bill—legislation that traditionally is overwhelmingly bipartisan—with extraneous, partisan measures that would harm the environment and strip Federal workers of their rights.

And of course, this majority has refused to close tax loopholes for offshore corporate tax havens.

It has refused to consider Democratic legislation to raise the minimum wage, which has not been increased since 1997.

And it even has refused to give the Members of this House the opportunity to vote on a Democratic amendment to increase funding for Homeland Security by $2.5 billion—a pittance compared to the costs of the GOP's unaffordable and unfair tax bill.

Meanwhile, this Republican majority refuses to address the most pressing unmet needs in America today:

The 41 million Americans who have no health insurance;

The millions of children who are eligible for Head Start but have no seat at the table; and

The millions of seniors who need and deserve a prescription drug benefit under Medicare.

On issue after issue after issue, this Republican majority has sided with powerful special interests over the interests of working Americans.

Mr. Speaker, that is certainly not the Democratic Party's vision for America. And we will never stop fighting for a positive agenda that meets the needs of all our citizens.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1474, CHECK CLEARING FOR THE 21ST CENTURY ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–138) on the resolution (H. Res. 256) providing for consideration of the bill (H.R. 1474) to facilitate check truncation by authorizing substitute

checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 760, PARTIAL-BIRTH ABORTION BAN ACT OF 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–139) on the resolution (H. Res. 257) providing for consideration of the bill (H.R. 760) to prohibit the procedure commonly known as partial-birth abortion, which was referred to the House Calendar and ordered to be printed.

DEMOCRAT TAX CUT INCLUDES WORKING AMERICAN FAMILIES

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

Mr. EMANUEL. Mr. Speaker, when we were here in the House the other day to vote on the third tax cut of the President, the majority leader stated that we were going to be back and they were going to be back with another tax cut.

Well, we have a tax cut. It is on behalf of working families and their children, so I would like to take the majority leader up on his offer to have another tax cut immediately following the first three tax cuts that they have passed, and bring up this tax cut that he said we were going to have, one right after we got back from session. We were going to have another tax cut. Not even was the ink dry, but we were beginning to work on another tax cut.

I found it a little ironic that night when I heard the majority leader say that, because I thought this was going to be the jobs and growth tax cut. Why do we need another tax cut if this was going to be so effective? Maybe it will produce the same results the first tax cut did, which has resulted in 2.75 million Americans losing their jobs, 5 million Americans losing their health care, $1 trillion worth of foreclosed corporate assets, and 2 million Americans walking out of the middle class into poverty.

But they want to do another tax cut; so, as we say in Chicago, I've got you one. That is, I have a tax cut for middle-class, working-class families and their children, the Rangel-DeLauro-Davis bill. It focuses our priorities on working families and children. It makes good economic sense, and it makes good moral sense. It reflects, most importantly, our values.

Now, the President during the State of the Union said that we would not leave our burdens to our children, that we would solve our problems today. I cannot think of anything that more reflects those types of statements, and those values embedded in that statement than that we would focus our tax cuts on our children, the children of working parents who get up every day and struggle to do right. They do not choose welfare, they choose a paycheck.

As my colleague, the gentleman from Texas, mentioned, we have to reward work. These are the children of working families.

Now, in 1997, we had a balanced budget, a budget that was balanced with our priorities as well as our values. It expanded the earned income tax credit, it offered a $500 per child tax credit, and it provided 10 million uninsured children of working parents health care. It also cut the capital gains tax.

We also created a tax credit for higher education, and we did it while balancing our budget. We met our obligations. We invested in the long-term growth of this country's economy. We got the economy moving by balancing the budget. We did not hurt the long-term opportunities, but we invested in education, health care, and the environment.

Now this administration has chosen to have three tax cuts. What have they resulted in? $3 trillion have been added to the Nation's debt, and nearly 3 million Americans are without jobs. What a deal. What an opportunity.

Now, the first excuse for having left 12 million children of working parents out of this tax cut was, we forgot. We did not know. That is interesting. When it came to closing the tax loophole for corporations that use the ZIP code of Bermuda, we did not forget them. We took that right out. We said, that does not belong in this tax cut.

That is $30 billion of lost revenue that American working families have to make up. We did not forget them. We did not leave them behind. We remembered what ZIP code they were in. We remembered their area code. We got them right back where they belonged. Those are our pioneers. Those are our rangers, as they are known in some parts of this country.

Now, the other excuse given was, these people do not pay taxes. That is funny, because when they get their paycheck their FICA is withdrawn, their State income tax is withdrawn, their property taxes they have to pay. They pay taxes.

What is interesting, the very crowd they are criticizing was the crowd Ronald Reagan praised when he created in 1986 the earned income tax credit. Ronald Reagan was the one who signed this into law. President Clinton was the one who doubled it in 1993 and expanded it in 1997. We worked across party lines to help every child. These are America's children. We did not discriminate. We surely do not discriminate against the children of millionaires.

Where are our common values? How do we choose to give such a high priority on the depreciation of machinery, yet we cannot appreciate our children? How do we make that choice?

I know the men and women on the other side. They are good people with good values. These are not the values their parents raised them with, to choose the depreciation of machinery over the appreciation of our children.

I believe that we have a tax cut. Democrats offer one in good faith, the type of tax cut Republicans have voted for both in the other body as well as in the past. As our majority leader of the House said before the last tax bill was voted on, we are going to come back and we are going to do another tax cut. The Senate leader said that we are going to do another tax cut.

We have a tax cut. We stand ready to work with them and fulfill their obligations to get another tax cut passed, one that works and benefits our economy, the children of working families, enshrines the value of work, and holds that up; not just rewards passive income, but rewards active work.

VETERANS, CHILDREN, AND GREEDY, UNPATRIOTIC CORPORATIONS

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

Mr. STRICKLAND. Mr. Speaker, I rise this evening to talk about veterans, to talk about children, and to talk about greedy, unpatriotic corporations.

First of all, I would like to say a word about our veterans. We passed a budget in this Congress which, over the 10-year budget cycle, will underfund veterans' programs by $6.2 billion.

□ 1915

And included in that budget are certain assumptions which will greatly increase the financial burdens that will be placed upon the backs of our veterans. First of all, a decision has been made that if you are a priority-eight veteran, considered high-income, and, quite frankly, in my district that could be someone who makes as little as $22,000 a year, you are considered high-income, and so you would no longer be able to enroll in the VA health care system.

Now that is fairly shameful. In the Committee on Veterans Affairs earlier today, one of my colleagues said that he was a priority-eight veteran and he really did not object to being excluded. Well, the fact is that I and all of the rest of us who serve in this body make about $150,000 a year. It is probably a little easier for us to pay for our health care than it would be for a veteran who makes as little as $22,000 a year.

Well, there are other things that this budget does. It assumes that we will charge priority-seven and -eight veterans an annual $250 enrollment fee, something that we have never done in the past. So these veterans are now going to be asked to pay an additional $250 annual enrollment fee.

But it gets worse: the budget assumption that the cost of a prescription drug for these veterans will go from $7 a prescription all the way up to $15 a prescription. Now, we just increased this co-payment from $2 to $7 about a year and a half ago, and now we want to take it up to $15 a prescription. If you are on a fixed income and you make $22,000 a year and you get eight or 10 prescriptions a month, that is a big chunk of your disposable income.

Well, it gets worse. The budget also assumes that we will increase the cost of a clinic visit for a veteran. I think the American people are getting the picture. We applaud our servicemen and women. We thank them for their service. But when they really need help from our government, we nickel and dime our veterans.

What about our children? In this tax cut we passed a week before last, we left 12 million children out; 12 million children whose parents make somewhere between something like 11,000 to 25 or $26,000 a year will end up getting nothing, while a child whose parents make 40,000 or $60,000 a year will get an additional $400 tax credit. It is just simply unfair.

There is something else that ought to make every one of us who serves in this Chamber stay up at night and worry about our actions: many children of young men and women who at this very moment are serving this country in Iraq will have their children excluded in this tax package. Think of that. Moms and dads being sent to Iraq to defend the freedoms of this country and their children are going to be excluded from the benefits of this increased child tax credit.

But I want to tell you, we can solve some of these problems if we are willing to do one thing. If we are willing to close the loophole, the tax loophole that allows large profitable corporations to go to Bermuda and get a post office box while keeping all of their operations in this country and doing that simply so they will not have to pay their fair share of taxes. Think of that. And many of these corporations who have chosen to engage in this tactic, which I consider highly unpatriotic, are benefiting by getting multimillion dollar contracts under the Department of Homeland Security.

So here is what we have: corporations that do not want to pay their taxes going to Bermuda and yet getting multiple millions of dollars from this government under the Department of Homeland Security. We take care of the wealthy in this Chamber, but the veterans and the children are too often left behind.

TAX PLAN HELPS RICH AND ABANDONS CHILDREN AND VETERANS

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Mr. Speaker, during the debate on the tax bill, the Republicans continually stated how the Nation's economic policy should alleviate taxes on the rich as they are the ones doing the so-called creating of wealth, as opposed to the middle-class people actually doing the labor in our Nation's plants, ports, factories, warehouses, and offices.

When Democrats pointed out that they were, in fact, providing a tax cut to the richest and wealthiest 1 percent of Americans, something that my Republican colleagues never denied, the Republicans accused Democrats of playing class warfare. But class warfare is pitting people against each other, and that is what the Republican tax bill has done.

Nothing highlights class warfare of the Republicans against middle-class people more than the midnight actions of the Republicans and President Bush when they stripped out many of the child care tax credit provisions for hard-working poor families. Numbers crunching is, I think, what they call it. I believe the cutting of the child tax credit for the poorest in this country is unconscionable.

Now, I understand that after leaving the economic policies of the past 3 years, which have led to the loss of over 2.7 million private sector jobs, that the Republicans would be unfamiliar with the term ''working people'' as they have eliminated so many of them to date; but they do, in fact, exist. In fact, in addition to the 2.7 million jobs that have disappeared under the Bush economic plan, millions more Americans have slipped out of the middle class and into the category of working poor. They include the over 3 million new Americans without any health insurance. They are the families who work two jobs to pay the rent and put food on the table, the same people who actually are seeing their taxes rise under the Bush plan, the ones who are losing education and health benefits under the Bush plan. They are the 8 million children stripped of benefits by the Republicans in this House. All the while the Republican bill will ensure millions of new rich Americans will pay no taxes.

They are the people referred to by the conservative Wall Street Journal as the ''lucky duckies.''

Class warfare is putting interests of the richest 1 percent of the people, including those millionaires who shelter their income in overseas accounts and pay no taxes, over those of hard-working poor people in this country. I had always been taught that it was women and children first. But in this sinking ship of the U.S. economy, the Republican ship captains are letting women and children go down with the ship while saving the strongest first.

In fact, Republicans refuse to eliminate a corporate tax loophole that allows corporations to escape U.S. taxes by filing shell corporations overseas. Democrats wanted to change this by ensuring that 8 million children receive fair benefits while eliminating tax loopholes that hurt the U.S. While these children will not get the average $93,000-plus tax exemptions that millionaires will get, they do deserve some help. Democrats have a plan while Republicans have a scapegoat.

But let me hand it to the Republicans and President Bush. They have been adept at telling working men and women that their economic ideas will elevate them, when in reality it will give them the shaft. Not only are we literally taking money out of the hands of poor children; we are doing it to provide a tax credit to the richest 1 percent of Americans while blowing a hole in a deficit and not creating jobs.

In fact, even the conservative Wall Street Journal again states the Republican tax package will not create jobs. They argue that the President's plan is a ''no go on job creation'' and that the elimination on taxes on dividends will diminish the abilities of businesses to take tax incentives on capital investments and R&D, things that actually create jobs.

Even the President's own outside team of economic consultants stated that the surging deficits caused by his bill will actually ''do more harm than good'' as ''surging budget deficits would raise interest rates and lower savings rates and actually discourage job creation.''

So while Republicans like to keep stressing this is another $350 billion windfall, they ignore other important numbers such as $450 billion and rising, our annual budget deficit; $1 trillion, what this will add to our national debt because of the high interest payments we will pay on borrowing this money for a tax cut for the rich; 563, the number of jobs lost every working hour of every working day since President Bush has become President.

This tax bill was bad for the American people when we passed it, when it was signed into law, and it will be bad for the history of the United States.

2.7 million—the number of private sector jobs that have been lost since Bush took over

8 million—the number of children who will lose benefits from the tax bill because of Republican chicanery

150,000—the newly unemployed in NYS since Mr. Bush assumed the presidency

120,000—the newly unemployed in NYC since Mr. Bush assumed the presidency

30,000—the newly unemployed in Queens, NY since Mr. Bush assumed the presidency

16,000—the newly unemployed in the Bronx since Mr. Bush assumed the presidency

Democrats opposed the first Bush tax cut claiming it would do nothing for job creation and blow a hole in our national budget, we were right then, and unfortunately, we will be right again

It gives Democrats no joy to watch as the Republicans squander our nation's resources, bankrupt our nation and overtax the middle class, but it is what Republicans from President Bush on down are doing.

The American public must demand a more accountable government, one that puts the interest of workers over millionaires.

Republicans refuse to listen.

So if America wants a real economic recovery with real job and wage growth, then we must add President Bush and the Republican Congress to the growing list of the 2.7 million people who have lost their jobs because of the misguided policies of the Republican party.

Fairness is not stealing from poor children.

Fairness is not overtaxing the middle and working classes.

Fairness is not encouraging millionaires to pay no taxes while we lose 563 American jobs an hour.

Fairness is not what the Republican economic package is about.

It is a shame and Congress, if it had any honor, would work to resolve the stolen benefits of those 8 million children as well as create jobs for those 2.7 million American unemployed adults.

MILLIONAIRE TAX BREAK LEAVES CHILDREN BEHIND

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

Mr. MCDERMOTT. Mr. Speaker, in this business you can tend to talk in big numbers, and you can talk about big issues and a lot of other things; but very often some of the most poignant and powerful things come to you in the mail or in e-mail.

All the Members of the House walk around with these Blackberrys on their waist, and I got an e-mail today from a woman in my district. I really do not know how she got my e-mail. I am sort of surprised by that, but she is pretty creative. But she says: ''Our government should stand for basic fairness and justice. That is why I do not understand why families earning between $10,000 and $26,000 per year would be excluded from receiving the $400 per child tax refund that the wealthier families will receive this summer just so millionaires can have bigger tax cuts.''

She gets it. She understands that we have taken money away from the people at the bottom and said we are going to give it to the people at the top. The American people understand.

She went on to say: ''As a constituent I ask you to please amend President Bush's unfair tax cut plan to include these poor families and their 12 million kids.''

She even has the numbers right.

To leave the tax cut as it is brings too much shame upon this great Nation. Then she adds: ''I know this firsthand. I have a son trying to support a wife and two children on $11 an hour.''

I sat down and figured out what that amounts to. That is $22,000 a year in Seattle, which is a very high-cost area to live in, and they are trying to live on less than $2,000 a month. They pay taxes. They pay the FICA taxes. They pay for their Social Security, and they pay for their Medicare. They pay 7 percent of that $22,000. So that means every year they pay $1,400 in taxes. I do not know how much they pay because I could not get to them. I called them. I could not find out if they paid any income tax or not, but they are paying taxes.

And the President and the group who put this bill together, I cannot understand how you could look at somebody in the eye who is working full time, has a wife and two children, the wife is staying home taking care of the kids, how you could look at them and say, We are not going to give you one thin dime. I mean, that takes a real heart of steel or rock. But we are going to give you who have a million dollars, we are going to give you $93,000.

Now, think about the unfairness of that. People want to talk that this is class warfare; that that is warfare on working people who are trying hard to get there. Now, the President says we are not going to leave any child behind. He stood right in here and I was moved by that. I thought, as a child psychiatrist, I thought how wonderful to have a President who is not going to leave any child behind. And then I saw his budget. He puts the bill out here, and he told us how much it was going to cost to do this education program, Leave No Child Behind; but they gave $9 billion less than was necessary.

Now, I do not know how he figures that we could have a program where we are not going to leave anybody behind, but we do not put out the money that we say we need.

□ 1930

That is this family, this family. These kids need an education.

Tell me, how are their parents going to put any money aside so that they can go to college? They are making $22,800. What is the likelihood that they are putting money away for those kids to go to college? One does not have to be a rocket scientist to know that they are spending every dime on rent and food, or maybe they are buying their house.

I hope they have got a house, although it is pretty hard to get a loan when a person only has that kind of income. But let us hope they are buying their house and they have got food for their kids and clothes and some gasoline for the automobile, maybe the car payment, and what is left after a person has $22,800?

People came in here and rammed this bill through. It did not have a hearing in the Committee on Ways and Means. They were not going to let us do that. We had 2 hours of debate and out she goes, and then they send us home and the President signs it and hopes nobody figures out what is in the bill.

This lady figured it out. She is not stupid. Her kids are not stupid, but the Republicans think they are, and they are not going to get away with that. The American people are not going to stand up for this.

TAX CUT WILL NOT BOOST ECONOMY

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART). Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, today we stood here and we debated the amendment that would outlaw burning the flag and everybody stood on the floor or everybody, those on the Republican side of the aisle, stood on the floor and talked about liberty and justice for all as we pledged allegiance to the flag. Clearly, that liberty and justice for all applies sometimes and not at tax time.

I have been fortunate to serve as a new member of the Committee on Ways and Means, and I sat through hearing after hearing after hearing about the tax cut; and in the hearings it was said that the tax cut would boost the economy. Several times we reminded the speakers that were speaking that the 2001 tax cut did not boost the economy, so what makes them think that another tax cut, again in 2003, will boost the economy?

The real unfairness of the situation in some of those debates was the issue about dividend tax cuts as it impacted low-income housing tax credits, and we pushed them on this and we pushed them on this. Oh, I am not sure it is going to have an impact, but all of us understand that right now people are investing in urban communities because of the tax credit they will get, not because that they are such do-gooders.

That brings us home to where we are right now, where we have families who make between $10,500 and $26,625, and they will not benefit from this tax cut. It is a shame. It is not justice for all, and we need to bring them out. We need to pull the sheet off this mess that we have here. We need to open the doors to daylight. We need to let the American people understand that the working folk that make between $10,500 and $26,000, that pay the same $2 for gasoline, that pay the same $2 for a loaf of bread, that pay the same $7 for a pound of meat, that pay all the same things that the millionaires pay, well, maybe the millionaires pay more because they can afford to get more exclusive-type things, but those people are not going to benefit from this tax cut. They are not going to be able to get that $400 and run out the door and buy their kids some new shoes or clothes, or buy more stuff or put some more food on the table.

This tax cut, as it is presented, will not boost the economy, and surely it is not going to boost the lives of low-income American families, and they will pay.

REALITIES OF THE TAX CUT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is interesting, as I follow

my colleague, I believe that the comments made by so many are so accurate on the question of what we are doing in this House and the importance of taking care of the people that we have come to be responsible for.

It is really a question of what are the challenges of this body and who do we owe our allegiances and responsibilities to in terms of the American people. Frankly, I believe that all of the American people look to this body to be fair and equitable, and it is interesting that we take the time to allegedly address concerns that we believe that they are interested in, but leave a lot on the table while much goes longing for our attention.

I would ask this body to look at the conditions that we are in in 2003 and compare them to conditions over the last almost 15 years or so, from 1989 to 2002. Under President Bush, Sr., we see unemployment skyrocketing above 8 percent. Under President William Jefferson Clinton, in an 8-year term, we can see that the unemployment of this Nation, impacting everyone, went down to a bare minimum of under 4 percent. It means that the economic policies that were generated the last 8 years created jobs.

I am reminded of a very strategic vote in 1993 when we were peaking in unemployment, and lo and behold, there was a very vital, strategic decision by the Democratic Caucus and President Clinton to make a decided vote on behalf of the American people, a budget vote that saw the economy skyrocket to success and unemployment go down. Now we find ourselves in a predicament, skyrocketing deficit, a budget that does not seem to be able to be complied with and unemployment shooting through the roof.

With that backdrop, Mr. Speaker, what did we do before the Memorial Day holiday? No, we did not invest in human resources, hospitals and clinics, health insurance for all Americans. We did not invest in infrastructure, building highways, freeways, roads, enabling our railroads, enabling our various modes of transportation, providing greater access for the working community of America. We did not create jobs by investing in homeland security, even in the backdrop of a Red Alert.

What we did was compress a $550 billion tax cut, which by the way, Mr. Speaker, I believe will ultimately result in a $1.6 trillion tax cut which makes the deficit soar deeper and deeper downward. No. We decided to pass a $350 billion tax cut. That was in name only because, as I said, I believe it is really $550 billion and ultimately $1.6 trillion, in light of skyrocketing unemployment.

We have argued, of course, that this will generate into some mode of opportunities for all Americans, but let me share with my colleagues the word of Warren Buffett on that tax cut, as he pointed out that the tax cut by the administration, the Bush administration, suggesting that it would create jobs, remember I mentioned to my colleagues that we have got a skyrocketing unemployment rate, Mr. Buffett, who is the richest or second richest in the Nation, he says that the administration's tax plan was like a manager saying we are going to grow our earnings 20 percent a year. They do not have the faintest idea, in my view, of how many jobs this is going to create. How could they? Economics is not precise.

So when Democrats had a tax plan that directly invested in infrastructure, health care and homeland security, we knew what kind of jobs we would create. We have got a pie-in-the-sky plan. So what do we do, Mr. Speaker? We come together. Democrats stand on the floor of the House into the wee hours of the morning on Friday preceding the Memorial Day holiday, begging for reality, begging for sense to be made and saying that the least of those have been left out.

Of course, we were demagogued, castigated and suggested that this was not the time. Well, Mr. Speaker, let me tell my colleagues who we have left out, as I mention to my colleagues these numbers very quickly: 11.9 million children, 6.5 million working couples who qualify for the earned income tax and 8.1 million taxpayers.

Mr. Speaker, we should pass the Rangel-DeLauro-Davis bill that provides a minimal child tax credit for these left out souls, and we should take away this tax bill that does nothing for a great number of Americans who work every day for us.

INJUSTICES OF THE TAX BILL

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

Mr. ALLEN. Mr. Speaker, I rise today to speak again about the injustice of President Bush's latest tax cut bill. It is really amazing what he has done to families with children earning between $10,000 and $26,625. They are not treated like American families who earn larger sums than that.

I want to quote from the editorial today in the Bangor Daily News in my State of Maine. The editorial reads, ''On the day President Bush signed his latest tax cut bill, astute observers noticed that the increase from $600 to $1,000 in the package's child tax credit would not apply to children of the working poor. Families with incomes under $26,625 will remain at $600. By leaving those children at the lower level, did the tax cut crafters really mean to imply they were worth only three-fifths of richer kids? Did someone have an awful sense of symbolism or are they trying to tell the public something?''

Three-fifths. If families earned between $10,000 and $26,600 a year, they get three-fifths of the tax cut, the child tax credit earned by people earning over $26,000 a year.

Now, just coincidentally perhaps, that is the way slaves were counted in the Constitution. When the Constitution was written, slaves were to be counted as three-fifths of a person, and today, under the Bush tax cut, children and families earning between $10,000 and $26,000 a year count for three-fifths of what children and families earning over $26,000 a year.

It is an embarrassment. It is shameful. It is yet one more example, if any were needed, that this administration is on a relentless quest to treat the very wealthy in this country differently, in fact, to transfer as much money as they can from middle-income America to the richest people in the country.

It would have been easy to correct this problem, very, very easy. Let me give my colleagues one example.

The cost of the deleted low-income child tax provision is $3.5 billion. It is 1 percent of the official cost of $350 billion for the final bill, and it could have been easily made up by reducing the top income rate by 0.1 percent for 3 years, because for each 0.1 percentage rate that the top rate is reduced, the cost is $1.3 billion. That is all it would take, 0.1 percent less to the top rate. This is all it would have taken, and people with incomes over $1 million a year on average would get, instead of a tax cut of $93,500 a year, they would get an average tax cut of $88,000.

In other words, for a reduction in their tax cut of $5,500, we could have reached 12 million children. We could have reached all of those children in families between $10,000 and $26,000 and given them just the same tax cut that go to families earning more.

□ 1945

It is unbelievable, it is appalling that once again the administration has taken this approach.

I would just say that it is obvious from this example and others that this is not a tax cut designed to increase economic growth. Its primary purpose, given the huge deficits, given the fact that every dollar of the tax cut is borrowed, borrowed from our children and grandchildren, it is obvious once again the whole motive here is to drain the Federal Government of revenues so that we will not have the funds to fund education the way we have in the past, so that we will cut veterans benefits, as reflected in the President's budget, and so there will not be sufficient funds to maintain Social Security and Medicare in the way in which they have been funded in the past.

This administration and the Republicans in Congress are engaged in a determined effort to reduce the size of the Federal Government at the same time that they are increasing the wealth of the wealthiest people in this country. It is embarrassing, it is shameful, it should stop.

TAX CUT

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Under

a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, I believe it was Mark Twain who said that humans were the only species that had the capability of feeling embarrassment or needed to, and I think that we are going to see many of my friends across the aisle in the Republican Caucus who have sincere and legitimate embarrassment about what they did at about 1 a.m. awhile back when they passed the tax cut that is so grievously unfair to 12 million children and 8 million families in this country.

You have heard, Mr. Speaker, previous Members here address the fact that this child care tax credit was left out for these families earning $10,000 to $26,000 a year. I think in doing so, the Republican Caucus has given a new meaning, a new definition to the term women and children first. The ''women and children first'' principle used to mean that you take care of those who are least capable of caring for themselves first. But the Republican Caucus has given a new definition of that term. It means that you cut out and you give tax cuts to everyone else first and children last.

Because what happened here is pretty obvious. It is pretty clear that the Republicans had a choice to make. They decided that they were only going to do a tax cut with a total cost to the Treasury of $350 billion, and they had to make a decision at the last instant who to deprive of the tax cut. They had a clear choice to make. They could cut .1 percent, or 1/1000th of the amount of the tax cuts given to millionaires, or they could decide to deprive it and not give children the benefit and those families earning $10,000 to $26,000 a year. They decided to deprive the children of that benefit rather than the millionaires who were paying these taxes.

They now are rightfully, sincerely, and I think greatly, embarrassed by this disclosure that has now come out from this middle-of-the-night tax cut that was passed. And why did that happen? Why did that happen? It is not because the Republicans are not good folks. It happened because this tax cut and its bottom line, its basic theory, was not an economic principle or an economic plan; but rather it was a knee-jerk fixation, an ideological predisposition to starve the government and to do a disproportionate tax cut that is not in keeping with the needs of working families.

What I mean by that is if you were going to do a tax cut that had an economic theory behind it, you would give tax benefits to these working families that are going to turn that money around and get it right back into the U.S. economy. These are the first families that ought to get a tax cut, not the last. The reason they are the first families is that these are the folks that are going to get the money right back into circulation.

But in the Republican plan it is the last group that gets tax relief. The reason is because this plan was based on an ideological fixation that they want to starve government rather than the economic theory of getting money back into the U.S. economy. That is why it is doomed to failure. That is why their last tax cut produced nothing. That is why we have had 2½ million new lost jobs after their last tax cut, and that is why this one is not going to be any better for the U.S. economy.

Mr. Speaker, we need an economic plan to grow jobs, not an ideological fixation; and we need to help children first, not last.

UNFAIR TAX CUT

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

Mr. GEORGE MILLER of California. Mr. Speaker, the billion dollar tax cut that President Bush signed into law last week was supposed to give everyone who pays taxes a tax cut. In fact, President Bush said, ''My jobs and growth plan would reduce taxes for everyone who pays income taxes.'' The President declared that several weeks ago.

Well, now as it turns out, that is not exactly the truth; and the devil is in the details. Because what the President did not tell the American public and what he did not tell America's families waiting for their tax cut was that a back-room deal he struck with the leadership in the House and the Senate, a bill that was sent for his signature, excluded 2.5 million taxpayers and 12 million children from the benefits of this bill. These are mostly single-parent households, with a child 16 years or older, that earn between $10,000 and $26,000 a year.

It was not a mistake. It was not an oversight. The Republican tax writers who crafted the final compromise all by themselves, with no Democrats in the room, under the supervision of Vice President CHENEY, made a conscious decision to roll back the benefits of the child tax credit for 12 million children to save $3.5 billion. And they did not take that savings and put it into the Treasury against the massive deficit they created. They took that $3.5 billion, and they gave it to corporations who run overseas to avoid taxes; they refused to close the Enron loopholes that destroyed corporations and many people's retirement. They took that money from those 12 million children, and they gave it away so that they would not have to close corporate tax loopholes.

Now, what does this mean, and why are we here late into the evening to discuss this matter? Why have so many Democrats lined up to speak on this matter? Because this is an issue of basic fundamental values about our families in this country, about equity, and about fairness. And the Republican tax bill violated all of those values. They made a conscious choice to take families, a husband and a wife earning $15,000 to $20,000, a little bit more, raising a couple of kids, a single parent raising a couple of kids, who are struggling to get by in a tough economy, and they decided that they were simply going to exclude them from the benefits of this tax bill. They were not going to give them the child credit.

Now, Congress had made a decision over the past many years, from Ronald Reagan on, that we should have a child credit; that we should try to help offset the cost of raising children for middle-income families and lower-income families and that has been the policy in this country on a bipartisan basis. But this extreme Republican leadership in the House, along with Vice President CHENEY and now the Republican leadership in the Senate, decided that these children had less value than other children in the Nation.

What kind of person makes that decision about these children that they do not even know, about these parents struggling to raise their children and to pay their health care, to educate them, to provide them the necessities and maybe a little extra on salaries that do not exceed $26,000 a year? What kind of mind, what kind of person was in that room that night when they made a decision to deny these children, to deny these parents this increase of $400 in a tax cut to come this summer, that these children and these families would not get to participate in? It is a corruption and a corrosion of any sense of the public interest. It is a corruption of the process of this Congress that they would do this in the middle of the night in a secret deal and tell no one.

It was only after the President signed the bill did they have to admit that this was what was done. First they tried to say it was not true. First they tried to say that this did not affect these families. They were playing a little fast and loose with the truth down at the White House that day through the President's spokespersons. Well, the truth came out. Twelve million children denied the benefits of the child tax credit.

This is extremism at its far point. This is a denial of the value of America's families at the extreme. This act must be overturned. It must be overturned soon so that these families too can get that $400 check that they are entitled to under the laws of this land and a decent system of fairness and equity.

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 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 Colorado (Ms. DEGETTE) is recognized for 5 minutes.

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

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

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

TAX CUT UNFAIR TO HISPANIC POPULATION

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

Mr. RODRIGUEZ. Mr. Speaker, last week, the President signed into law one of the largest tax breaks ever for the wealthiest Americans. He did so at a time when unemployment is on the rise. Since President Bush took office, approximately 2 million jobs have been lost, and the Hispanic community has been hit the hardest with a rising unemployment rate of 7.5 percent compared to 6 percent for the general population.

People want to work, but the jobs are simply not there. Instead of pursuing policies to stimulate the economy and create jobs, the administration and the congressional majority have pushed through a plan that includes a tax cut that does nothing to address any of these financial problems and worries that are facing millions in this country.

While making false promises to create jobs and stimulate our economy, these tax cuts are targeted primarily at large corporations and the wealthiest of Americans. Those that are earning $1 million a year will see a tax cut of over $100,000. Half of all Latinos in this country report having an annual household income of under $30,000. Under the Bush tax plan, some of these wealthy individuals will see a tax break that equals three times what these families make a year.

We understand that people who pay taxes deserve a break, but we have gone from record surpluses to skyrocketing deficits. We cannot meet our obligations to support critical health and education programs. And a tax cut this size does not make any sense whatsoever. We have chosen also not to pay for the war. We have chosen to put it on the backs of not only those that are our young people out there defending our country but on the backs of their children.

We now also find that in addition to favoring the wealthiest of this country, the administration's tax plan excludes those who need the assistance the most, low- and moderate-income families. Families making between $10,500 and $26,625 a year are now, under law, excluded from collecting the $400 child tax credit. Those who could benefit the most from the tax credit will in fact get nothing.

□ 2000

Mr. Speaker, I have difficulty comprehending the philosophy that brought this about, trying to exclude the ones at the bottom of the totem pole. While others enjoy a tax cut, these individuals who make under $26,625 will not. The median income in my district is $22,000 so more than half of my constituency will not see a cent. For Hispanic families, this means that roughly 1.6 million, or 30 percent, of all Latino families who otherwise would have been eligible for the tax break are now no longer going to qualify. The child tax credit has long been crucial for Hispanic families, working families, who are deeply affected by the tax burden.

While 85 percent of Latino males are in the workforce, the largest percentage for any ethnic group in the country, many Hispanics work in seasonal, low-wage jobs, and the majority of Hispanics do not participate in the employer-sponsored retirement plans, nor do they own stock. How can the administration argue that this plan helps working men and women when working families are the ones that are left out?

The Latino community may not be one of great wealth, but we are the future of the economy and the workforce, and the Latino community deserves the respect of our leaders and deserves a fair share of any proposed tax relief plan, not just the crumbs left over from the Nation's wealthiest few. What we can do is, we will fight to fix the wrongs of this tax bill not only for Hispanic families, but for all Americans.

I am pleased to be here tonight on behalf of the Hispanic Congressional Caucus, and I am pleased to have members of the Congressional Black Caucus with me.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. DAVIS) and I thank the gentleman and the Congressional Black Caucus for also participating tonight and discussing some issues that confront our community.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman not only for being here tonight, but also for the tremendous leadership you provide as chairman of the Hispanic Congressional Caucus. I have been pleased and delighted to note many evenings when I have seen you talking about not only health care, but talking about education, talking about the needs of people across the board; and I have been gratified that all evening we have seen an array of individual Democrats take to the floor, and talk about this tremendous tax break that we saw just before we left to go on vacation, go to our districts over the Memorial Day holiday.

It is amazing to me that we have heard about Leave No Child Behind when we have left millions of children, just with this one act, this one tax break for the wealthiest 1 percent, the wealthiest 5 percent, we have left millions of children behind, all at one time.

It is amazing also to hear people who do not want to pay taxes. I do not know how in the world we expect to have the kind of country, to have the kind of democracy to provide the kind of services without individuals paying taxes. Oliver Wendell Holmes supposedly said one time that taxation is the price that we pay for a civilized society. And then to hear people talk about those who do not pay much do not need breaks, or to hear colleagues suggest that because individuals are not in a position to pay much in the way of taxes, or as much as some others, that they do not deserve.

We hear talk about stimulating the economy. Whoever heard of stimulating an economy by giving back to the wealthiest individuals, who could not possibly have a need to spend any more money.

When I was a kid growing up, my mother used to make soup, and if she wanted to stimulate that soup, she would take her spoon and go down to the bottom of it and stir things up. When she would stir things up, the flavor would ignite and the aroma would penetrate the whole house.

So it would seem to me if we really want to shake up the economy, we would go down to the bottom, provide something for those people, raise the minimum wage, put some money in the pockets of individuals who are trying to make it. If we do that, then it is clear to me that those individuals are going to take the additional money that they have and go to the supermarket and buy milk for their children, or you are going to find people purchasing Pampers for the babies, or they are going to run to the barber shop and get a haircut or go to the beauty shop and get their hair fixed. Those individuals are going to put money back into the economy. If we have money in the economy, it means that money is going to go from one place to the next place to the next place.

I have always been told that money in neighborhoods is pretty much like blood to the body. If all the blood runs out of the body, you are going to die. Or if too much of it is in one part of the body, you are going to get sick because it is not circulating properly. So if too much of the money goes to one segment of the population, then of course the economy is going to get sick. If we have a sick economy, as we do right now, somebody is going to suffer. It really means that all of us will suffer because we have an imbalance.

But if we have things moving around, if those at the bottom are running out to the store to make their purchases, then the guy at the supermarket gets

the money and can go and pay down on a house or can get a mortgage. Now we have got things percolating. We have got things moving. I think that is really what we need to be doing and not talking about this trickle-down, failed economic theory that we know does not work.

I mean, once again, coming from the top down and saying that we are going to get some investments, after we have had three tax cuts. We have had three breaks, three cuts, and rather than stimulating job development, we have actually lost 2.7 million private sector jobs since President Bush took office. That is 2.7 million private sector jobs.

So what is there that is going to cause one to believe that another tax break is going to stimulate the economy in such a way that we can create jobs? And so I agree with the gentleman that what we really need are policies that work, policies that will stimulate movement.

I represent a congressional district that has lost more than 120,000 good-paying jobs, manufacturing jobs, over the last 20–30 years. Many of those jobs went by way of NAFTA. They went by way of Fast Track, went to other places, and now people are unemployed wondering what it is that they can do. I just do not have faith in the trickle-down theory. It has not worked, and will not work. I do not think there is any way it is going to work, and we have to have a new order.

Mr. RODRIGUEZ. Mr. Speaker, the gentleman has done a beautiful job of explaining our situation that we find ourselves in, and I want to share with Members that one of the things that we also understand in this country is that our infrastructure is hurting. One of the good ways of stimulating the economy, and we know from the last time we passed the transportation bill that there are $300 billion to $600 billion that are still needed for the dams that are almost 60 years old. Our bridges are in jeopardy, our infrastructure in this country where we could not only create jobs, but we could also invest in the next generation of kids instead of handing to them the debt that we are creating, but also handing them the infrastructure that is decaying.

We had a bill that would have allowed us to invest in schools. Our schools are 40–50 years old, built prior to the microwave, and we know that schools need more outlets for computers. There is a need to do that, and yet we have chosen not to do that. There is a real need for us to look at how we could have turned the economy around by creating jobs.

I had today a lot of contractors that were lobbying up here about the difficulties that they are having with construction jobs. Here was a great opportunity to invest. Not to mention in homeland security, there is a need where our Federal buildings, our State buildings, there is a need to look at them from a national defense perspective, to build the things that are needed to make sure that they are more secure. They need the resources, and we have not allocated the resources in homeland security which could create jobs. We need to ensure that our bases throughout the country have adequate construction which allows them to be secure.

The gentleman also mentioned the importance of leaving no child behind. As the gentleman well knows, we have already left children behind. The bill that the President promised, he promised this country that his priority is education, is $9 billion behind his funding. There is a real need to concentrate on those programs which would have allowed that money to be turned around.

As we cut taxes on the Federal level, I know back home in Texas they are cutting taxes, too. Yet the local communities, the local school boards, the local counties are having to look at how are they going to be paying for securing our cities, what are they going to be doing to secure our Nation.

I wanted to thank the gentleman for making those comments. We have misprioritized the tax cut, and I know this administration, their whole first year was spent on the priority of a tax cut based on the false premise of a supposed surplus that was going to continue for the next unforeseeable future. We had it under Clinton, but under this administration right after they came, we started downhill, and it has continued.

□ 2015

It has continued. Now they come back and now they have another tax cut, and now we are hearing that they might even come back next year for another tax cut.

Mr. DAVIS of Illinois. I have no doubt that they are going to come back. That is because there seems to be a feeling, or they have some notion, that somehow or another you can get something out of a turnip other than turnip juice. If you do not make the right kind of investments, put people to work and balance things in such a way that everybody can benefit rather than these policies where the rich just simply get richer, the poor get poorer and everybody else gets squeezed; and that seems to be the approach.

I am not an expert on economics, but it is crazy to me. I mean, we look at all of the places where we need to make investments. Our infrastructure. If you do that, people are working. And if they are working, then things are being shaken up and can be moved about. If you are just waiting for something to happen from on high and say that there are these theoretical investments that we expect people to make and they may or may not make them, but you know that if people have needs and are able to take care of those, you do not have to wonder about that. You know that the guy with six children who needs milk is going to the supermarket if he has got money. That is not a theory. That is an automatic. Or you know that children who need books to go to school, if they have got the money, that the families are going to invest in the education of their children. And so to me it is just a wrong-headed approach. It is an elitist approach. It is an approach that somehow or another does not deal with the realities of life, that is mythical, that is kind of a now you see me, now you don't. It is sort of a shell game. It is a sham. It is not good for the American economy, it is not good for the American people, and I think there is no alternative except to change it.

Of course, we know that in order to change it, we are going to have to change some of the individuals who are leading it. That is, we have got to put some different people in place so that those individuals will make different decisions. Yet we get accused of starting class warfare. I hear people talk about class warfare. I was studying something about political philosophy, and I read something that a fellow, Voltaire, supposedly said. He said that the purpose of politics as he understood it was for one group of people to take as much money as they possibly could from another group and handle it differently. That is called the Voltairean philosophy. And when you take from the poor who need the most and give to the rich, I do not know what you call that. I guess greed would be about the best way to characterize it, and I think that is a real problem. And the only way that we stop it is to change the way we not only see things but also to change the way that we do things. I think we can do that because the American people will see the difference. There is an old saying that says, Fool me once, shame on you. Fool me twice, shame on me. I do not think the American people are going to be fooled to the extent that they will allow the same policies and practices to continue because then it will be shame on us.

I think the kind of leadership, though, that you provide is going to continue to help us to move away from that and certainly the kind of leadership that the gentlewoman from California (Ms. PELOSI) provides is going to help us move away from that. And so when I see people like you and I see people like her in leadership displaying the kind of energy, the kind of tenacity that you display, then yes, there is hope not only for this House but there is also hope for America. It has been my pleasure to join with you this evening.

Mr. RODRIGUEZ. I want to thank the gentleman from Illinois (Mr. DAVIS) for joining me here tonight. We have also been joined by our leader. I know she has been working all day and just has come from a major meeting that she was attending tonight. I do want to thank her for joining us tonight. We have been talking a little bit about our concerns with the tax cuts.

Mr. Speaker, I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, I commend the gentleman from Texas (Mr. RODRIGUEZ) as chair of the Congressional Hispanic Caucus for calling this Special Order tonight. I am pleased to join him and our colleague, the gentleman from Illinois (Mr. DAVIS), and commend both of them for speaking out for America's children, for speaking out for all of America's children.

A couple of weeks ago, we experienced a very sad evening here in the House of Representatives. The Republican majority insisted on foisting irresponsible and reckless tax cuts on the country that were fiscally irresponsible, which instead of investing in our children indebted them for years to come. It was not bad enough that they were fiscally irresponsible, meaning that we would never be able to pay off the trillions of dollars of indebtedness that was incurred; but lo and behold 1 week later it was revealed, after the signing of the bill, that children of minimum-wage-earning parents did not get the additional child tax credit. How could it be that we would say to the children of working families in our country that their parents do not make enough money for them, the children, to deserve a tax credit? The very people in this body who oppose raising the minimum wage say to minimum wage earners, You don't earn enough for your children to get the tax credit. Think of the irony of that, the Catch-22 of that. Not only do those children not get the tax credit but also the children of our men and women in uniform, many of whom will not qualify for this additional tax credit for their children.

Earlier this year before the hostilities began in March, I had the occasion and privilege to visit our men and women in uniform in Kuwait, in Qatar and in Turkey. I saw firsthand their courage, their patriotism, and the sacrifice they were willing to make for our country. How do we tell them, many of whom have left their jobs but do not make enough money to qualify, that their children are not worthy of a tax cut, when they are risking their lives for our country? The Democrats have a better idea. Democrats under the leadership of the gentlewoman from Connecticut (Ms. DELAURO) are offering a package to help hardworking American families and a package that will create jobs. It will begin to repair the damage, which is a long road from the reckless and irresponsible tax package put forward by the Republicans. Overall, the Rangel-Davis-DeLauro bill will provide greater tax relief to the families of 19 million children in America, families making the minimum wage who are struggling to make ends meet.

In addition to restoring the child tax credit provision that Republicans dropped in the dark of night, the Rangel bill would make the child tax credit available to 1.7 million more families by providing that those earning $7,500 or more could get the credit.

And now to our men and women in uniform. Under the Democratic package, the men and women in uniform, our package would make sure that our men and women in the military are not denied tax relief just because they are fighting in Iraq. Specifically, the bill would count combat pay for purposes of the child tax credit. Specifically, I repeat, the Democratic package would count combat pay for the purpose of figuring the child tax credit. Republicans enacted a $350 billion tax bill, and growing; and yet they could not find room to make sure that our men and women in combat are able to take full advantage of the child tax credit. That is downright unpatriotic. I go a long way before I would say that about any action. The Democratic provision will create jobs and build a strong economy. It is the direction we should have gone, and I wish that this House had accepted the gentleman from New York's proposal to have unanimous consent to bring it up on this floor today and to have the debate.

Let us get back to those men and women in uniform again, though, and their children. Some of them that I visited had left their children behind. Other Members have traveled there since the war has ended; and they have told me of meeting some in the military, women, who have children 2 and 4 years old whom they had left at home because they were called to duty. They answered the call and now we are saying to them, Sorry, your combat pay does not enable you to get the tax credit for your children. I think it is our patriotic duty to them, for this Congress to be responsible and accountable for paying our debts. It is an act of patriotism to be fiscally sound and to pay our debts.

So my criticism of this bill is, in the larger sense, that it is fiscally irresponsible. We are on a binge of irresponsibility and recklessness when it comes to the tax cuts. The sad part of it is, it is a missed opportunity, Mr. Speaker, because if the Republicans wanted to have a tax cut that would create jobs, that would be fiscally responsible and would be fair, they could have. All they needed to do was look to the Democratic package, which is just that, fair, fiscally sound and fast acting in terms of creating a minimum of 1 million jobs this year. They chose to miss that opportunity and in doing so, I am choosing my words carefully, to insult the service of our men and women in uniform by saying, It's just not enough for you to get the tax credit that other children whose parents make more money than you do are entitled to.

Mr. Speaker, I again commend the gentleman from Texas for his leadership. He has been a champion for America's working families; and for our children, he has been a champion for the future.

Mr. RODRIGUEZ. Mr. Speaker, I want to personally thank the gentlewoman from California for her leadership, and I want to personally share with all Americans throughout this country that she has been a breath of fresh air to all of us. I want to personally thank her because she indicated we wanted to make sure that if we were critical about anything, we wanted to make sure we had an alternative and we have had an alternative every time. I want to thank her personally for the hard work that she has done.

□ 2030

Ms. PELOSI. If the gentleman will yield further, and our alternative is paid for?

Mr. RODRIGUEZ. That is right. Not only good alternatives, but alternatives that work and that are responsible. So I thank the gentlewoman for her leadership and coming out here tonight to join us.

I want to just share with all Americans that our leader, the gentlewoman from California (Ms. PELOSI), has been right there for us. I want to appeal to everyone to listen to the debate that is going on on the tax bill, because the debate on the tax is a serious situation. Whatever occurs on the tax bill determines what occurs on everything else. The tax bill is about the budget. The budget determines our priorities. So when this administration first came here in their first year, one of their first priorities and their main priority was the tax cut.

So, as we talk about education, as we talk about health care, as we talk about the veterans, the reality is that the number one priority was the tax cut. Everything else is secondary. So when we had, that first year, that $1.3 trillion tax cut based on anticipated surpluses, then that started the downturn. That did not create any jobs; in fact, it was just the opposite.

This year, the same. They came at it with another tax cut. It seemed to be the only approach to any problem that exists out there is a tax cut.

As we well know, this particular tax cut is also an irresponsible tax cut because it is coming at a time when we are still at war, we still have not been able to reach out and seek out bin Laden, we still have a serious situation in Afghanistan, we have a critical situation in Iraq with our soldiers out there, and we still have a situation also that is serious in North Korea, as well as other areas.

So, as we begin to dialogue, instead of solving problems, and I feel very strongly that I get elected to come up here to solve problems, not create problems, and it seems like there was a sincere effort at not dealing with the problems that confront us, but looking at the situation and shifting away from those situations.

For example, I still feel very strongly the number one and two issues in this country are education and health care. Now, because of this administration, it is the economy. But those two issues have not been resolved. We still have a problem with education.

Although the administration went around campaigning for the presidency

on education, he is going to have to come back and campaign again. I am wondering what he is going to be saying, since the same bill that he signed is $9 billion behind what he indicated he was willing to shake hands on and assure that no child would be left behind. Well, it is $9 billion behind and it has left a lot of kids behind. Yet their priority seems to be the tax cut, and after that we find ourselves in debt and in some serious problems.

Let me share with you as I talk about the debt that I have also received correspondence from Raul Yzaguirre, Executive Director and CEO for the National Council of La Raza. In his report I want to read a couple of items on there, if I can. It is in small print, so I am going to have to put my glasses on.

But in his letter, one of the things that Raul Yzaguirre of the National Council of La Raza mentions is that regarding the President's signature on H.R. 2, the Jobs and Growth Tax Relief Reconciliation Act of 2003, a $350 billion tax cut package, while the administration was touting this measure as an economic stimulus that would create jobs and benefit a majority of working families, House and Senate tax writers were making room for large cuts for wealthy investors.

The reality is that it is for the most wealthy of this country, instead of earmarking it for small business. Because even if you are a strong conservative and believe that the business community needs the tax cut, then you would zero in on small businesses. You would zero in on those small businesses that really create and help in the creation of jobs. Yet the reality is that the majority of those tax cuts did not go for the small businesses either.

Especially let me indicate that he also goes on to say that at the 11th hour, congressional negotiators excluded families earning between $10,500 and $26,625 for claiming the child tax credit increases. So we continue to have these difficulties.

I am glad that I am joined here tonight by a fellow colleague who works closely together on health care and has been a leader on health care, but I know that he also has some concerns on our tax cut.

I thank the gentleman for joining me, and I yield to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Texas. I know how hard he works on so many issues, including health care, as well as all the issues affecting the Hispanic Caucus. I wanted to say again that I really appreciate the fact that the Hispanic Caucus has been here on a regular basis leading these special orders under your stewardship, because it is really important, I think, that we talk about not only how these Republican policies impact the general public, but also how they impact the Hispanic population.

I have to say that one of the things that amazes me about the Republican tax bill is how they kept telling us, both the Republican leadership, the President, as well as different Republican colleagues, that this tax bill was going to be something that was going to help the average American, that it was going to stimulate the economy, that it was going to put money in the pockets of people so that they could go out and spend money and stimulate the economy, create jobs, all these wonderful things.

The first thing we read when we go home and you start picking up the papers during the Memorial Day recess after we had voted against this bill, because most of the Democrats, including the two of us, voted against it because we really thought it was not going to help the economy at all or do anything significant to create a stimulus, we read about how so many people, working people, people paying taxes, not people not paying taxes, people working, were not benefiting in any way, were not getting a dime back as a result of this so-called tax cut bill that the Republican Party put forward and that passed almost exclusively along partisan lines.

Now what I am getting from some of the Republicans is, oh, the fact that something like 12 million children or families with those 12 million children would not benefit from this child tax credit was somehow an oversight, that this was something they did not realize at the time, and all of a sudden they realize it. I guess in the other body now we have the chairman of the Finance Committee saying he is going to introduce a bill.

Of course, we on the Democratic side have introduced a bill, but we had no doubt from the very beginning that this was the case, because we knew that the way the bill was put together it was primarily focused on the well-to-do, on millionaires, on people who were making a lot of money. Now, all of a sudden, we see all these low-income people that are not benefiting in any way.

I saw this survey that was in Sunday's New York Times, and it really pointed to two groups. I know this has been mentioned many times this evening, but I want to mention it again. There were two groups that basically were not benefiting in any way from this Republican tax bill.

It said that not only were there the 12 million children who were left behind because their parents were not making enough, I guess they were making something between $10,000 and $20,000 a year, but there were also 8 million other—taxpayers who would not receive any benefit from the tax cut.

I just wanted to read from this article in the Sunday New York Times, if I could. These are three groups that did an analysis of it, the Citizens for Tax Justice, along with the Urban-Brookings Tax Policy Center, affiliated with the Urban Institute, and the Center on Budget and Policy Priorities. They found that 6.5 million minimum-wage families with nearly 12 million children would not receive the $400 per child increase in the child tax credit contained in the new law. Then it went on to say that there are 50 million households, 60 percent of all households in the Nation, who will receive no benefit from the tax law.

You understand, these are people that are working, these are people who are paying taxes, and they are getting nothing.

I will yield back, but I just want to say it is not only the fact that it is unfair in terms of the fact that lower-income, working people are not getting any money, but it is also the fact that the gentleman and I know that if those people got the money, because of their financial situation being the way it is, they are going to have to immediately spend it on food, clothing, whatever it happens to be, because they do not have any extra money.

What better way to stimulate the economy? If you are not even looking at it from the point of view of trying to help out people who are lower income, but just from the point of stimulating the economy, would that not be the best group to give money back to, because they would undoubtedly go out and probably use the money to buy something that would stimulate the economy.

Mr. RODRIGUEZ. That is what I find very difficult to comprehend, is if you really want to stimulate the economy, then you would put it in the hands of those individuals that would, as soon as they get it, spend it. There is no doubt that these are the type of individuals that would go out there and buy a pair of shoes that they need, buy additional groceries they might need, that would be getting additional items for the house.

These are not people that are going to receive $400 and, like the wealthiest and others who are going to receive a lot more, that will just decide to keep it there and not spend it.

So we question this, and I think all the economists do, and I was even looking, prior to this, even Greenspan talked about the fact that he did not think it was a good idea to do this. Yet the administration chose to go and do that anyway.

So I think our economy is in deep trouble, and I do not foresee it getting any better. In fact, I was trying to figure out why would they be doing that. The only thing I can figure out, at a time when we are at war, that they are really basically wanting to put us on a real spot in terms of some of the programs, and it does put us in trouble funding the educational programs that are needed, the health care needs of our constituencies and our seniors, the needs in terms of our Medicare and Social Security recipients. Because I know that there is a real push there to try to privatize Social Security, and I know there are investment bankers that are looking to get their hands into that.

So that really concerns me, that there might be other motives involved in the process.

Mr. PALLONE. If I could ask the gentleman to yield further, there are so many levels on which you can point out this Republican tax bill really does not make any sense.

First of all, it is the idea, as the gentleman said, where the gentleman suggested this is all deficit spending. None of this money is there in the Treasury. This is all deficit spending, and it is borrowed from Social Security and Medicare trust funds primarily. So it jeopardizes our retirement and health funds for our seniors in the future.

In addition to that, by putting the Federal Government further into debt, you put an even greater drain than the economy. So there is nothing at that level that would help the economy.

Then, as the gentleman points out, if you are primarily giving this money back to high-income wage earners or people, it is not even wage earners, because a lot is going for the stock dividends, people that in many cases are investing in the stock market. We have nothing in the bill and certainly the Republicans were not going to suggest we were going to put anything in the bill that would say those people have to reinvest the money in the economy. They could easily go and invest it abroad, for all we know. We have no reason to believe those kinds of investments by high-income individuals are necessarily going to lead to any kind of job creation.

But then you get to the unfairness in terms of leaving these people out. To me it is just amazing.

I just wanted to say one thing, and that is that in yesterday's Washington Post they had the editorial many of us have read tonight that says ''Children Left Behind.'' But the one thing it really does is totally belie the idea that somehow the Republicans in either House or the President overlooked this with this child tax credit, because the Washington Post editorial says:

> Stiffing these children was not a last-minute oversight or the unfortunate result of an unreasonably tight ceiling. Adjustments had to be made, a spokeswoman for the House Committee on Ways and Means said, as if those on her side would have preferred otherwise.
>
> In fact, the administration didn't include the provision in its original proposal, the House didn't include it in its version and the Senate Finance Committee didn't include it in its original package.

□ 2045

The only reason there was something in here to provide this tax credit for these people between $10,000 and $20,000 was because BLANCHE LAMBERT LINCOLN, a Democratic Senator, a former Member, former colleague here in the House, insisted that it be put in on the Senate side; but then of course the Republicans took it out. So for anybody to say that they did not know what they were doing, it is purposeless.

Mr. RODRIGUEZ. They knew full well, because they had initially submitted the over-$700 billion tax cut, and then they settled on that other.

But what concerns me is that in the process of having this so-called oversight, I am wondering how many other oversights we might have that we are still not aware of.

I know that there were a lot of special interests out here walking the halls and looking at loopholes they were looking for in terms of their own special interests, so I am just concerned about what other oversights we might have for some of those special interests that were roaming the halls during that time that were looking at that tax cut.

It really bothers me, and also in a way it kind of irritates me to think that someone would stoop to that low a level not to consider these individuals that are hardworking Americans that are out there making $26,000 or less, but still hardworking. So would their kids not qualify for that child credit while someone else's would? It is incomprehensible.

Mr. PALLONE. Mr. Speaker, I think that Senator LINCOLN said that half the people in her State fell into that category. In New Jersey the average income is higher than that, obviously, but there are still going to be people in my district that are not going to get the credit, there is no question.

Mr. RODRIGUEZ. In my district, it is even more than half. My median income is about $22,000, so more than half of my constituency is not going to benefit from that. Yet we see the data in terms of those that are making $1 million, how much of the hundreds of thousands they are going to be benefiting from, not to mention in terms of their investments.

So this is no way in terms of stimulating the economy, and this is no way in terms of being responsible. At a time when we are at war, we ought to be paying for the war at the present time. We are not. Not only are we asking our young people to go fight the war and go defend this country, and they are ready to do that, but we are asking them to pay for it and getting their kids to pay for the debt in the future. That is not right, and that is not American.

So we need to continue to talk about these issues. I know that the gentleman works real hard on health care, and I know the gentleman wants to find a solution to health care. The gentleman is the type of elected official and public servant that comes out here to seek solutions to the problems that confront us.

Mr. PALLONE. If the gentleman will yield, the problem we are going to have now is with the second wave of Republican tax cuts. They are talking about even more. So much is being borrowed from the Medicare trust fund, and it is going to put it in such jeopardy for the future that it is just going to be that much more difficult to provide any expansion for Medicare, like a prescription drug benefit, for example.

I am really fearful that what we are going to see in the next few weeks that the Republican leadership is going to come here and say, now that we do not have any money in the Medicare trust fund, we are going to have to start coming up with innovative ways of saving dollars.

That is when they start talking about vouchers and telling seniors that they have to take a voucher and go out and buy their own health insurance and privatizing Medicare, with the excuse that there is not the money left in the future. The reason the money is being drained is because of these tax cuts.

Mr. RODRIGUEZ. Exactly. And I think that as we look at especially next year, which is an election year, I can already see the administration going out there. I would like to see what he is going to be saying, responding to the fact that he promised our seniors a prescription drug coverage, and we still have not seen one that is a responsive approach.

I would like to hear what he is going to be saying when he talks about the quality of care in this country, when we have one of the best care systems in the world; and yet it is not affordable, and it is not accessible. I can already see them blaming the debt on the economy, when in reality they have created the economy and they have created it with irresponsible tax cuts.

Mr. PALLONE. They are already talking about a prescription drug plan that forces seniors, if they want any kind of prescription drug plan, to go into an HMO or some kind of private organization. It is a measly benefit even if you opt to do that. The reason is because they do not have the money because of all these tax cuts.

Mr. RODRIGUEZ. The reality was that their first priority was the tax cut their first year, and this year, and possibly next year. Their priority is the tax cut. After the tax cut and after the budget is gone, there is no need to talk about anything else, because that is the priority. It was not about solving the problems on education, solving the problems of our seniors in Medicare and the problems we were encountering there, solving the difficulties of prescription drug coverage; but it was all about tax cuts, which tells me that their priorities are not in terms of solving problems out there, but to basically look in terms of how they can benefit those that provided for their campaigns, the wealthiest of this country.

Mr. PALLONE. I want to thank the gentleman for all that he did tonight. I notice that the leader joined him at one point, and we had a number of Members who did the 5-minute Special Orders on this issue of the child tax credit.

Again, it is not because we want to beat up on our colleagues on the other side. This bill has already passed. But I think we have to point out the shortcomings of this legislation, because it is, as the gentleman says, the foundation for the whole Republican agenda here in this Congress.

It is going to wreak havoc, I think, not only with the economy, but with any kind of effort to provide for health care or shore up Social Security or any of the other things that I think are so important domestically for this country. I just want to thank the gentleman.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman for coming out here tonight. I want to thank the gentleman from New Jersey (Mr. PALLONE) for being here with me tonight. I want to also thank the leader for being here tonight.

Let me share a couple of statistics that I have. One of the things that I would like to share with Members is just some data out there. The total job loss since President Bush took office has risen to a staggering 2.5 million private jobs, while cutting taxes for the rich and not extending the unemployment insurance.

The median Hispanic household, I will share that, being chairman of the Congressional Hispanic Caucus, will receive about $30 as a result of the Bush tax cut, $30, in comparison to the others.

So we have some real startling statistics that basically reflect that the reality is that this tax cut is a real irresponsible tax cut when there is no money there, when we are not paying down our debt. It just does not make any sense for us to be doing that.

I also wanted to share that at the same time that we are deciding to make the tax cut we are not being responsible in meeting the needs of our veterans, meeting the needs of our seniors in prescription drug coverage, or meeting the needs of Medicare. I am just going to wait and see what this President says when he is coming up for reelection next year.

Today, and I want to share with the Members, because we had an opportunity to hear some testimony in our Committee on Veterans Affairs from Dr. Wilensky, who did a report. She assured, or indicated, that the reality was that the present situation ''is not acceptable,'' referring to our veterans programs.

One of the realities with our veterans programs is that depending on where they live throughout this country, they might not have access to the quality care that is available in other areas of the country, so we have what we call disproportionate forms of care in the VA. There is a real need for us to provide additional resources.

This particular report talked about the fact that the VA had not prioritized and was not meeting the needs of our veterans, because at this particular time our veterans, those World War II veterans and Korean War veterans and our Vietnam veterans, are reaching that age where they need us. The demographics show that there is a need for us to come up to the plate and be able to provide those resources. Instead of doing that, we are just doing the opposite, not coming up to the plate, cutting taxes instead of putting those resources with our veterans where they need it the most.

I also want to share that we are also beginning to cut our nursing home care for veterans and put caps on that. We continue to have problems with homeless veterans, which is an atrocious situation that we ought to be working to solve. Instead of the tax cuts, we ought to be considering that. In fact, instead of providing the $2 billion for health care for the Iraqi people, we ought to be looking at those $2 billion for our veterans services.

When veterans are out there fighting and defending our country, a lot of them will suffer from post-traumatic stress disorders. Even New Yorkers and the people in the Pentagon and throughout this country after the terrorist attack, we really need to look at resources in the area of health to help these people cope with post-traumatic stress disorders.

I would attest that especially for the people at the Pentagon and the people in New York, there is a real need for us to reach out to them. I know that a lot of them might be going through nightmares and those characteristics of what later on might be defined as post-traumatic stress disorder. So we cannot take that lightly.

Events such as this, and our soldiers as they encounter and get engaged in Iraq and Afghanistan and elsewhere throughout this world, they will suffer from those engagements in a lot of different ways. We have to be there for them, and we have not done that.

When it comes to homeland defense, we could easily have put some resources there that would have created and helped stimulate the economy, because our States are hurting. We need money in homeland defense. Our first defense is going to be those local firemen out there throughout this country, those local policemen throughout this country, those local health care providers throughout this country. I think it is important that we provide them with the access resources they need.

Homeland defense also has needs, especially the Coast Guard. We have been negligent in not being responsive with our Coast Guard. They need additional resources. The INS and the Customs people also.

One of the things terrorists would want to do is not only instill fear in us, but also create a problem in our economy. We have to create a balance between security and trade. I represent the Mexican border, and we have to make sure that we continue to have trade. That becomes important.

ECONOMIC STIMULUS AND SENSIBLE FOREST MANAGEMENT AND LAND USE

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

Mr. MCINNIS. Mr. Speaker, I have been waiting now for about an hour, an hour and a half, reading back there and waiting for my turn, and have been witness to this constant pounding by the Democratic side of the aisle, taking cheap shot after cheap shot about the tax cut that, by the way, some of the Democrats supported; but even their leader came over here to take some cheap shots on this tax bill.

I am telling the Members, we have an economy that needs some stimulation. We have got to go out to the people that earn that money. The government does not earn this money. Contrary to what the Democratic leadership would like us to believe, we are not automatically entitled to the workers' monies in this country. This is not a Communist-type of country; this is not a socialistic-type of country, where we take money from people and make sure that no matter who works the hardest, it is of no consequence.

It is distribution of the money that is of consequence in a socialistic country. In other words, everybody is treated absolutely equal. There is no incentive for people to go out and work hard.

It is amazing to me that Democrat after Democrat has been up here at this microphone, and of course there is no time allowed for rebuttal until I now have the microphone. But for the last hour and a half, Democrat after Democrat has stood up here and said, gee, this tax cut did not go far enough. We need to include this group of people, even though they did not pay taxes. We do not want to exactly call it a welfare program, which is what it is. That may be appropriate under certain circumstances.

But all they want to do, they are saying, well, we need to expand it to this particular group of people. And then, mark my word, we may see even yet this evening or tomorrow, we will see them out here talking on the floor being exactly contradictory to that, speaking in a hypothetical-type of approach saying, gosh, look at what the Republicans have done to the deficit. Look at what the Republicans have done to the deficit.

□ 2100

The fact is the Democratic Party in general has never seen a tax cut that they support. The Democratic Party here as witnessed in the last hour, and I am not attempting here to get up here and engage in a partisan debate, but somebody has to stand up and speak for the other side. Somebody has got to stand up and speak for the moderates and the conservatives for the middle-income families in this country for the people out there that are working.

Remember when you distribute money, when this government takes money and especially when this government takes money and gives that money to people who are not working,

that money is simply a transfer. The government does not create wealth. Governments do not create wealth. All they are is an agent of transfer. So when the government gives money, under the Democratic plan gives money to people who are not working, they are taking that money from people who are working.

Now, I know most working people, in fact, almost every working person I have every talked to, they said they think at certain levels it is appropriate to take money from people who are working and give it to people who are not working, for example, I think, for somebody who is physically and mentally disabled to the extent that they cannot be in the workforce. Nobody disagrees that those people should not receive help from society. That is what society is about. That is what team work is about. But that is not what the leadership of the Democratic Party is about.

They constantly want to expand the welfare programs. They constantly want to expand the government programs. And their response to the needs of our society is let the government handle it. When it comes to health care, it is the Democratic leadership that calls about socialized medicine. When it comes to the situation on the international basis, it is the Democratic leadership that talks about a world order. It is the Democratic leadership that talks about giving up our sovereignty to the United Nations. Let the United Nations determine what is best for the United States.

There is clearly a distinction between the Democratic and the Republican parties. A lot of young people that come to me and they ask because they are at that point in their lives because they want to decide, gosh, should I be a Republican or should I be a Democrat. I say, let me explain because there are some clear differences. And the last hour and a half of listening to the Democrats bash these tax reductions as if the people who pay the taxes are not entitled to keep their money, that money is not government money. You can talk to the Democratic leadership until you are blue in the face, and they never get the message. That money did not originate on this House floor. That money originated with an iron worker or a taxi cab worker or a banker or a teacher or somebody in the military. Those are the people that made that money. We did not make that money here. We got the easiest jobs in the world in government. All we do is reach in that pocket and make that decision to transfer the money here. Someone else works for the money. That iron worker out there, for example, makes $25 an hour maybe on a very risky job; and the government reaches into his pocket and takes money out of that pocket and redistributes a portion of that money that that man or woman makes as an iron worker.

Now, we have all agreed in this country that there are certain needs that as a group, as a team, as a United States there are certain needs we should pool our money for and we should redistribute to help some of these, highways, for example, a justice department, a strong military, good schools, a welfare system for those people who really cannot work. Unemployment, not unemployment that last forever, but unemployment as a temporary, temporary assistance for people between jobs to help them get back on their feet.

The easiest way to describe to these young people the difference between the Democratic Party and the Republican Party is an example somebody told me once, and they said, with the Democrats when somebody is hungry what they do is the Democrats provide them, and I am focusing on the Democratic leadership, their idea is to give the hungry person fish. And whenever the hungry person is hungry, you give them more fish and give them more fish. Our philosophy on the Republican side is give them some fish at first so they are not hungry, but at the same time give them a fishing pole and say, look, you have got to help catch the fish. You cannot just depend on us showing up and constantly giving you fish and giving you fish.

Now, in the last hour and a half we have heard the Democrats one after another take cheap shots about that tax bill. Let me tell you that tax bill was as a result of a lot of compromise between a lot of moderate people. What you have heard from in the last hour and a half is not what I would say is the mainstream of the Democratic Party. What you have heard from in the last hour and a half is the extreme left. That is what we hear from on the environmental issues. That is what we hear from on the antimilitary issues. That is what we hear from on the pro-United Nations, pro-world order issues. That is what we hear from on the anti-tax cut issues.

We are worried about this economy. We need to stimulate this economy. I say to people, it is like a battery in a car. We got a car we have to climb a hill and the engine went off. We have discovered we have a dead battery. We need to use jumper cables. The Democrats, if you listen to them, they would put, the leadership especially, they would put the jumper cables on the bumper. They would put them on the door handles. And what I say with all due respect to my Democratic colleagues is it does not do us any good to get us moving to put jumper cables on the door handle. It does not do us any good to put jumper cables on the bumper. We need to put these jumper cables on the battery terminals.

I know that the battery is only a small part of the car. This tax cut is a very focused tax cut. What we want to do, and the reason we are saying to the Democrats put the jumper cables on the battery terminals, we are promising the Democrats that if you do that, just go along with us, which, of course, they will not do because they have a Presidential election coming up here in 2 years. That is what the last hour and a half has all been about. It has been about politics. We have asked them put the politics aside and help us. Let us put the jumper cables on the battery terminals. You know what happens if we charge the battery? The whole car will receive the benefit of that charged battery because when the battery is going, the car moves as a unit. The whole car will move up the hill.

We have an economy that is holding its own and I think is going to improve. I am optimistic about it. But it seems to me listening in the last hour and a half that the Democratic leadership will do whatever they can do to make sure that car or that economy does not get moving because they want this economy to be sour for one reason. They want to win the Presidential election in a year and a half from now. That is their whole purpose in this last hour and a half is Presidential politics. It will be their whole purpose for the rest of this session and, unfortunately, for next year's session. Do whatever you can even if it costs the American worker their jobs, even if it costs the American society their economy. Do whatever you can to obstruct George W. Bush. Do whatever you can to blame whatever is going wrong on George W. Bush, because it is all about politics.

I go back every week to my district in Colorado and I make it a point, I do not go down to my district offices. I go out on the road and I go out and talk to people, those people who, frankly, whose money we are taking to finance this government. You know what they want? They are sick of some of this last hour and a half of political cheap shots. They want for you to help us move this economy. Whether you like it or not, the President of the United States happens to be a Republican. But the fact that George W. Bush is a Republican should not stop you, based on that alone, from at least trying to work with us, from trying to help us as a team move this economy forward. There are a lot of people out there whose jobs are dependent on a good economy.

There are a lot of people who you consider rich people. And by the way, time after time after time in the last hour and a half you hear the Democrats talking about the rich people. You know what the leadership of the Democratic Party considers the so-called rich people? That would be even a couple that earns 35, 40, $50,000 a year. There are a lot of couples that work out there, and all the more power to them. That is our society. If you can go out and improve your life, go out and do it. Yet you criticize success and you call rich somebody making 50 or $60,000 a year. That is not rich. Making 50 or $60,000 and a year you go out and buy a car, $25,000, that is a half a year's salary.

What we are trying to do is get an economy that will allow these people to continue to make that kind of money, that will allow these people to reinvest this money. Do you know if you take a look at capital gains, take a look at the economic history which the Democratic leadership is completely ignoring, intentionally, and completely ignoring the economic history of capital gains because they know every time in history without exception, every time in history the government has reduced the capital gains taxation, the economy has received a boost, the economy has seen an uptick.

The last thing the Democratic leadership wants is an uptick in the economy because they want to beat George W. Bush a year from now.

The last thing, and I say this very honestly, the last thing that a lot of Democratic leadership wanted to do was to support President Bush's policies in Iraq and in Afghanistan because they are afraid that he is going to look too good; that, in fact, he is the leader who he is and they want to beat him in a Presidential election a year and a half from now.

It is amazing to me. Every night, night after night after night we do not have some of my colleagues talking about how we can help the economy, how we can work as a team to work with the economy. All we see is night after night after night trying to attack George W. Bush and blame him for everything they can possibly blame him for in hopes of defeating him a year and a half from now.

You know what you ought to do? We all win if the minority leader would come across the aisle and work with us. We all win when the Democratic leadership and the Republican leadership work as a team. Where we do not win is where we have gotten a tax cut we put through. It is already in place. It is law. So get over that and try and help us get this economy moving on the Republican side. And, frankly, to the Democratic leadership, I hate to tell you this, but a lot of your Democratic Members happen to agree with the Republicans and that is we want this economy to grow. We are tired of the class warfare argument. We are tired of the political argument that you have continued to throw out, which you have for the last hour and a half.

To the minority leader, there are members of your party who want this economy to improve. There are members of your party, to the minority leader, who want George W. Bush to succeed in his foreign policy. There are people of your party, minority leader, who want George W. Bush to succeed in his economic policies. Why? Because if you jump the battery on the car and you get the battery started, the whole car benefits, the whole car moves forwards.

Sure, you may feel better by putting your jumper cables, minority leader, on the bumper of the car and saying we want to distribute electricity. We want to jump the whole car, make the whole car feel good, distribute it across the whole car. The fact is we are trying to target because we want everybody in that car to benefit. We want it to move forward.

So I plead with the Democratic leadership, get over this, help us come to a better solution, help us move forward. If we have a better economy, we get better schools. If we have a better economy, we get better jobs. If we have a better economy, we get a better lifestyle. If we have a better economy, we get more people covered with health insurance. I mean, the pluses of a better economy are tremendous. So quit trying to obstruct us every step of the way, simply for the fact that you want to defeat George W. Bush, you want to pull his numbers down in the polls in hopes of defeating him in a Presidential election in a year from now. That is all this last hour and a half has been about, and we deserve better; the American people deserve better.

There is an excellent article today, and I want to talk about this in regards to this economic question that has arisen in the last hour and a half. It is an editorial out of the Wall Street Journal. The new tax bill exempts another 3 million-plus low-income workers from any Federal tax liability whatsoever. Exempt. The new tax bill exempts another 3 million people.

So in the last week when we voted for this tax bill, we exempted an additional 3 million people, the very people that some of my colleagues were talking about, what they say are the working poor or the nonworking people that are not earning money. This exempts 3 million in addition to what we have already exempted from income tax, 3 million low-income workers from any Federal tax liability whatsoever.

□ 2115

So you would think that the class warfare, the class lawyers would now be pleased, but instead we are all now being treated to their outrage because the law does not go further and cut income taxes for those people that do not pay income taxes.

This is the essence of the uproar over the shape of the child care tax credit. The tax bill the President signed last week increases the per child Federal income tax to $1,000, up from the partially refundable $600 credit passed in the 2001 tax bill.

Let me say to the Democrats, most of the Democrats did not support increasing the child tax care credit for those people who do pay taxes. Instead, today, the leadership appears here on this House floor and supports increasing the child tax credit for the people that do not pay taxes, but they voted against the very bill a week and a half ago that increased it for the people that do pay the taxes. So they are saying, okay, thank you to the working Americans out there, regardless of your income, thank you for working but we are going to vote against an increase so that you can have increased child credit, but by the way, if you did not pay any Federal income tax you may choose not to work, you do not make enough, you do not pay any tax, we are going to let you increase your child credit, and by the way, how would you increase the credit? They do not pay any tax. They do not need the credit. The Democrats include the word ''refundable'' so you actually send tax money to people that did not pay any taxes. They make it refundable, and of course, the only place you can get that money is to take it from the people that do pay the taxes.

Let me skip from here and jump through some of this, but among tax cut opponents it is a political spinning opportunity, and that is exactly what we have seen. It is spin in its purest form in the last 2 hours. Let me go on here and just say, more broadly, that critics, there are lots of things it talks about in the bill, good things like the $10 billion earmarked for Medicaid, the State/Federal health insurance program for the poor.

Look at the money we put in that bill for the States to help the States try and get out of a hole that they have dug themselves into. That bill was a good bill, and yet in a very hypocritical fashion, we have people here talking about, look, the people that ought to benefit from a tax cut bill are the people that are not paying taxes. That is the spin that is going on around here.

More broadly, the critics want everyone to forget how steeply progressive the Tax Code already is. These are very important numbers. These are facts. These are not the kind of facts that the minority leader wants you to hear, but these are facts. These are not made up by the Republican Conference. They are not put together by the Democratic Conference. These are statistical facts.

The IRS data released last year, so they are recent, this is recent data, the top 1 percent of the earners in this country paid 37.4 percent of all Federal income taxes in 2000. The more important number here is, the top 5 percent paid 56 percent. So the top 5 percent of income earners in this country pay 56 percent of the taxes.

I do not have a problem with the progressive tax system. I think this is fine, but let us give credit where credit is due.

The most important thing that I can say right here, and listen to this statistic, the top half of all earners, of all the people, all the earners in America, the top half, the top 50 percent pay 96.1 percent of the tax. We are talking about Federal income taxes, not payroll tax, not State. We are talking about Federal income taxes. The top 50 percent of earners paid 96 percent of the bill. The lower 50 percent, the lower half, it is obviously half, but 50 percent of the income earners in this country paid 3.9 percent of the tax.

I am not going out there and saying, guys, we ought to shift more burden to

that lower 50 percent. That is not what I am saying, but what I am saying is, the Democratic leadership that continues time after time to talk about class warfare, it is a socialistic type of approach. It is not important what your capabilities are, that is what they say in socialism. It does not matter how much money you earn because what we do is redistribute it so that everybody is equal. So if the iron worker gets out there and has to walk on a beam this wide and takes substantial risk high on a building, high in the sky, and gets $25 an hour, it does not matter what that person's talent is or that person's skill is or the risk or the danger of their job because under the Democratic leadership approach, this money should be shared equally. It is a transfer. It is called class warfare.

That is exactly what the spin is about, not because they can justify it under a democratic system. Under our democratic capitalistic system, you cannot justify that, but the reason you can justify it and the reason they have hit so hard this evening is because they are looking ahead to next year's Presidential election. That is what all of this spin is about, and if there is any obstruction or roadblocks in the pathway, it is being put there for one reason, in my opinion, not because there is a legitimate dispute as to whether or not the policy will work, but there is a concern, a deep concern that it will work and that the beneficiary will be George W. Bush; and the number one goal of the minority leader is to beat George W. Bush. The number one goal is not to improve the economy. The number one goal is not to improve the number of jobs and cut down the unemployment. The number one goal is to spin it in a way that you can beat George W. Bush.

In my discussion this evening, I wanted to focus not on this part. I really did not come over here this evening to talk about the tax bill and talk about the need for a strong economy and the jobs out there and the opportunity to let people in this country succeed. If you can invent a better mousetrap, why should you be penalized? That was not my approach until I heard the spin put on by the Democratic leadership and going unrebutted for over an hour and a half. Nobody stood up to them. They went unrebutted time after time doing this class warfare spin.

So I had to rebut that. That is what the purpose of that is, but I do want to spend the remaining part of my time talking about our Nation's forests, and I think it is very important. This, of course, goes across both party lines.

I can tell you that in the last 2 weeks, about a week and a half ago my bill, the healthy forest bill, and I have got to give a lot of credit to the gentleman from Oregon (Mr. WALDEN) for his great work on this. Also to the chairman, the gentleman from California (Mr. POMBO), and the gentleman from Virginia (Mr. GOODLATTE), who did a tremendous job, and all the others, as well as the Committee on the Judiciary.

We had a lot of help on that bill, but that was my bill, the McInnis and Walden bill, and that bill recognizes the fact that we have got to take care of our forests, but I think it is kind of a preparedness. I want to do just some brief remarks on what got us to this point, why our forests today have become managed, believe it or not, managed by the United States Congress instead of being managed by what we call the ''green hats,'' those people, those forest rangers, those people that dreamed about being a forest ranger, those people that dreamed about working for the U.S. Forest Service, many of whom grew up in the forests.

Almost all of them are educated in forest management. They all work in the forest day-to-day-to-day-to-day. They know the forest like we know the back of our hand, and yet over the last 20 years or 30 years there has been a shift, taking management away from the U.S. Forest Service and like agencies and putting it right here on this House floor, to the extent that we actually have debates on this House floor. We have in the committee that I chair, which oversees the Nation's forests, we actually have Members of that that want the U.S. Congress to determine what the diameter of a tree should be out in, for example, the White River National Forest, what size it should be, dictated out of Washington, D.C., off this House floor, the size of tree that our forest rangers and managers out there should be doing.

I will explain a little history, but the first concept we have to think about is public lands. There is a little history to public lands in this country. What are public lands? Public lands are, as described, lands owned by the government, and in the East really, relatively speaking, you do not have a lot of public lands owned by the Federal Government. You have got the Shenandoah and Everglades down in Florida and you have a little here and there, but where the real public lands are, as far as real meeting, the vast holdings of public lands are in the West; and my poster here to the left kinds of gives you an idea.

The colored spots on the map of the United States indicate public lands, and you can see where the big public lands are. They are not out here in the East. In fact, a lot of States have very, very little public lands, but in the West, we have huge amounts of Federal lands, huge, hundreds of millions of acres of Federal public land or government-held land.

Here is the State of Alaska, if you can see, right down here to the left. Look at the State of Alaska. That is how much land in Alaska is owned by the government. So the land policies, just by the sake of ownership, are different than the land policies you find out in the East where you have private property.

The reason we got into this circumstance was when the country was settled by our forefathers they needed to figure out a way to get the people out of the comfort of their homes on the East Coast and give them incentive to go West. The West, frankly, was even deep into Virginia, and it was a challenge.

It was a lot of risk to leave the comfort of your homes and go to the West, disease, accidents, death by childbirth because a lot of women died in childbirth. Men typically died in their 20s of accidents. They would fall off a cliff or get bitten by an animal or infection by a rusted nail. It was high-risk.

So the government decided, how do we give people incentive to go to the West, and they decided to use the same tool they used in the war against the British. They tried to bribe the soldiers to defect, to leave the army of the Queen and come over to the United States, and we would give them an award of private property land they could own, and here we knew that from our settlers that one of the fundamental foundations of this country was to have your own little castle, to have your own little piece of property, private property. It is a very sacred part of our government, a very sacred part of this country.

So the government decided, well, let us call it the Homestead Act and let us offer people, say, 160 acres or 320 acres if they go out, settle on the land and work the land for a certain period of time. Then they can keep the land and it is theirs. They own it. And that worked very well. You get out into the fertile fields of Missouri or Kansas or even eastern Colorado or Nebraska, and a family that had 160 acres could survive. It made sense. It was the right number of acres to give to support that family and be enough encouragement for that family to stay there, hopefully generation after generation after generation.

Then what happened is it worked pretty well until they hit the Rocky Mountains. When they hit the mountains, they found that in many places you could not feed one sheep on an acre. You had to feed a sheep with four acres out here. In a lot of places you could put lots of sheep on an acre, not mountains. You go up much higher in elevation, in fact, the mean elevation of my district is the highest place in the North American continent on an average. I mean, there are a lot of different things when you get into the high mountain country, and you cannot raise a family on 160 acres from a farm.

So what they decided to do was they came back and said, look, the people are not settling in the West, and back then the only way you really were able to claim the land, and our forefathers wanted to expand the United States, we made things like the Louisiana Purchase. How do we get out there, how do we claim the land as ours?

Today, when you purchase land, you get a title. You do not have to be on

the land. You do not have to live on the land. You do not have to be there 24 hours a day. You have title. In fact, you can live in New York City and own land in San Francisco. All you need is a title.

In the early days of this country, that did not work. In the early days of the country, in fact, the paper did not mean a lot. What meant a lot is if you were in possession, that is where the saying ''Possession is nine-tenths of the law,'' that is where that originated from; and what you needed back then is a six-shooter strapped on your side, and you needed to be plotted down right on that piece of ground.

What happened is, people were not settling in the West because the conditions were severe. So they went back to Washington and they said, okay, now what do we do about this? How do we encourage them to stay? Somebody said, let us give them a proportion of amount of acres. If it takes 160 acres in Kansas, it takes 3,000 acres in the Colorado Rockies or Wyoming plains, maybe that is what it takes, and they decided, because they had just come under a lot of political pressure because they gave too much land to the railroad barons to build the railroads, that maybe they could not give that kind of land away.

□ 2130

So what they decided to do was to go ahead and keep this land in the government's name, but allow people to use it. And that is called the concept of multiple use. Lands of many uses. People my age grew up under the concept. When you went into a national forest, there was always a sign at the entrance to the national forest that said, for example, ''Welcome to the White River National Forest, a land of many uses.''

Now today, we have seen some fairly radical environmental organizations, Earth First, Greenpeace, the national Sierra Club, some of these other groups; and their number one target is to eliminate the concept of multiple use. They, in essence, want people off public lands. They want agriculture off public lands.

Out here in the West we have to use public lands. My family, my wife's family are fifth-generation family ranchers on the same ranch, but they have to use public lands. They have their own holdings, but they need public lands. These organizations want them off public lands, and they take some very radical approaches to push us in the West off those lands.

So keep in mind that in some of these States, for example in Kansas, when you have a disagreement with regard to a land use policy, you go down to the local courthouse and you talk with the county commissioners and you talk with your planning and zoning commission. Here, on government lands, because it is under public ownership, you end up having to come to Washington, D.C. Our planning and zoning office is located in Washington, D.C. So that is one element we need to think about when we talk about forest management.

What else do we need to talk about with regard to forest management? We need to talk about where the water is situated in the country. Here in Washington I think we have had 28 straight days of rain. In the East, a lot of times your big problem is getting rid of water. Seventy-three percent of the water or moisture in this country falls in the East. So your problem is getting rid of it. In the West, we have exactly the opposite problem; we are very arid.

Take a look at this entire section, which includes the Rocky Mountains, the State of California, Arizona, Nevada, New Mexico, Utah, and Oklahoma. Take a look at this big chunk in red. That entire chunk, which is almost twice the size of what I would call the East, let us just call this the East, where the 73 number is, this gets 14 percent of the water. That means that the forests out here in the West have a different moisture content than the forests in the East. Fire is a much bigger hazard out here in the West because of the simple fact we do not get near the moisture that the country receives in the East.

Now, because of the moisture in the East, on a lot of occasions the bigger problem here is insect infestation. So we wanted to put a bill together that addressed not just the problems of the West. And by the way, very bipartisan. We had Democratic leadership against us but we had a lot of Democrats, Main Street Democrats that live out here in the rural areas. The majority of the rural Democrats supported us strongly on this bill. So we wanted to put a bill that addressed the infestation by bugs in the East, and of course we have a lot of that in the West as well but probably not to the extent that you do in the East, and we wanted to address the fire issues that we see in the West.

Remember, we have two elements: one, public lands; and, two, the water content. In the West, we have a lot of water problems because we do not have that moisture.

Now let me talk about the third element, and that is management of these public lands. We created Federal agencies to run these lands. One of the agencies that we created was the U.S. Forest Service. And we said to the U.S. Forest Service, we want you people in those green uniforms and green hats to become experts on the management of the forests. Now, the jobs in the U.S. Forest Service do not pay a lot of money. Those people that work for our U.S. Forest Service or any of these land agencies, they do it because they love it. They love the land. They are so, so dedicated to their jobs. The same with the Bureau of Land Management, and the same with U.S. Fish and Wildlife. But tonight I am talking about the Forest Service. These men and women out there in the Forest Service are proud to wear that green hat and that green uniform.

What has happened is that these people grow up loving the forest, they go to school and get educated on the forest, they work in the forest every working day, and, in fact, a lot of them go into the forest when they are not working. A lot of them live in the forest. They know that forest. They know what is good for that forest. They love that forest. They care about that forest. But you know what has happened? In the 1970s, some of the groups, like Earth First, the Sierra Club, the Greenpeace-type of people, they decided they wanted to end this concept of multiple use.

Now, remember what I talked about, the tool of multiple use. They wanted to end this concept of multiple use. But they knew that every time they got in an argument or a debate or a discussion of the issues with forest rangers, they lost. Every time. Why? Because the Forest Service, based on their experience, based on their education, based on the science would beat them. Greenpeace and Earth First could never succeed in their arguments because the Forest Service was not managing these forests based on emotion; they managed based on science. So that would defeat the purpose of the Sierra Club and Earth First and Greenpeace from getting rid of multiple use.

So somehow, somehow they had to shift the management of forests from science to get management determined by emotion. Well, they knew that the Forest Service was not going to manage these forests based on emotion. But what is the greatest body in the country that manages its business, in large part, by emotion? It is the United States Congress. So in the 1970s, they were very successful, and in the 1980s, Greenpeace and Earth First and those other groups, at moving management away from the Forest Service and putting management into the hands of the United States Congress. They were very successful over this period of time of moving the argument to emotion.

Now, I can tell you that when you talk about forest management, you can win the emotional argument on a 15-second ad. All you need to do is park a bulldozer in front of a grove of Aspen trees and put a fawn or a deer out there and say that we are destroying our forests, and you have won the argument. Because people love our forests. People love our wildlife. I love the wildlife. I grew up in the forest. This is my kind of life. Washington is a workstation for me. My home is in the Colorado mountains. So they could win on that.

So what happened is, gradually over this period of time we found the United States Congress managing these forests. And I would venture to say to my colleagues that not one of us on this floor, I would guess not one of us on this floor probably has a degree in forest management. We have degrees in political science. I am a lawyer. I have a degree in business. My background is really more business than anything

else. I am not a forest ranger. Even though I chair the Subcommittee on Forests and Forest Health, I am not a forest expert.

So what am I doing with the day-to-day management of our forests when we have very qualified men and women out there in the field that have been educated in the area, that love their jobs, that do know how to manage those forests? And what has the result been? The result has been that last year we suffered huge bug infestations. If you care about the old growth trees, if you care about the wildlife, if you care about the endangered species, if you care much about the forests, then I will tell you something, you probably sat up in your chair last year when you saw those horrible fires and what they did.

This is the result of fire. This is all stuff that burned, fell to the ground and washed down. Do you know what this sits in right here? There is a boat, and right here is all this waste, this forest refuge. There used to be trees; there used to be wildlife. It was very fertile wildlife territory. It was absolutely beautiful scenery. It was, to an extent, a forest that had some health to it. The biggest killer of endangered species in this Nation are wild fires. Now, we had the fire because that forest was not allowed to be properly managed. That is now sitting in the water supply. That is sitting in the water supply. Colorado's Hayman Fire dumped loads of mud and soot into Denver's largest supply of drinking water.

That is what one of Denver's water supplies looks like right now. This water behind it looks like a chocolate malt, and it will cost the citizens of Denver tens of millions of dollars to clean up their water supply. So it destroys wildlife, fire does, as does bug infestation. It destroys watersheds. It destroys the timber. I mean there is nothing good about wildfires.

Now, controlled fires are an element of helping manage a forest. So there are situations where fire, properly managed, is good. But these kinds of fires, they were not managed. They are horrible. We lost 20-some firefighters last year fighting these very kinds of fires. Good forest management does not mean we will avoid those fires, but it means we will mitigate them. Good forest management cannot stop lightning. We will have lightning, and we will have careless campfires.

By the way, most of these fires were not started by humans, but by lightning. But the fact is we can control those fires through good forest management. And the bill I drafted, as I said earlier, with the assistance of the gentleman from Oregon (Mr. WALDEN), who I thank, the bill we drafted was called the Forest Health Bill; and that bill was a long time coming. We negotiated on both sides of the aisle. We had lots of help from some Democrats. We had lots of help from some of the Republicans. We put together, with the chairmen of the subcommittees, we put together an outstanding bill.

This bill allows the management of our forests to go back to the Forest Service; and it allows the Forest Service, for example, to start thinning. Right now we have killed our forests with love. We have babied them. We have spoiled these forests. We have eliminated, in the State of Colorado, for example, because of the emotional argument, we have virtually eliminated all timber companies out of Colorado. We have a couple mom and pop shops. We have a matchstick company down in Cortez which, I think, employs 40 or 50 people; but we really do not have much timber in Colorado.

So what happens to that wood? It grows and it grows, like rabbits, and lots and lots of rabbit, and more and more rabbits. We have acres of public land that historically we supported and would have on a typical acre 60 trees. They now have 600 trees on those acres. But because the U.S. Congress and because our society has allowed our forest management to be taken away from the Forest Service and to be given to politicians like myself, to the U.S. Congress, these forests now are in more danger than they have ever been in the history of this country.

The great sequoias, those sequoias are at a higher risk than they have ever been in recorded history. Our wildlife risk is higher than it has ever been because of wildfire and bug infestation. Our wildlife habitat is in the greatest amount of danger in our history because of the fact that we are not allowing our Forest Service to go in and manage these lands.

My bill allows them to an extent, in a demonstration project of 20-some million acres, it allows the Forest Service to begin to do what they wanted to do all along, and that is manage the forest with a balanced perspective that is good for all of us; to manage those forests in such a way that our wildlife actually is better off, not just that there is a mitigation but an improvement, an addition to the wildlife habitat out there.

You know, people are not an excluded species out there. In the West, we have a right to live out there, and people need to be thought of. In properly managed forests, we do not see watersheds that look like chocolate malts; we do not see the devastation of flooding because the forest burnt down. Our forest management can be improved. I am very optimistic about the future, but only, only if we allow my bill to go forward, which allows the Forest Service to get their hands back on the product they know best.

Now, let me show you what happens when we allow the Forest Service to go in. And let me step back a second and show you what Greenpeace and Earth First and the Sierra Club and national parties did, these national organizations, or world organizations, did when they took the management from the Forest Service. The Forest Service would try and thin out an area. For example, they would go into an area that has like 600 trees to an acre and cut those trees down, different sizes, because different sizes are healthy for the forest, different ages, different sizes, et cetera. What they tried to do was to put some of that out there. And time after time after time they were met with paralysis. Paralysis from litigation and the courts and, frankly, paralysis by analysis with the U.S. Congress trying to manage these forests.

□ 2145

Mr. Speaker, so what my bill does is it protects, it enhances and protects public input on the management of these forests. But it says you are not going to be able to use the courts in an abusive fashion to continue to delay these projects year after year until the beetles come and start an infestation. By the way, after they eat the dead trees, they move to the live trees.

My bill also says you are not going to accomplish your goal, Greenpeace, of kicking people off public lands by forcing paralysis by analysis by letting the U.S. Congress manage these forests by emotion.

That is why my bill passed with strong bipartisan support. Republicans and Democrats voted for the bill.

Let me show Members an example of what happens when we allow the Forest Service to do their job. This burned-out area, the Forest Service was not allowed to go in there and treat it for one reason or another, an environmental injunction, lawsuit, paralysis by the court, or because Congress has tied the forest rangers up. Here they were allowed to treat the area.

Do Members know where that fire stopped? It stopped on a line no wider than a yard, exactly where it stopped is where the forest was treated and the treated forest met the untreated forest. And the fire came up and, boom, that is where it stopped. That is pretty good science.

Let me give another example. This is down in the Four Corners, Mesa Verde National Park, the ''green table'' they call it down in Four Corners. Right here, this area, they were allowed to treat that area, the park management, U.S. Park Service, and they are doing a tremendous job with our parks. They were allowed to treat this area. The area they were not allowed to treat is all of the burned-out area.

Last year at the Mesa Verde National Park we had a horrific fire. Guess what happened. The treated area was saved; the untreated area burned, and it burned so hot that it did not fertilize the ground, it sterilized the ground. So the possibility of new growth will not be seen for generations. There will be grass and things, but juniper trees and pinion trees and those types of things, we are not going to see that in my lifetime. My grandchildren will not see it in their lifetime, probably, and yet 2 years ago, we had it. We had it to pass

on to other generations. This area was there; it would not take 200 years to replace it. Those 300-year-old trees were there, but we were not allowed to go in and treat them. What happened, we lost it all. We lost all of the untreated area.

So, in conclusion, let me add one other thing about my bill. This is an urban area. Take a look at this poster. This does not just apply to those who live out in the country, out in the sticks, some might say. It does not apply to just us, this applies to those in communities. This is bugs that killed these trees. Go down I–70 in Colorado by Vail, there is beetle kill all along the highway. Once a beetle lands on a tree, it is like malignant cancer. It is gone. It is over.

Do you think the Sierra Club or Greenpeace or Earth First would cooperate one iota for us to go out there and get ahold of this and manage these forests? It does not happen. My bill talks about urban interface and watersheds and bug infestation. My bill talks about wildlife habitat.

My bill protects public input, and says, let us manage our forests. They are a diamond, a wonderful asset of the people of this country. Those public lands should be protected, but we do not protect them by ignoring them, any more than you protect your child by not managing your child. Some people might say, give your child whatever they want, spoil them, do not discipline them, do not manage them, do not reach any kind of balance, what time they have to come in at night. What product do you get? Usually a pretty rotten person as a result of that kind of management.

We are saying we can reach a balance. Let the Forest Service, let the parks, let the BLM do what they are best at doing. Congress does not need to manage day to day these public lands. Of course, we have oversight on public policy, but we should not be having the courts run those forests, and we should not let the United States Congress run the forests. We should let the forest rangers, the BLM agents, the range riders, let them manage those assets for us.

We are so narrow-minded on some of these things, and we have been persuaded through emotion, not through science, but through emotion to change these management techniques, and have we ever paid the price. This was a very expensive lesson last year with all of those fires, and those many fire fighters' lives we lost.

It is a very expensive lesson not to cut down a tree with beetles in it and stop the infestation. We talk about it, and in the first paragraph of a Greenpeace press release or an Earth First or Sierra Club, they always talk about clear-cutting and timber companies. They figure out every negative word they can to stop us from managing it.

This is not about timber, this is about preserving wildlife and watersheds, protecting urban interface. This is about letting the Forest Service manage forest property. All of us, all of us win. Do you know how big winners all of us would have been if we would have allowed the Park Service to go ahead and treat this area?

Tell me one loser by not protecting this area. Had we protected this area, I do not care if you are a member of Greenpeace or the other radical organizations, Earth First and so on, you would have benefited had we been able to preserve these 300–500-year-old pinion trees for many generations. They will not be replaced for 300 years, and it is because of the fact that we took management away from the people who know what to do with it; and we have consolidated it in the radical environmental organizations and, frankly, in the halls of the United States Congress.

I hope that the Senate sees what we saw in that bill, that is, the Senate, as we did, on a bipartisan basis passes the Healthy Forest Initiative. That is my bill. I know about it. I had lots of Democratic support. I had Democratic cosponsors. This is not a Republican bill being shoved down somebody's throat or a Democratic bill being shoved down somebody's throat. This is a team effort to manage those forests, and I hope the Senate sees as we did and passes that legislation before the fire season and the bug season gets too much further down the road.

IMMIGRATION POLICY AND IMMIGRATION REFORM

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, I want to address the House tonight on an issue that I try often to bring to the attention of my colleagues and the Nation, and that is immigration and immigration reform, and I want tonight to induct another member into the famous ''hall of homeland heroes.'' This is an exercise that I have gone through several times, and we have identified quite a number of people who have experienced things that should come to the attention of this body and the Nation, because these folks and what has happened to them really and truly are extraordinary events and they are extraordinary activities with which they have been involved in trying essentially to keep their own land, raise their family, and do what every American has a right to do, but they do so under very severe circumstances.

They do so in an area of the country that is very harsh, very challenging, and very unforgiving. The geography of the land, the climate of the land is in every way, shape and form severe. It is the southern deserts of the United States. It is the area in and around Cochise County, Arizona, and it is the area adjacent to our border with Mexico. All of these things make living in the area very, very difficult.

Of course the land has always been unforgiving. The environment has always been harsh, but only in the recent 5 or 10 years has the proximity to Mexico become also very problematic in terms of trying to run a business, trying to actually just live your life.

Because they have had so many problems in this regard, and because so few people have paid attention to these problems, I have decided that one way to bring their plight to the attention of the Nation is to create this thing we call the ''homeland heroes'' and every once in awhile to come up here with another person that we are trying to induct into that ''hall of heroes.''

Tonight it is Ruth Evelyn Cowan. Ruth Cowan is a fourth generation rancher who has been forced to move off of her land because of the dangers posed by hundreds of thousands of illegal aliens who cross her land every month and every year. Ruth Cowan and her husband own 16,000 acres of ranchland located 45 miles from the Arizona-Mexico border north of Douglas, Arizona. They have about 400 head of cattle.

Like many ranchers in the area, Ruth Cowan and her husband must work two jobs to make ends meet because the cost of operating a ranch often exceeds the income. Her husband works 130 miles away in Phoenix during the week. It is not safe for Ruth to live on her own ranch in her own home. She is very isolated. She has to live in Tombstone and drive to the ranch daily to supervise the operations.

Each day she drives to the ranch, she must carry not only her cell phone, a two-way radio, a camera, marking tape and a flashlight, she always carries a pistol for self-protection.

To some liberal church groups in the Tucson area, this makes her a vigilante. It also would make her a vigilante to some of the more liberal publications that emanate out of the East Coast, publications that employ writers to talk about this issue, writers who have never set foot in the desert, do not have the slightest idea what it is like to live in this area and yet take great pleasure in characterizing people like Ms. Cowan and others who do have to face the trauma of life in this area, and characterize them as vigilantes.

She carries a gun for self-protection on her own land. This does not make her a vigilante, it makes her a victim of failed immigration policy and open borders. Three years ago she had to take a leave of absence from her job as a flight attendant because the ranch requires her round-the-clock attention. This additional demand on her time is due almost entirely to the costs and other problems imposed by the flow of illegal aliens across the land.

□ 2200

Among the additional costs thereby imposed on her family has been the purchase of COBRA insurance at over

$400 a month. Her ranch business has been hurt financially by the flow of illegal aliens across the land, a flow of people and illegal drugs that have increased dramatically since she and her husband first purchased the family business in 1996. Her ranch has three different south-to-north routes used by illegal aliens. Her trucks have been stolen and vandalized leading to both direct losses and increased insurance costs. She has lost many animals to the illegal aliens, including a $2,400 registered bull that died from eating a plastic bag. Another bull was hit by a hit-and-run driver and had his leg broken and had to be destroyed.

You say, eating a plastic bag? The fact is that the area around there has been so inundated by illegal aliens carrying their supplies and then depositing their trash throughout the land that in many areas it looks similar to a huge trash dump. It looks like a municipal trash dump. This is the middle of, as I say, a very pristine area; but you will come across these areas, 50, 100 acres at a time. They are called pickup sites where these folks will meet, they walk into the country illegally, they meet at these sites, prearranged where they are going to be picked up by trucks that bring them into the interior of the United States, trucks similar to those that were identified recently in Victorville, Texas, in which several illegal aliens died tragically. But from these pickup sites, then, trash is distributed throughout the area. The wind, of course, takes it; and we have a definite problem with the kind of pollution that that causes, and then not only that, of course, cattle eat the plastic, the trash bags and whatever, and they eventually die because it will not digest and it will kill them. This happens time and time again. This was certainly not unique.

But again, explain this kind of thing to someone living in Washington, D.C., writing for The Washington Post or some of these other e-mail magazines, online magazines. They have not the foggiest idea of what we are talking about and what these people have to deal with all of the time.

Because of the broken fences, cows wander onto highways and cause accidents. A nurse hit a cow recently and threatened to sue the Cowan family for negligence. Unfortunately, the illegal trespassers who cut the fence were not available to answer the court summons or to pay damages. Cut and downed fences make it very difficult to maintain a special breeding program for the cattle. Herds mix and become mongrelized and are more susceptible to diseases from neighboring herds. This means that the market value of their cattle diminishes. Thus the Cowan family suffers real economic loss as a result of these cut fences. Repair costs for gates and fences and broken waterlines have skyrocketed. The real estate market for ranches south of Interstate 10 has plummeted because no one wants to purchase a place imperiled by all of these problems. Ruth Cowan has been forced off the local roads many times by overloaded trucks running at high speeds. Unfortunately, when these speeders cause real accidents and hurt innocent people, they do not have insurance and flee into Mexico before they can be prosecuted. We are going to talk a lot more about that kind of a phenomenon later on this evening.

It is often alleged that critics of the open border policy are simply bigots, that they do not want Mexican workers in the country or as new citizens. This is hogwash, and the experience of the Cowan family shows why it is hogwash. Ruth Cowan has two employees who are Mexican nationals and work on the ranch with legal work papers. They live in Agua Prieta, Sonora and drive to her ranch about 50 miles every single day. Ruth Cowan has been trying for 5 years to get immigration approval for the wife of one of the employees to come and join her husband. The employee could then live on the ranch and not have to commute 50 miles in each direction daily. These legal Mexican workers are equally indignant about the problems affecting the Cowan ranch because they see the problems firsthand and know that it affects their own lives as well. One of the employees had his own truck stolen by illegal trespassers.

This is something else that really deserves the attention of the body and, again, the attention of the people back here who either write or opine about the problems that we face in the United States and in the western United States with illegal immigration. What they do not understand is that it is not Anglo-Americans that are imperiled by this. It is not a race issue whatsoever. Every time I do this, that I come to the floor and I talk about this issue, I will go back and there will be a lot of e-mails, a lot of calls on our line. Most of them are quite supportive, and many of them, a high percentage of them are from people who suffer these kinds of problems, people of Hispanic descent who say to me, what you are doing is right, what you are saying is right, we have come here legally, we are trying to work through the process, we are trying to live a life in the United States, build a life here. We live by the rules and by the laws. And they resent it that other people get to sort of jump in front of the line, in front of them, that other people take advantage of our lax immigration law, lax immigration enforcement, in fact nonimmigration law enforcement. They resent it. And they have every right to resent it. And they are Hispanic Americans and they are black Americans and they are white Americans and they are brown Americans and pink and blue and every color Americans, but they are just as angry about this as anyone else; and they have every right to be angry about it.

Another thing we will talk about this evening later on is the impact of massive immigration on low-wage, low-skilled workers, how many of them are negatively impacted by the flow of illegal aliens into this country. But we will save that for a later time this evening.

Ruth Evelyn Cowan is a law-abiding citizen and a fourth-generation rancher who only wants to live on her own land, manage a business for the benefit of American consumers, and enjoy life with her husband in a safe community. She would like to be able to spend a weekend with her husband and not have to stand watch over the trails used by illegal trespassers. She would like to have the first activity of each new day not be the repair of broken or trampled fences and other damage caused by uninvited intruders.

She would like to sleep through the night without someone calling on the phone to tell her to come and get her cattle off of the highway. She would like to be able to invite friends to her ranch without worrying about the piles of trash visible all across the rangeland. She would like to be able to ride her horse on her own land without a bodyguard. She would like to be able to host groups of students who want to learn about the ranching business without having to apologize for the dangers and the rash of diseases and crimes afflicting the region. In short, Ruth Evelyn Cowan wants to be able to live the kind of life that she would be able to live if we had a secure border and adequate enforcement of our immigration laws.

I speak of Ruth Cowan's problems and fears not only out of sympathy for her and her family and not only as an example of what is happening to thousands of ranchers across the Southwest. I speak of these problems because they are problems that are growing all across our Nation and problems we cope with very inadequately and unsuccessfully with the impact of massive illegal immigration. If we do not address these issues now, these problems will continue to grow and multiply not only in the States on our southern border. The problems will multiply in Omaha; Portland; Fort Collins, Colorado; Chicago; and Spartanburg.

I commend to you this life, this individual, Ruth Cowan and her family; and I suggest that we owe them a great deal. We owe them at least the protection that every citizen in this Nation has the right to expect from their government. The Constitution of this United States gives the Federal Government relatively few true responsibilities. We usurp many. We take many responsibilities here that have absolutely nothing to do with the Federal role in our constitutional government. We can have debates over whether or not we should have a U.S. Department of Education even though the word ''education'' does not even appear in the Constitution anywhere. We can argue about whether the role of the Department of Health and Human Services is relevant and important and a Federal issue.

We can argue all of these things, and I think there is logic to the argument that we have usurped many of these responsibilities from the States. But one thing about which there is no argument is the fact that the Federal Government owes the people of this country the right to think, anyway, and believe that it will try its best to protect and defend their lives and their property. That is a Federal role. That is something the States cannot handle. They cannot raise armies and they cannot develop immigration policies. At least they should not. That is another issue again for perhaps a little bit later time.

There are, of course, States and localities throughout the United States that are succumbing to the siren song being played to them by the Mexican consul in their area. The Mexican consul and consulates throughout the United States, all 47 of them, have been charged with the responsibility by the government of Mexico to go out and lobby State and local governments to get them to accept anyone who is here, to accept the matricula consular. This is a Mexican ID card given to Mexican nationals living in the United States and, of course, given to Mexican nationals living here illegally. In fact, the only purpose these cards serve is to provide some sort of identification to someone who is living here illegally or to a felon who is trying to change his identification.

So for in the last several months, 1.5 million of these cards have been distributed in the United States and the Mexican consulates are handing them out every day. They send out vans, as a matter of fact, to pass out these cards. Then they go to the cities and States and get them to accept the cards that are given out to these illegal aliens. And many States, many localities are doing it. California is in the midst of a discussion in the State legislature that would actually have the State accept the matricula consular from illegal aliens for the provision of services.

That is running a different immigration system. How many immigration systems are we supposed to have in the United States? The one the Federal Government runs and the one that the State of California or the city of Denver and the city of Tucson run along with the Mexican consul? These are all different immigration policies. But it is a uniquely Federal role. To a certain extent, the Federal Government has abdicated that role, so States and localities, in a way, they are saying, okay, if you don't want to handle it, I guess we will. But they are not protecting the Cowans. They are protecting illegal aliens. All these cities and States that are anticipating this acceptance of the matricula consular, this Mexican ID card and ID cards that are now being handed out by at least five other governments, foreign governments to their illegal nationals living in the United States, people who are doing that, these cities and States and police departments that are doing that are aiding and abetting criminal activity in the United States.

Yes, I said aiding and abetting criminal activity. That is what even police departments are doing when they accept these cards. If a police officer is shown a card, a matricula consular, they should immediately arrest that individual, because that is prima facie evidence that that person is here illegally. Because you do not need the card if you are here legally. If you come into this country legally, you have something called a green card, or a visa, or a stamp on your passport, or something the United States Government has given you. You do not rely on another country's identification card, especially in a time like this, especially when we recognize that porous borders mean a danger to the actual existence of the United States. But here we are allowing cities to do this, allowing States to do this, and even having the Federal Government actually anticipate doing this, with the Department of Treasury issuing regulations not too long ago saying that banks could do this, could accept a card from people so they could open bank accounts.

I understand the motivation of the bank. I know what they are wanting to do this for. It is called money. It is called the dollar sign. It is called the bottom line, right? They are a business and you can excuse it, you can rationalize their behavior. They are simply being greedy and doing exactly what they should be doing, I guess, as greedy huge corporations trying to improve their bottom line. They see this group of what they call the unbanked, 13 million people living here illegally and not being able to get fees from them, that makes these bankers, the Wells Fargo board of directors salivate thinking, my goodness, think of all those people from whom we could collect fees and how we could get all that money they make, what little it is does not matter. Multiplied by 13 million, that could be a lot of money. The unbanked, that is what they call them.

There is another word, it is illegal aliens; and you are aiding and abetting a criminal activity. It is against the law to aid and abet someone who is here illegally. That is against the law. It is against Federal law. Yet all of the things I am describing are things that government agencies are doing. That is how bizarre this whole immigration policy has become.

□ 2215

So the Cowans and others look to the Federal Government for help. They get none. They look to their State for help. They get none.

Recently, because of the pressure that has been applied as a result of these weekly stories that we bring to the attention of the body, it is suggested that because of the pressure that has developed as a result of this noise that we are making about this, little things seem to be changing.

I want to say how happy I am about the fact that some different people are in place in the Border Patrol in that area, in the administration of the Border Patrol. I understand that some new folks are on hand down there and may be looking at this whole issue differently and be willing perhaps to help the Cowans and all the other ranchers in Cochise County begin to control this problem. I hope that is true.

I understand that the sheriff in Cochise County has become a little more amenable to the concerns of the people down there. I am very happy to hear that. I am encouraged by the fact that little things may be happening for the people in Cochise County because we have made a lot of noise about it.

But it is not enough. It is not enough, because the plight of the people in Cochise County, Arizona, is the plight of literally millions of Americans, and will be the plight of the entire Nation if this phenomenon of massive immigration into the country, unchecked, unrecognized immigration, illegal immigration into this country, goes without our attention.

During the break, during the last week when we were off, the Memorial Day break, I got a call from someone who was telling me about a situation that had occurred in a little town in Colorado, so I can bring this a lot closer to home. I am, of course, a Representative from the Sixth Congressional District of Colorado, which is the southern suburbs of Denver really.

There is a town in northeastern Colorado called Yuma. I got a call from someone who was saying, Do you know what is happening in this little tiny town of Yuma, Colorado, a town I know well and have been through many times. They said in the last, really just year-and-a-half, 2 years, the whole town is suffering through a really significant and traumatic time.

They went on to explain that because of something that occurred, again, just not more than a couple or 2 or 3 years ago, when a couple of families of illegal immigrants moved into the area, moved into the town from a particular village in Chihuahua, Mexico, and found employment there. They then called their family and relatives in this small town where the unemployment rate was like 80 percent and said, Look, we found a job in Yuma, Colorado, and we can get you on here. There is a big dairy farm, there are several various cattle feeding operations there, several pig farms, and there was work. They could get paid under the table. Everybody was pretty accommodating. They could get paid. It was probably less than would be the going rate otherwise, but after all, they were here illegally, so they were willing to accept a lower wage and more difficult conditions.

So, other people came from this village in Chihuahua, Mexico, to Yuma, Colorado. Over time, more came, 20, 30,

40, 50, 100, and now this group of illegal aliens makes up a significant chunk of the town. About one-third of the school district, the population of the school district, are children of illegal aliens living in Yuma, Colorado.

Well, what does that mean? For them it may be a better life. It may be better than that small village in Chihuahua. Nobody can argue that. But what does it mean for the people in Yuma?

Well, let us see. It means higher costs for infrastructure activities, highways and police activities and schools. There is a bond issue that is being considered for Yuma, Colorado, and they are concerned about whether this bond issue will pass, because they recognize that a lot of people in Yuma think that the reason why the bond issue is being put forward is because they are going to have to pay for the additional costs incurred by the school district because of all of these children of illegal aliens in the schools, over 280 children.

I went up there. I drove up to Yuma to see this myself and to talk with the school superintendent, who agreed to meet with me, a very interesting and pleasant fellow who had been around the business for a long time. He was telling me, among other things, that the highest single budget item that they have is English as a second language now, $280,000, which is higher, he said, than what they spend for English language education, history, science, any other program in the school district. This is, again, this little tiny school district.

He said, sure there are problems. You go into the cafeteria at any given time, you are going to see the Hispanic kids sitting over here and the Anglo kids sitting over here. Because of the language problems, he said, we have had a significant decline in our test scores. They have plummeted. Naturally, they are going to suffer in that way.

The rest of the community and the town are calling up and saying, What is happening here? Our town, our kids and this school district have always done so well, our scores have been so good. How come our district is not doing as well anymore? And a lot of kids are moving to a little school district called Lone Star, Colorado.

Fights, they are having all these problems in the school and having problems in the town. And yet, as I talked to him, I said, you know, does anybody not talk about this? Does anybody not bring this to light?

He said, No one wants to talk about this problem. He said, Everyone in this town knows it is a problem, but nobody wants to talk about it. He said, You might go over to the coffee shop and sit down, and you can really get to know somebody, and they might begin to discuss it. But generally speaking, they do not want to talk about it. They are fearful of talking about it. But everybody knows it is happening, and it is a huge problem for this little tiny town.

Now, here is the other part of the story. It is not unique. This situation in Yuma, Colorado, is not unique. In fact, Yuma is a microcosm of this phenomenon. It is happening in small towns all over the United States of America. But do you know what? Nobody wants to talk about it. You did not hear this.

I have certainly not seen any reference to this in the local media. Our two major dailies did big stories, or one at least did a big series of stories supposedly about the problems of illegal immigration or immigration into Colorado. I do not remember any discussion of Yuma, Colorado, or the problems that exist in that small town, or any of the other small towns in Colorado where this is happening.

The picture that is portrayed by most of the media of illegal immigration, certainly the media out here and the media in my area, that picture is one of this idealistic sort of situation where you have got a family come in, they are hard-working, the kids are in school, kids are going to school in the United States. They are saying what they want, they simply want to go to college for in-State tuition, and how bad we are, how selfish we are, that maybe a State does not want to provide subsidized education, the taxpayers of a State, higher education for people who are here illegally. How incredible. That is the portrait that is painted by the media of the typical family.

Well, that is a true picture of many people who are here illegally, but it is not the only picture. And what about the lives that are affected negatively by that family? What about the costs to the society, financial, and in terms of tearing communities apart; what about those costs? When are they calculated? How are they calculated?

I have seldom seen anybody want to publish a study. The many studies that have been done, Professor Huddle, there have been many, many studies that have been done that identify the negative aspects of massive immigration of low-skilled, low-wage people.

A professor by the name of Virginia Abernathy comes to mind at Vanderbilt University. Her portrayal of this can be characterized in a way that is illustrative of the problem. She says massive immigration of low-skilled, low-wage people into the United States does create profits for some, it is true, profits for the employers of those people, but it creates costs for the many. It creates costs for schools, for highways, for housing, for social services and for health care; costs that are far higher than any of the tax revenues that are gleaned from the people who are working here.

First of all, they are working for very low wages. Many of them are working, like many of the folks out in the Yuma area, they are working and being paid under the table, in cash, no taxes being collected. Even when taxes are collected, when illegal aliens obtain Social Security numbers, file income tax statements, because their wages are so low they usually are able to claim the Earned Income Tax Credit.

I will never forget, we came through one of these pick-up sites I was telling you about earlier in the desert in Arizona, and there on the ground there was a tax form. Among all this trash strewn all over the desert floor, there was a tax form, a claim for the Earned Income Tax Credit for a gentleman who had been in this area, dropped it or had thrown away this form, and claimed he had made about $8,000 or $9,000. He had paid, I think it was less than $100 in taxes, because he had several children, and claimed $3,700 in Earned Income Tax Credit.

So even when people ''pay taxes,'' people who are here illegally, the fact is they can and do oftentimes get money back. In 1994, right before we passed the 1996 act, in 1994 a Democratic Treasury Secretary, Lloyd Bentsen, was talking about this, and he said he believed there were hundreds of thousands of illegal aliens taking advantage of the Earned Income Tax Credit.

I do not know what the numbers are today, but I believe they are still very, very high. These are costs to our society.

There is another cost that no one wants to talk about. It is the cost to other low-skilled, low-wage workers in the United States who are here legally, who are citizens of the country, or who are here as legal aliens, have legal alien status. Their wages are significantly depressed by the numbers of people coming in here, into the United States, and taking these other jobs, these low-skilled, low-wage jobs.

To employers, this is great. There are employers at Tysons Food, some of the executives at Tysons Food, a huge corporation, of course, a huge food corporation in Arkansas, some of these guys may be going to jail soon. Charges have been brought against them by the Federal Government, RICO charges have been brought against them, because not only did they hire illegal aliens in their food factories, but they imported them. According to the charges that have been brought, they are actually helping the importation of people into the plant, importation of people to come in here illegally. Again, not just aiding and abetting, but in this case actually participating in the act of bringing in illegal immigrants into the United States.

□ 2230

So there are many people in this country who are harmed by the presence of so many illegal immigrants in this country. Their plight is hardly ever discussed by the media. We hardly ever see that. We would never have heard of Ms. Cowan had I not brought her to your attention tonight.

There are millions of people in this country who have been harmed because of our lax border policies. I am going to host, I and a number of other organizations will be hosting the week of September 11, that week we will be hosting

an event here in Washington. It is called the Day of Remembrance for Victims of Open Borders and Illegal Immigration.

We are encouraging, Mr. Speaker, everyone who has had a problem, everyone who has been in fact victimized because of our open border policies and by illegal immigrants to come here and tell their story, identify themselves to their congressional representatives, to their House Members and to the Senate Members that represent their State.

Tell them what has happened to them; tell them about their loved ones who have been killed, killed by people who came into this country illegally and were later able to escape back into Mexico and therefore, because they refuse to extradite people to the United States who may face the death penalty, they are still in Mexico living life down there.

There are literally thousands, actually hundreds of thousands of people who fall into this category. It is not just people who have been harmed physically or have had members of their family harmed physically, of which there are many; and we can go through some of them a little bit later. But it is also, you know, when one has been displaced, when one has been displaced by a foreign worker who comes into this country, takes the job that you had because someone is going to pay them a little less money for it, pay the illegal worker less money, and you are displaced. That is a distinct disadvantage at which you are placed. It is a harm to you and to your family that has been done because of our policies.

There can be a legal process in which people can come into this country and work if we truly need workers. I hear this all the time, that the reason why we have people come into this country and do this work illegally is because there are all these jobs American workers will not do.

If there are these jobs, and there may very well be, and there are certain industries where I recognize there is a need, then a legal process has to be developed in order to bring people in to get work and so that their rights can be protected, so they can be protected against the abuses of unscrupulous employers, so people coming in here do not have to sell their souls to the coyotes, do not have to be locked into the back of tractor-trailers.

They can actually come into the United States in a legal process, but they must return home. That is a guest worker, a person who works here a while, returns to the country of origin, cannot bring family into this country, cannot establish residence, permanent residence, and cannot eventually become a citizen through that process, because that is called immigration; and that is over here.

We still have the most liberal immigration policies in the world. If we cut it in half or if we cut it to one-third of what we are presently doing in immigration, legal immigration, we would still have the most liberal immigration policy of almost any country in the world.

So they can come into this country one of two ways legally, if we have a guest worker program or through immigration; but they cannot be the same thing. People cannot come in here and expect to become a citizen through this guest worker program.

Also, we cannot possibly have a guest worker program, which is being proposed by other Members of this body, we cannot have a guest worker program unless we have secure borders. Because no matter what we say or no matter how we define a guest worker, someone will choose not to come that way and come through the porous borders, so we have accomplished absolutely nothing. So the borders have to be secure before any guest worker program can be initiated, secure borders.

Yes, we can have it. Yes, it can happen. It is the only way to have a guest worker program. We can have one if all of these jobs that, as I say, Americans will not take are really out there.

That is the other thing, you have to prove that you have tried to give that job to an American citizen and that you cannot find anybody, and you cannot pay somebody less because they are coming in here through a guest worker program. So their rights can be protected and American citizens' rights can be protected, but only if the border is secure. That is the only way a program like that will work.

When we suggest this to many of my colleagues, Mr. Speaker, who are in fact pushing these ideas, they do not want to talk about secure borders, or they want to use it as a platitude. They say, yes, we have it. We will increase the number of Border Patrol. Of course, that is not securing the border. We have to militarize the border on both the northern and southern borders, as my friend and colleague who has joined me here tonight has told this body on more than one occasion. We need to be able to use the military to augment the Border Patrol, the Customs Service, Forest Service personnel, until we can actually gain control of our own borders.

For that discussion or whatever point he would like to make, I will yield to my friend, the gentleman from Virginia (Mr. GOODE), and ask him to join us and give us his comments.

Mr. GOODE. Mr. Speaker, I want to thank the gentleman from Colorado (Mr. TANCREDO) for his persistence on the illegal immigration issue. He has brought his message to this body and to outside this body. Without his leadership, I do not think as many in this country would be aware of the huge cost that illegal immigration places on the taxpayers of the United States.

I have heard people in this body and in this Chamber and in the halls of the committee rooms talk about the deficit. Well, one way we can deal with the deficit is clamp down on illegal immigration. If we put a halt to that, there would be less hospital charges to Medicaid that our States and that the Federal Government would have to match; there would be fewer demands on our social service system; fewer demands on our food stamp system; fewer demands on an array of other services.

Also, we would not have to deal with the situations that occurred a few weeks ago with the tragedy of 18 or 19 persons dying in an overheated, piled-up trailer. We could save money in this country and have less of a deficit if we could halt illegal immigration.

But my reason for being here tonight, and I want to thank the gentleman from Colorado for yielding to me, I wanted to relate an example of how our policies with the United States Treasury Department, coupled with the views of the Mexican Government, cost us the United States taxpayers' funds.

There was a gentleman from Mexico named Mr. Gamez. He came to my office four times trying to find out where the Mexican identification cards were for his sister, for his mother, and for his father. He had a green card and he was legally in the country, a very nice person.

I had the opportunity to talk with him about why he so critically needed these Mexican identification cards right away. This was in April, at the time that taxes were due. He was filling out his income tax returns. He needed these cards so that he could send them to the United States Treasury in an application process for an individual taxpayer identification number. They have a little form you fill out, a blank for the type of identification. This says country/State of the issuing ID, the ID number, the expiration date.

He wanted the Mexican ID cards to get him a U.S. taxpayer identification number. He lived in the United States; but his father lived in Mexico, his mother lived in Mexico, and his sister lived in Mexico.

He said, I do not have any children, but I am helping my mother, I am helping my father, and I am helping my sister. He wanted to get the taxpayer, the U.S. taxpayer identification number using the Mexican ID number so he could claim them as dependents.

I said, well the way I look at that is what you are doing, you are taking money out of the United States at the expense of the taxpayers, because I have heard a number of workers in my area complain that those with green cards have a much bigger check than those who are natives of the United States of America and have dependents that live in their homes, if they have them, and we can readily ascertain how many dependents they have.

I noticed on the forms with the sister's name on it, with the mother's name on it, with the father's name on it, they were listed as a Rocky Mount, Virginia, address. I said, are they living here in Rocky Mount with you? Oh,

no, they are living in Mexico. But I can apply for these numbers and then I can count them as a dependent, and then there will not be any taxes withheld out of my check, and I will not have to pay any income taxes.

I said, How did you learn about all of this? He said, well, the Mexican officials were schooling me on it. He did not use the word ''schooling.'' ''Schooling'' is a parochial term used in Franklin County. It is how one gets an education on how to get yourself more money.

That is what he was doing. He wanted to get those Mexican IDs to get his U.S. taxpayer identification number so he could put their names on his 1040 form and get back a refund. I do not know how much he was making, certainly it would depend on those factors, but he would be able to claim three additional dependents in addition to himself.

He said the Mexican officials were helping him. They told him to come and see me. Maybe they just said that blanket, not me personally, but go see your Member of Congress if you need to get your ID cards. So he came to the office four times before I had the opportunity to personally meet with him.

But I questioned whether this was valid under the United States Tax Code, so I had a meeting in my office with the persons from the IRS. As I understood what they said, what he was doing is valid under the U.S. Tax Code and valid under our IRS rules and regulations. This is an example of how our money is being shifted to another country. I really wonder whether we should be encouraging situations like this. I think not.

I have heard tonight before the gentleman from Colorado (Mr. TANCREDO) and the other gentleman from Colorado had their chance to speak how bad the tax cut bill was that passed.

I got to thinking, you know, what if there were not an adult sister, an adult mother, and an adult father, but it was three children. If the bill like the complaints were made had passed, even though this gentleman would have owed no U.S. income tax, did not owe any, did not pay any, we would be sending him a check in the mail if their position prevailed; a further drain on the United States Treasury, a further drain on the United States economy.

I think we need to take a close look before we buy into this argument of let us make the child tax credit refundable, because George Bush and those of us who voted for the previous tax cuts did such a good job with the current child tax credit that many of those earning between $10,000 and $26,000 are not paying any Federal income taxes. They do not owe any; they do not pay any. Therefore, they do not get a check back. It is for those who have paid Federal income taxes. If someone is making $10,000 a year and paid some Federal income tax, they can get it back under the plan we passed.

But I am just wondering how much schooling the Mexican officials are giving that talked with Mr. Gamez, and are going around the country educating, and I use that word in quotes, those with green cards to suck more money out of the United States.

□ 2245

I think we need to be wary of that. And that causes me much concern when the advocates say how the tax bill was not fair to those that are not getting a refund, which means a check in the mail. You did not pay any income tax, you did not owe any income tax, but we are going to send you a check anyway.

Mr. Speaker, I thank the gentleman for allowing me to tell you about this specific situation in the town of Rocky Mount, Virginia.

Mr. TANCREDO. Mr. Speaker, I very much appreciate the gentleman coming down and discussing that tonight.

He brings up an interesting point that is the kind of activity that is going on throughout the country, some of it being sponsored by the Federal Government and other by Federal agencies in order to encourage people to come here illegally, in order to get benefits of every kind, variety and shape.

In Colorado I just got a flier from an organization. It is actually a group of people that are sponsoring this group of organizations; and they have gone to a couple of counties in Colorado. One is Jefferson County, which I live in; one is Adams County just north of me. And the flier talks about this and they have the county treasurers to join them in this effort, and what is the effort? It says, building communities one taxpayer at a time. You think, what are they talking about here? And the big title of their conference that they are going to have on July 12 in Colorado is to teach people how to get taxpayer identification numbers.

It says, who needs one of these? Anyone who cannot get a Social Security number needs a taxpayer identification number.

Now, you have to ask yourself a question, How many people in this country have to have a taxpayer identification number as opposed to a Social Security number? Because when you call the IRS, they tell you it is one in the same. If you have a Social Security number, that is the same as your tax ID number. If you do not have a Social Security number, you fill out this form and you get one. Who would do that? People who are here legally like the gentleman referenced so he could pay his taxes. How about people who are here illegally? We do not know. We are not going to try to stop them.

If somebody comes in and applies, they are going to get it. What do they need it for? What does somebody who is here illegally need a taxpayer identification number for? I will tell you one thing they need it for is that every time we start talking about amnesty for everybody who is living here legally, one of the things that comes up is someone is going to prove that they have been here and working for some time and they will turn to this taxpayer identification number so they can prove that and they get amnesty. It comes through this particular body.

It is to do just exactly what the gentleman has suggested. It is to obtain benefits from the Federal Government in terms of tax credits for your children, tax exemptions, tax deductions and all of it, so if you are working here, even if you are working here illegally, people do get fake Social Security numbers, it happens, strange as that may seem, I know it is hard to believe, but it occurs. And this identity fraud is becoming even another huge problem. But here we are teaching people the classes, my friend from Virginia uses the word ''schooling'' for them, and that is exactly what they are doing. They advertise. This is not clandestine. It is not like, oh, my goodness, do not tell anybody. Come over here on the 12th of July; we will explain how to actually scam the system.

They make a big picture, a big brochure about it and send it out. They send it to the county treasurers. They say, look, this is one of things they said to the county treasurer, if we get all these people in to claim these deductions and claim these tax credits, do you know how much that means to come to the county? Dollars coming to the county, people who are living here illegally but they will be able to get these tax deductions for their kids so that means money to the county. That is how they get the county commissioner and county treasurer sucked into it. It is as if this money is coming from Venus. It is a scam.

It is another example of the attempts that are so much a part of everything I see around here, and that is to eventually come to the position where there is absolutely nothing that distinguishes you as being here illegally from someone who is here legally. Everything that that person who is here legally can do, all of the benefits they can achieve as a result of citizenship in this country, legal status in this country, every single benefit would be accorded and afforded to you, someone who is here illegally. Therefore, the distinction is gone. And the whole concept of citizenship is gone.

It is an attack on citizenship. It is an attack on the concept of citizenship. It is an attack on the sovereignty of the country. It will be the place where a lot of people reside. There are cities not too far from where we stand tonight that allow people to vote just based on their residence. All you have to do is bring in a copy of your utility bill. You can vote. They do not ask you whether or not you are here legally. They call themselves refugee cities. They are in Maryland. They are all over the place along the east coast here. The Mayor of this city, Washington, D.C., proposed that not too long ago to the city of Washington, I mean the District of Columbia, that it,

in fact, should allow people to vote simply because they are residents, nothing else. Residents of the country. Not citizens. The concept is under attack.

Whether these cities and counties that are accepting the matricula understand this or not, I do not know. Whether all of these city officials and county officials who are aiding and abetting illegal immigrants in this country, aiding and abetting people in the violation of our laws, whether they recognize it, and people do not think it is more than a little transgression, that it is like jay walking, no, this has major implications. It is meaningful stuff. It is a transition our country is going through here that I do not know if everybody understands that we are simply moving and we are directly moving to a system that will not have, as I say, a way of distinguishing a citizen from a noncitizen. It is just a place where they are residents.

Borders will be erased de facto. Borders will be erased. Maybe that is okay. Maybe that is exactly where everybody in this place wants us to go. I would like to put it to a vote. I would like to see somebody actually have to vote on whether or not we have to erase the borders because that is where we are heading. We are doing it a little bit at a time. It is the old frog in the hot water syndrome where the heat is turned up one notch at a time and you look back and say, what happened here? What happened?

Is there a time when citizenship meant something? We are going to debate, and I think the gentleman from Virginia (Mr. GOODE) is on the committee that is debating the bill to give citizenship status to the families of people who have fought in the service, were in the armed services for a year; and we will now give status to them if they were here legally. I think it is coming to the floor soon, tomorrow or the next day. And the bill is lengthy, about exactly what you have to do in order to get this thing called citizenship and what you have to go through.

We pretend like we prize it. If you get a dishonorable discharge, you cannot have it. We pretend like it is this wonderful thing. Well, it is a wonderful thing. I think it is a wonderful thing. I think citizenship in this country is a marvelous thing. But it is a strange phenomenon that on one hand here we are coming with a bill that pretends that citizenship is meaningful and that everything else we are doing here aids in the destruction of the concept of citizenship and the fact that the Federal Government, through its Department of the Treasury, promulgates regulations that allows banks to accept the foreign government ID card from a person who wants to open an account. This is an example.

It is one step in this process and it is a pretty good step. Actually, it is not a little thing, the unbanked, the millions and millions of people who are here illegally, that the banks want to get a hold of their money. That is a big step in this direction that I am pointing to, a step to a place where there is no such thing as citizenship and whether or not we can have the debate whether or not someone is here legally or not, it does not matter if you are here legally or not.

Mr. Speaker, I thank the gentleman from Virginia (Mr. GOODE) for joining me this evening and for letting me bring this to the attention of the body.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARSON of Oklahoma (at the request of Ms. PELOSI) for today after 2:30 p.m. and the balance of the week on account of a family emergency.

Mr. REYES (at the request of Ms. PELOSI) for today before 2:00 p.m. on account of official business.

Mr. ORTIZ (at the request of Ms. PELOSI) for today before 3:00 p.m. on account of official business.

Mr. RYAN of Wisconsin (at the request of Mr. DELAY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. RANGEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. CROWLEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. DEGETTE, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

(The following Members (at the request of Mr. HENSARLING) to revise and extend their remarks and include extraneous material:)

Mr. BEAUPREZ, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, June 10.

Mr. CULBERSON, for 5 minutes, June 4.

Mr. DUNCAN, for 5 minutes, today.

Mr. LEWIS of California, for 5 minutes, June 5.

Mr. HENSARLING, for 5 minutes, today.

Mr. BRADLEY of New Hampshire, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

ADJOURNMENT

Mr. GOODE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 4, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2489. A letter from the President and Chairman, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Morocco pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 22 U.S.C. 2776(c); to the Committee on Financial Services.

2490. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Taiwan pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

2491. A letter from the Associate Commissioner for Education Statistics, Department of Education, transmitting the annual statistical report of the National Center for Education Statistics entitled, ''The Condition of Education 2003,'' pursuant to 20 U.S.C. 9005; to the Committee on Education and the Workforce.

2492. A letter from the General Counsel, Department of Commerce, transmitting a draft bill to amend the Communications Act of 1934 to provide the Federal Communications Commission with permanent authority to auction spectrum licenses and with new authority to charge fees for unauctioned spectrum licenses and construction permits; to the Committee on Energy and Commerce.

2493. A letter from the Senior Legal Advisor to theBureau Chief, Mass Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Douglas and Tombstone, Arizona, and Santa Clara, New Mexico) [MB Docket No. 02-374, RM-10598] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2494. A letter from the Senior Legal Advisor, International Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Policies [IB Docket No. 02-34]; Mitigation of Orbital Debris [IB Docket No. 02-54] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2495. A letter from the Attorney Advisor, Wireline Competition Bureau, Federal Communication Commission, transmitting the Commission's final rule — Tecommunication

Relay Services and the Americans with Disabilities Act of 1990 [CC Docket No. 90-57] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2496. A letter from the Deputy Chief, WCB/TAPD, Federal Communications Commission, transmitting the Commissions final rule — Schools and Libraries Universal Service Support Mechanism [CC Docket No. 02-6] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2497. A communication from the President of the United States, transmitting a combined six month periodic report on the national emergencies declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) declared in Executive Order 12808 on May 30, 1992 and Kosovo in Executive Order 13088 on June 9, 1998, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—77); to the Committee on International Relations and ordered to be printed.

2498. A communication from the President of the United States, transmitting a 6-month report on the national emergency declared by Executive Order 13222 of August 17, 2001, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—79); to the Committee on International Relations and ordered to be printed.

2499. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DDTC 040-03], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2500. A communication from the President of the United States, transmitting notification to terminate the national emergencies declared in Executive Order 12808 of May 30, 1992, and Executive Order 13088 of June 9, 1998, with respect to the former Socialist Federal Republic of Yugoslavia; (H. Doc. No. 108—78); to the Committee on International Relations and ordered to be printed.

2501. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002 to March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2502. A letter from the Secretary, Department of Labor, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002 to March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2503. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2504. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2505. A letter from the President, Legal Services Corporation, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002 to March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2506. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the Inspector General for the period ending March 31, 2003 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2507. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending March 31, 2003 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

2508. A communication from the President of the United States, transmitting notification of his determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 108—80); to the Committee on Ways and Means and ordered to be printed.

2509. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for the Republic of Belarus will substantially promote the objectives of section 402, of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(b); (H. Doc. No. 108—81); to the Committee on Ways and Means and ordered to be printed.

2510. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Prospective Payment System for Long-Term Care Hospitals: Annual Payment Rate Updates and Policy Changes [CMS-1472-F] (RIN: 0938-AL92) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. Supplemental report on H.R. 2143. A bill to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes (Rept. 108–133, Pt. 2).

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 1320. A bill to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; with an amendment (Rept. 108–137). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 256. Resolution providing for consideration of the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes. (Rept. 108–138). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 257. Resolution providing for consideration of the bill (H.R. 760) to prohibit the procedure commonly known as partial-birth abortion. (Rept. 108–139). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

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; referred to the Committee on Ways and Means for a period ending not later than July 25, 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.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS:

H.R. 2301. A bill to direct the Secretary of Homeland Security to provide for the installation of chemical and biological detection devices in the enclosed passenger boarding stations of each heavy rail transit system in the United States; to the Committee on Transportation and Infrastructure.

By Ms. BALDWIN:

H.R. 2302. A bill to extend for an additional six months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. HAYWORTH:

H.R. 2303. A bill to limit the United States share of assessments for the United Nations regular budget; to the Committee on International Relations.

By Mr. BLUNT:

H.R. 2304. A bill to resolve boundary conflicts in the vicinity of the Mark Twain National Forest in Barry and Stone Counties, Missouri, that resulted from private landowner reliance on a subsequent Federal survey, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE:

H.R. 2305. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Resources.

By Mr. DOOLITTLE:

H.R. 2306. A bill to delay the effective date of certain provisions relating to the labeling of ginseng; to the Committee on Energy and Commerce.

By Mr. HOBSON (for himself, Mr. ORTIZ, Ms. PRYCE of Ohio, Mr. TIBERI, Mr. GILLMOR, Mr. RODRIGUEZ, Mr. REGULA, Mr. REYES, and Mr. OXLEY):

H.R. 2307. A bill to provide for the establishment of new Department of Veterans Affairs medical facilities for veterans in the area of Columbus, Ohio, and in south Texas; to the Committee on Veterans' Affairs.

By Mr. LEVIN (for himself, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. MCNULTY, Mr. BECERRA, Mr. FRANK of Massachusetts, Mr. PRICE of North Carolina, Mr. HINOJOSA, Mr. HASTINGS of Florida, Mr. ACKERMAN, and Mr. HONDA):

H.R. 2308. A bill to amend the Trade Act of 1974 to provide trade adjustment assistance for communities, and for other purposes; to the Committee on Ways and Means.

By Ms. MILLENDER-MCDONALD:

H.R. 2309. A bill to designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Signal Hill, California, as the ''J. Stephen Horn Post Office Building''; to the Committee on Government Reform.

By Mr. RAHALL (for himself, Ms. BORDALLO, Mr. ACEVEDO-VILA, Mr. GEORGE MILLER of California, Ms. LEE, Mr. CASE, Mr. GRIJALVA, Mr. RODRIGUEZ, Mr. MARKEY, Mr. FALEOMAVAEGA, Mr. UDALL of Colorado, Ms. SLAUGHTER, Mr. PALLONE, Mr. INSLEE, Mr. BLUMENAUER, Mr. ABERCROMBIE, Mr. NADLER, and Mr. KIND):

H.R. 2310. A bill to protect, conserve, and restore native fish, wildlife, and their natural habitats on Federal lands and non-Federal lands through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes; to the Committee on Resources.

By Mr. SESSIONS (for himself, Mr. DOOLITTLE, Mr. JONES of North Carolina, Mr. HASTINGS of Washington, Mr. STEARNS, Mr. PAUL, Mr. SOUDER, Mr. GARRETT of New Jersey, Mr. LATOURETTE, Mr. SULLIVAN, Mr. HAYES, Mr. DAVIS of Illinois, Ms. GINNY BROWN-WAITE of Florida, Mr. HEFLEY, Mr. VITTER, Mr. GREEN of Wisconsin, Mr. FORBES, Mrs. JO ANN DAVIS of Virginia, Mr. FROST, and Mr. TOOMEY):

H.R. 2311. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained age 62; to the Committee on Ways and Means.

By Mr. SHIMKUS (for himself, Mr. MARKEY, Mr. TAUZIN, Mr. DINGELL, and Mr. UPTON):

H.R. 2312. A bill to amend the Communications Satellite of 1962 to provide for the orderly dilution of the ownership interest in Inmarsat by former signatories to the Inmarsat Operating Agreement; to the Committee on Energy and Commerce.

By Mr. SPRATT:

H.R. 2313. A bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of tax-exempt bonds issued for the purchase or maintenance of electric generation, transmission, or distribution assets; to the Committee on Ways and Means.

By Mr. TIERNEY (for himself and Mr. SHIMKUS):

H.R. 2314. A bill to support business incubation in academic settings, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WEINER:

H.R. 2315. A bill to amend title 18, United States Code, with respect to certain prohibitions relating to police badges, and for other purposes; to the Committee on the Judiciary.

By Mr. WYNN:

H.R. 2316. A bill to enhance the terms of the retirement annuities of administrative law judges; to the Committee on Government Reform.

By Mr. GREENWOOD (for himself, Mr. FARR, Mr. WELDON of Pennsylvania, and Mr. ALLEN):

H. Con. Res. 202. Concurrent resolution expressing the sense of Congress in support of a National Oceans Week; to the Committee on Resources.

By Mr. LATOURETTE (for himself, Mr. LARSON of Connecticut, Mr. NEY, Mrs. JOHNSON of Connecticut, Mr. STARK, Mr. CUNNINGHAM, Ms. CARSON of Indiana, Mr. KILDEE, Mr. WAXMAN, Mr. KANJORSKI, Mr. MCNULTY, and Mr. GUTIERREZ):

H. Con. Res. 203. Concurrent resolution expressing support for a National Reflex Sympathetic Dystrophy (RSD) Awareness Month; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H. Con. Res. 204. Concurrent resolution supporting the Million Mom March against gun violence and accepting the challenge to reduce by 5,000 the number of lives lost to gun violence by the year 2005, by instituting and supporting policies that will further that goal; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER:

H. Con. Res. 205. Concurrent resolution expressing appreciation to the Government of Kuwait for its medical assistance to Ali Ismaeel Abbas and other children of Iraq and for its additional humanitarian aid, and for other purposes; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

By Mr. THOMPSON of California introduced a bill (H.R. 2317) for the relief of Patricia and Michael Duane, Gregory Hansen, Mary Pimental, Randy Ruiz, Elaine Schlinger, and Gerald Whitaker; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. FRANKS of Arizona, Mr. MCCOTTER, and Mr. MURPHY.

H.R. 18: Mr. KINGSTON.

H.R. 31: Mr. CARSON of Oklahoma.

H.R. 52: Mr. DOOLITTLE.

H.R. 57: Mr. HULSHOF and Mr. BURGESS.

H.R. 97: Mr. ADERHOLT, Mr. ENGEL, Mr. KILDEE, Mr. QUINN, and Ms. LINDA T. SANCHEZ of California.

H.R. 106: Mr. WICKER.

H.R. 107: Mr. OWENS.

H.R. 122: Mr. LANTOS.

H.R. 208: Mr. OWENS.

H.R. 236: Ms. BALDWIN, Mr. KENNEDY of Rhode Island, Mr. BROWN of Ohio, Ms. ESHOO, Mr. FARR, and Mr. SANDERS.

H.R. 284: Mr. FATTAH, Mr. MCCOTTER, Ms. SLAUGHTER, Mr. FLETCHER, Mr. MARSHALL, and Mr. LEACH.

H.R. 288: Mrs. NAPOLITANO.

H.R. 290: Mr. QUINN, Mr. MARKEY, Mr. PALLONE, Mr. LARSON of Connecticut, Mr. NADLER, Mr. CARSON of Oklahoma, and Ms. LINDA T. SANCHEZ of California.

H.R. 296: Mr. NEAL of Massachusetts, Ms. KILPATRICK, and Mr. HOLT.

H.R. 300: Mrs. BLACKBURN.

H.R. 313: Mr. STRICKLAND and Mr. BACHUS.

H.R. 371: Mr. LANTOS and Mr. GUTIERREZ.

H.R. 401: Mr. FERGUSON.

H.R. 501: Mr. BURGESS.

H.R. 515: Mr. GUTIERREZ.

H.R. 528: Mr. HAYWORTH and Mr. DREIER.

H.R. 571: Mrs. BLACKBURN, Mr. GILCHREST, Mr. NORWOOD, Mr. TURNER of Ohio, Mr. HOUGHTON, and Mr. FLETCHER.

H.R. 580: Mrs. MCCARTHY of New York, Mr. CROWLEY, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. MEEKS of New York, Mr. LANGEVIN, Mr. SCHIFF, and Mr. ENGEL.

H.R. 589: Mr. BOUCHER.

H.R. 594: Mr. LEWIS of Kentucky, Mr. NADLER, Mr. NUNES, Mr. JONES of North Carolina, Mr. SHUSTER, and Mr. BRADY of Pennsylvania.

H.R. 660: Ms. ROS-LEHTINEN, Mrs. BONO, Mr. HOBSON, and Mr. HYDE.

H.R. 684: Mr. TERRY.

H.R. 709: Mr. OTTER.

H.R. 715: Mr. HINCHEY.

H.R. 717: Mr. EVANS, Mr. OWENS, and Ms. LINDA T. SANCHEZ of California.

H.R. 728: Mr. BARTON of Texas.

H.R. 754: Mr. ISAKSON.

H.R. 792: Mr. WYNN and Mr. MICHAUD.

H.R. 795: Mr. HASTINGS of Florida.

H.R. 814: Ms. BALDWIN, Mr. WYNN, Mr. STRICKLAND, Mr. RYAN of Wisconsin, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Mr. INSLEE, Ms. MCCARTHY of Missouri, Mr. BRADY of Pennsylvania, Mr. MORAN of Virginia, and Mr. WALSH.

H.R. 844: Mr. SIMMONS.

H.R. 857: Mr. FROST.

H.R. 871: Mr. ROSS, Mr. RADANOVICH, and Mr. NUNES.

H.R. 873: Ms. SCHAKOWSKY, Ms. LOFGREN, Mr. KILDEE, Mr. PRICE of North Carolina, Mr. RANGEL, Ms. LEE, Mr. OLVER, Ms. LINDA T. SANCHEZ of California. and Ms. DELAURO.

H.R. 887: Mr. PETRI and Mr. BLUNT.

H.R. 896: Ms. LEE.

H.R. 898: Mr. CHABOT, Ms. DEGETTE, Ms. CORRINE BROWN of Florida, and Mr. MOLLOHAN.

H.R. 919: Mr. BURGESS, Mr. BURR, Mr. GERLACH, and Mr. CUNNINGHAM.

H.R. 941: Mr. KENNEDY of Minnesota.

H.R. 972: Mr. TIERNEY.

H.R. 977: Mr. GRIJALVA and Mr. PALLONE.

H.R. 980: Mr. SNYDER, Mr. MATSUI, and Mr. WICKER.

H.R. 997: Mr. HAYWORTH, Mr. DOOLITTLE, Mr. PUTNAM, Mr. GARY G. MILLER of California, and Mr. KINGSTON.

H.R. 1006: Mr. MENENDEZ, Mr. BERMAN, Mr. BLUMENAUER, Mrs. LOWEY, Mr. WU, Mr. BROWN of Ohio, Mr. CALVERT, Ms. KILPATRICK, and Mr. MCDERMOTT.

H.R. 1046: Mr. PASTOR, Mr. CARDIN, and Mr. GONZALEZ.

H.R. 1057: Mr. REHBERG and Mr. ABERCOMBIE.

H.R. 1068: Mrs. LOWEY, Mr. MOORE, and Mr. MEEHAN.

H.R. 1075: Ms. LOFGREN.

H.R. 1076: Mr. MOORE and Mr. BEAUPREZ.

H.R. 1117: Mr. MILLER of Florida, Mr. JONES of North Carolina, Mr. GREEN of Wisconsin, and Mr. TERRY.

H.R. 1130: Ms. KAPTUR.

H.R. 1133: Mr. HOLT.

H.R. 1137: Mr. HULSHOF and Mr. BOUCHER.

H.R. 1157: Ms. LOFGREN.

H.R. 1177: Mr. BARRETT of South Carolina, Mr. GUTKNECHT, Mr. KLINE, Mr. ROYCE, Mr. SULLIVAN, Mr. WICKER, and Mr. DAVIS of Illinois.

H.R. 1179: Mr. JONES of North Carolina and Mr. MARIO DIAZ-BALART of Florida.

H.R. 1196: Mrs. KELLY, Ms. SOLIS, Mr. RYAN of Ohio, Mr. MCGOVERN, Mrs. NAPOLITANO, and Mr. HONDA.

H.R. 1231: Mr. EDWARDS, Mr. RYUN of Kansas, Mr. FERGUSON, Mr. BLUNT, Mr. DAVIS of Florida, Mr. BEAUPREZ, Mr. COSTELLO, Mr. DEAL of Georgia, Mr. BURGESS, Mrs. BLACKBURN, Mrs. CAPITO, Mr. ETHERIDGE, Ms. LINDA T. SANCHEZ of California, Ms. VELAZQUEZ, Mr. KINGSTON, Mr. CANTOR, Mr. DEFAZIO, Mr. BACA, and Mr. PEARCE.

H.R. 1241: Ms. LEE.

H.R. 1242: Mr. GUTIERREZ.

H.R. 1243: Mr. MCGOVERN.

H.R. 1258: Ms. WATERS and Mr. KIND.

H.R. 1268: Mr. LYNCH and Ms. JACKSON-LEE of Texas.

H.R. 1311: Mrs. MUSGRAVE, Mr. BROWN of Ohio, Mr. SMITH of Michigan, Mr. MICHAUD, Ms. MCCOLLUM, Mr. JANKLOW, Mr. SNYDER, Mr. LATHAM, and Mr. ROGERS of Alabama.

H.R. 1349: Mr. FRANK of Massachusetts.

H.R. 1372: Mr. CROWLEY.

H.R. 1381: Mr. FARR, Ms. ESHOO, and Mr. NADLER.

H.R. 1388: Ms. LEE.

H.R. 1414: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OLVER, Mr. BLUMENAUER, and Ms. WOOLSEY.

H.R. 1418: Ms. CORRINE BROWN of Florida.
H.R. 1422: Mr. GUTIERREZ and Mr. HALL.
H.R. 1428: Mr. SNYDER.
H.R. 1430: Mr. BELL and Mr. DELAHUNT.
H.R. 1444: Mr. OWENS, Ms. JACKSON-LEE of Texas, and Ms. CORRINE BROWN of Florida.
H.R. 1448: Ms. CORRINE BROWN of Florida.
H.R. 1460: Mr. MCGOVERN.
H.R. 1470: Mr. HOLT, Mr. ORTIZ, and Mr. WYNN.
H.R. 1482: Mr. ABERCROMBIE.
H.R. 1489: Mr. GARRETT of New Jersey, Mr. WILSON of South Carolina, Mr. SHIMKUS, and Mr. LEWIS of Kentucky.
H.R. 1491: Mr. PASTOR.
H.R. 1534: Mrs. JONES of Ohio and Mr. HINCHEY.
H.R. 1552: Mr. SIMMONS, Mr. WILSON of South Carolina, Mr. ETHERIDGE, Mr. MEEK of Florida, Mr. CARDOZA, Ms. GINNY BROWN-WAITE of Florida, Mr. MCNULTY, Mr. CASE, Mr. TURNER of Texas, and Mr. DAVIS of Florida.
H.R. 1563: Mr. MORAN of Virginia and Mr. FRANK of Massachusetts.
H.R. 1568: Mr. LANGEVIN.
H.R. 1605: Ms. ESHOO.
H.R. 1606: Mr. BILIRAKIS and Mr. ROGERS of Kentucky.
H.R. 1617: Mr. HONDA, Mr. ISRAEL, Mr. PALLONE, and Ms. KAPTUR.
H.R. 1662: Mr. BLUNT.
H.R. 1676: Mr. VAN HOLLEN, Mr. WOLF, Mr. UPTON, Mr. DOOLITTLE, and Mr. LATOURETTE.
H.R. 1689: Ms. ESHOO, Mr. HONDA, and Mr. HOEFFEL.
H.R. 1700: Ms. ROS-LEHTINEN and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1710: Mrs. LOWEY, Mr. INSLEE, Mr. PALLONE, Mr. LARSON of Connecticut, Ms. VELAZQUEZ, Mr. NADLER, and Mr. SWEENEY.
H.R. 1733: Mr. GRIJALVA.
H.R. 1746: Mr. ALLEN and Ms. ROYBAL-ALLARD.
H.R. 1769: Mr. HYDE, Mrs. MUSGRAVE, Mr. CARDIN, and Mr. LEWIS of Georgia.
H.R. 1793: Mr. BARTLETT of Maryland, Mr. BISHOP of Utah, Mr. BURGESS, and Mr. TANCREDO.
H.R. 1818: Mr. CALVERT.
H.R. 1823: Mr. CARSON of Oklahoma.
H.R. 1856: Mr. ENGLISH, Ms. KAPTUR, Mr. BONNER, Mr. UPTON, Mr. GREENWOOD, Mr. MCHUGH, Mr. BROWN of Ohio, Mr. HOLT, and Ms. LEE.
H.R. 1886: Ms. LINDA T. SANCHEZ of California and Mr. MOORE.
H.R. 1889: Mr. MCDERMOTT, Mr. LANGEVIN, Ms. BORDALLO, Mr. NADLER, Mr. GEPHARDT, Mr. STENHOLM, Mr. OWENS, Mr. INSLEE, and Mr. TIERNEY.
H.R. 1902: Ms. LINDA T. SANCHEZ of California, Mr. BAKER, Mr. PALLONE, Mr. LARSON of Connecticut, and Ms. VELAZQUEZ.
H.R. 1905: Mr. OWENS.
H.R. 1913: Mr. CONYERS, Mr. SANDERS, and Mr. SWEENEY.
H.R. 1914: Mr. JONES of North Carolina and Mr. OTTER.
H.R. 1916: Mr. GRIJALVA, Ms. VELAZQUEZ, Mr. WOLF, Mr. SANDERS, Mr. MILLER of North Carolina, Ms. LINDA T. SANCHEZ of California, and Mr. OWENS.
H.R. 1933: Mr. ROTHMAN, Mr. LARSEN of Washington, and Mr. STARK.
H.R. 1935: Mr. NADLER and Mr. HOLT.
H.R. 1951: Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, Mr. GILLMOR, Mrs. JONES of Ohio, and Mr. OWENS.
H.R. 1963: Mr. HALL.
H.R. 1964: Mr. TOWNS.
H.R. 1981: Mr. GRIJALVA.
H.R. 1997: Mr. PETRI, Mr. PETERSON of Minnesota, Mr. ISAKSON, Mr. COLLINS, Mr. EHLERS, Mr. MCINTYRE, and Mr. SCHROCK.
H.R. 1998: Mr. FRANK of Massachusetts, Mr. DEAL of Georgia, Mr. KILDEE, Mr. WEXLER, Ms. SCHAKOWSKY, Mr. MICHAUD, Mr. MCDERMOTT, Mr. GORDON, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. GEORGE MILLER of California, Ms. LEE, Mr. DINGELL, and Mr. FROST.
H.R. 1999: Mr. OWENS and Mr. PASCRELL.
H.R. 2008: Mr. GRIJALVA and Mr. OWENS.
H.R. 2009: Mr. BLUMENAUER, Mr. FORD, Mr. KIRK, and Mr. DEFAZIO.
H.R. 2018: Ms. ROYBAL-ALLARD.
H.R. 2038: Mr. MCDERMOTT, Mr. CARDIN, and Mr. LARSON of Connecticut.
H.R. 2042: Mr. HINCHEY, Mr. FORD, Ms. ESHOO, Mrs. CAPPS, Mr. FRANK of Massachusetts, Mr. CAPUANO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HONDA, Ms. SOLIS, Ms. DELAURO, Mr. LANGEVIN, Ms. MCCOLLUM, Mr. MORAN of Virginia, Mr. GEORGE MILLER of California, Mr. MATSUI, Mr. MCNULTY, Mr. OWENS, Mr. MCDERMOTT, Mr. LARSON of Connecticut, and Mr. BLUMENAUER.
H.R. 2047: Mr. OWENS.
H.R. 2090: Mr. BISHOP of Georgia, Ms. NORTON, and Ms. MCCOLLUM.
H.R. 2092: Mr. BISHOP of Utah, Mr. VISCLOSKY, and Mr. BOEHLERT.
H.R. 2120: Mr. BOUCHER.
H.R. 2125: Mr. OWENS, Mr. MCGOVERN, Mr. LANTOS, Mr. NEAL of Massachusetts, Mr. CONYERS, Mrs. JONES of Ohio, and Mr. SERRANO.
H.R. 2135: Mr. NORWOOD and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 2154: Mr. GREEN of Texas and Mr. SAM JOHNSON of Texas.
H.R. 2161: Mr. ALLEN.
H.R. 2164: Mr. TERRY, Mr. SIMMONS, and Mr. FROST.
H.R. 2169: Mr. TIERNEY.
H.R. 2176: Mr. GRIJALVA, Mr. OXLEY, and Mr. PASTOR.
H.R. 2188: Mr. WHITFIELD.
H.R. 2193: Mr. CASE.
H.R. 2205: Mr. WICKER, Mr. ROGERS of Alabama, Mr. SNYDER, Mr. LARSON of Connecticut, Mr. PICKERING, Mr. FROST, Mr. SCOTT of Georgia, and Mr. MCGOVERN.
H.R. 2236: Mr. COOPER, Mr. BACA, Mr. WELDON of Florida, and Mr. GONZALEZ.
H.R. 2242: Ms. MCCOLLUM, Mr. TOWNS, Mr. COLE, and Mr. JEFFERSON.
H.R. 2246: Mr. TANNER, Mr. HOLT, Mr. REYES, Mr. OWENS, and Mr. PASCRELL.
H.R. 2262: Mr. CONYERS, Mr. MOLLOHAN, Mr. GRIJALVA, Mr. PLATTS, Mr. CRAMER, and Mr. OWENS.
H.R. 2274: Mr. PEARCE.
H.R. 2286: Mr. LEVIN, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. BECERRA, Mr. SANDLIN, Mr. EMANUEL, Ms. SLAUGHTER, Mr. UDALL of New Mexico, Mr. MENENDEZ, Mr. RYAN of Ohio, Mr. ALEXANDER, Ms. WATERS, Mr. CROWLEY, Mr. KENNEDY of Rhode Island, Mr. MARKEY, Mr. STARK, Ms. SCHAKOWSKY, Ms. KAPTUR, Mr. BROWN of Ohio, and Ms. LEE.
H.R. 2291: Mr. TOWNS, Mr. ROSS, Mr. FROST, and Mrs. KELLY.
H.J. Res. 36: Mr. PASTOR, Mr. MCINTYRE, Mr. ANDREWS, Ms. LINDA T. SANCHEZ of California, Mr. LAMPSON, and Mr. BAIRD.
H.J. Res. 50: Mr. WILSON of South Carolina, Mr. WELDON of Florida, and Mr. GOODLATTE.
H. Con. Res. 116: Mr. WILSON of South Carolina and Mr. FEENEY.
H. Con. Res. 148: Mr. DAVIS of Alabama, Mr. STRICKLAND, and Mr. VAN HOLLEN.
H. Con. Res. 154: Mr. CAPUANO, Ms. MCCOLLUM, Mrs. CHRISTENSEN, Mr. RUSH, Mr. WYNN, Mr. TOWNS, Mr. FALEOMAVAEGA, Mr. BELL, and Mr. BROWN of Ohio.
H. Con. Res. 155: Mr. BECERRA.
H. Con. Res. 164: Mr. OSBORNE.
H. Con. Res. 177: Mr. BEAUPREZ and Mr. ROYCE.
H. Res. 38: Mr. OWENS.
H. Res. 56: Mr. GREENWOOD and Mr. HAYWORTH.
H. Res. 58: Mr. QUINN.
H. Res. 86: Mr. PORTER.
H. Res. 103: Mr. BURTON of Indiana.
H. Res. 199: Mr. SMITH of Michigan, Mrs. JO ANN DAVIS of Virginia, Mr. BERMAN, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Mr. BELL, Mr. LATOURETTE, Mr. MEEHAN, Mr. ROYCE, and Mr. HOEFFEL.
H. Res. 201: Mrs. MILLER of Michigan.
H. Res. 234: Mr. HOLT, Mr. VAN HOLLEN, Mr. SCHIFF, Mr. GONZALEZ, Ms. WOOLSEY, Mr. STARK, Mr. TIERNEY, and Mr. SNYDER.
H. Res. 237: Mr. ENGEL and Mr. BELL.
H. Res. 242: Mr. LEWIS of Georgia, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, and Mr. BALLENGER.

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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, TUESDAY, JUNE 3, 2003 No. 80

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Once again, retired pastor emeritus of Georgetown Presbyterian, the Reverend Campbell Gillon, will lead us in prayer.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

O God of creation, while the brightest human minds painstakingly uncover the intricate fringes of Thy handiwork, we recognize that the proper attitude before Thee is not arrogance and self-satisfied cleverness but humility and wonder, for the ultimate question is not how, but who, since this mysterious gift of human life with its flawed grandeur, dissatisfied searching, and spiritual promptings point to a Giver who has yet something better in mind.

We come to Thee as recipients, entrusted with all that we have and are. Our gifts are different and disparate, yet Thou hast dealt with us all equally—in the measure of trust shown us, in the measure of responsibility for using what we are briefly given, and in the measure of commendation we shall receive if found faithful.

Lord God, teach us that in Thine economy none is an outright owner, but all are temporary stewards. We enter the world with nothing but the precious gift of life. We leave it with the character we fashioned by our use of the time, talents, and possessions with which we are entrusted. All we take to Thee is the person we have become.

So teach us to number our days, that we may apply our hearts unto wisdom—Psalm 90:12.

O Lord, grant such wisdom to the Members of this Senate that in leading they may be divinely led, that in taking counsel together, they may be instructed individually by a truth-quickened conscience, and as they share in enacting the laws of time, they may do so in the light of eternity. So, bless and give grace to each one. In the power of Thy Spirit we pray. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The deputy leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, this morning the Senate will resume consideration of S. 14, the Energy bill. There are currently two LIHEAP amendments pending to the bill, as well as the bipartisan ethanol amendment. At this time, I urge any Member who wishes to offer an amendment to contact the chairman or ranking member of the Energy Committee so that time can be scheduled for the consideration of such amendments.

Members should expect rollcall votes during today's session. It is anticipated that we will be able to dispose of several energy amendments later today. Members will be notified, of course, when the first vote is scheduled.

For the remainder of the week, the Senate will continue the consideration of the Energy bill and wrap up action on the Department of Defense authorization bill. Rollcall votes are therefore expected each day during this week.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Nevada.

Mr. REID. If my distinguished colleague will yield, it is my understanding also that the two managers have agreed to set aside the pending amendments for other amendments to be offered. I believe that is the case.

Mr. MCCONNELL. I say to my friend from Nevada, I believe that is the case.

Mr. REID. I think those who have amendments should get to the Chamber as quickly as they can because one of the sponsors of one of the amendments now pending will not be here until this afternoon. So we can move that along with other amendments. It is my understanding that this bill, when it was up last year, took 8 weeks. It is my understanding that the majority leader wants to finish this bill within the next 2 weeks. So that is a really big order because some of these amendments are very difficult. Some of the issues are difficult.

I suggest we should get on this as quickly as possible because it is going to be very difficult to finish this bill in 2 weeks.

Mr. MCCONNELL. Mr. President, as the Senator from Nevada has indicated, it is our hope that we can finish the Energy bill in the next couple of weeks. We intend to pursue that as vigorously as possible. The cooperation of all Members toward that end would be greatly appreciated.

The assistant Democratic leader is correct; it would be wonderful to have amendments laid down and debated. We are open for business.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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ENERGY POLICY ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 14, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Pending:

Frist/Daschle amendment No. 539, to eliminate methyl tertiary butyl ether from the U.S. fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence.

Domenici/Bingaman amendment No. 840, to reauthorize Low-Income Home Energy Assistance Program, (LIHEAP), weatherization assistance, and State energy programs.

Domenici (for Gregg) amendment No. 841 (to amendment No. 840), to express the sense of the Senate regarding the reauthorization of the Low-Income Home Energy Assistance Act of 1981.

The PRESIDING OFFICER. The deputy leader.

Mr. MCCONNELL. Mr. President, it is my understanding that Senator DOMENICI, the chairman of the committee, will be in the Chamber shortly. Pending his arrival, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. What is the order of business?

The PRESIDING OFFICER. The Senator must ask unanimous consent to set aside the pending amendment.

Mrs. FEINSTEIN. I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 843 TO AMENDMENT NO. 539

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 843 to amendment No. 539.

Mrs. FEINSTEIN. 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 allow the ethanol mandate in the renewable fuel program to be suspended temporarily if the mandate would harm the economy or environment)

On page 12, strike lines 19 through 24 and insert the following:

''(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the renewable fuel requirement—

''(I) is not needed for the State or region to comply with this Act because the State or region can comply in ways other than adding renewable fuel; or

''(II) would harm the economy or environment of a State, a region, or the United States; or''.

Mr. DOMENICI. Will the Senator yield?

Mrs. FEINSTEIN. I yield.

Mr. DOMENICI. I thank the Senator for coming early this morning and offering an amendment to help us get this bill going. We will be arranging a sequencing of these amendments later in the day. I thank the Senator for bringing forth the amendment at this time.

Mrs. FEINSTEIN. This is an amendment to the pending first-degree ethanol mandate amendment to provide authority to the Administrator of the Environmental Protection Agency to waive the ethanol mandate if a State or region does not need to meet the requirements of the Clean Air Act.

We all must understand this ethanol amendment is a permanent mandate. Regardless of what advances are made in technology, whether a hybrid engine, whether a hydrogen-driven engine, regardless of any advance, this ethanol mandate is forever. Therefore, it offers very real concern.

In the pending first-degree ethanol amendment, there is a waiver now that allows the Administrator of the EPA to waive the ethanol amendment if it would harm the economy or the environment of a State, a region, or the United States. I believe the EPA Administrator should also be able to waive the ethanol mandate if a State or a region does not need ethanol to make the air cleaner and meet the requirements of the Clean Air Act. Why require something that is not needed? Why require it if there should be an advance in technology that makes the use of ethanol unnecessary?

California and other States that do not need ethanol to meet the requirements of the Clean Air Act should be allowed to make their case to the EPA and then the Administrator can decide if the ethanol mandate should be waived.

For California, the ethanol mandate will force more ethanol into our fuel supply than we need to achieve clean air. The mandate forces California to use over 8 years 2.5 billion gallons that the State does not need.

This chart makes very clear this is a superfluous mandate. The blue shows what California needs in terms of ethanol over the next 8 years, to 2012. The top amount is 143 million gallons. It averages about 140 million gallons a year. California could use that amount and meet all of the clean air standards. This bill requires California to use over this period of time up to 600 million gallons, so it almost triples in the outyears the amount of ethanol that is forced on California beyond its need. This is a real problem in terms of legislation. Why would anyone force something on a State that it does not need and then provide, if the State does not use it, that it has to pay anyway?

If anything is poor public policy, this ethanol mandate is poor public policy. It also actually achieves a transfer of wealth from all States to the midwest corn States.

California does not need ethanol to produce cleaner air because the State has developed its own unique gasoline formula. Refiners use an approach called the predictive model which can produce clean burning reformulated gasoline with oxygenates, with less than 2 percent oxygenate or with no oxygenate at all.

As Red Cavaney, president of the American Petroleum Institute, said in March before the Energy and Natural Resources Committee:

> Refiners have been saying for years that they can produce gasoline meeting clean-burning fuels and federal reformulated gasoline requirements without the use of oxygenates. . . . In addition, reformulated blendstocks—the base in which oxygenates are added—typically meet RFG performance requirements before oxygenates are added. These facts demonstrate that oxygenates are not needed.

As a matter of fact, virtually every refiner I talked to says if you want to clean the air, give us flexibility, allow us to blend gasoline to do that. In other words, set the standards as the Clean Air Act does and allow us to have the flexibility needed to meet those standards.

This mandate prevents that. It is driven by the self-interest of the corn States and driven by the self-interest of the ethanol producers, of which the largest beneficiary is Archer Daniels Midland. Archer Daniels Midland will control 46 percent of the ethanol market, with every other company controlling not more than 6 percent of the market. In essence, what we are doing is giving a huge transfer of wealth to one American company, an American company that has been convicted of corrupt practices in the 1990s.

I have real problems with this bill. As I said, California can achieve clean air without the use of oxygenates. The State has long sought a waiver of the 2-percent oxygenate requirement. I have written and called former EPA Administrator Browner, the current Administrator, Christine Todd Whitman, and President Clinton and President Bush, urging approval of a waiver for our State. Yet both the Clinton administration and the Bush administration have denied California's request. Despite the scientific evidence, it is unlikely that the EPA Administrator will ever grant a waiver for California, but I believe the necessity of the ethanol mandate for a State or region should be something the EPA Administrator considers. I don't believe it is too much to ask for the EPA to consider if ethanol is needed in a specific State or region when determining if a waiver from the mandate should be granted.

As I say, this amendment simply amends the waiver part of the Frist-Daschle bill to permit a waiver in the event that a State can demonstrate to the EPA Administrator that it can meet the clean air standards without the use of ethanol.

I hope this amendment will have an opportunity of being agreed to. I believe it is the right thing to do. I believe it is the good public policy thing to do. I believe that creating a mandate preventing flexibility in the blending of gasoline forever—which this mandate does—is flawed and potentially dangerous public policy.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I wish to comment on some of the arguments raised by a very dear friend of mine, my colleague from California, Senator FEINSTEIN.

First, let me say that 65 percent of all the gasoline utilized today in California is blended with ethanol—65 percent. They expect that it will be 80 percent this summer. So four out of five gallons of gasoline in California will already be blended with ethanol. I am not sure I understand what motivation there will be to seek a waiver, when 65 to 80 percent of all the gasoline is already blended. That is No. 1.

No. 2, my colleague noted that she has applied to EPA—she and the State of California have sought a waiver under current law. That is the point. The renewable fuels standard will actually provide greater flexibility, greater opportunities for States to seek waivers than what they have right now.

The waiver she is applying for is the waiver that she seeks under the law that was passed in 1991. She is frustrated that there has been no positive response on the part of EPA. I can understand her frustration with that refusal. But we are talking about the current law. What we are suggesting, of course, is that under the new law there will be waiver authority if a case can be made that somehow this is disruptive.

Let me emphasize something. There is a very significant misperception here that somehow this renewable fuels standard is a mandate on States. There is not one word in this bill that requires California or New York or any State to mandate the utilization of ethanol. It is not in there. What it does is impose a requirement on refiners. The refiners are the ones that are going to have to blend ethanol. They can go to the part of the country where it makes the most sense. There is not any requirement that States have some percentage of their transportation fuel utilized for purposes of meeting the renewable fuels standard.

We have, as I know the distinguished Senator knows, a credit trading program in addition which ensures that ethanol is going to be used where it is most economical. The refiners can make that decision—where it is marketable, where it is not. But I would argue if 65 percent is any indication of the marketability of ethanol, it is already being used in the State of California and it will be used even more this summer.

In March, the California Energy Commission stated that:

> The transition to ethanol which began in January of 2003 is progressing without any major problem.

Those are their words, not mine. There has been no ethanol shortage, no transportation delay, no logistical problems associated with the increased use of ethanol. Thus, efforts to carve out California from the RFS, while unjustified, are also completely unnecessary.

We have to keep beating down these myths and these concerns generated by those who oppose the renewable fuels standard.

I might also say the Senator from California might want to explain why she is supportive of the renewable portfolio standard without waivers. She is, as I am, a consistent advocate of the renewable portfolio standard that we will address later on in the debate on energy, which is, in concept, identical to the renewable fuels standard. Yet she is in support of many waivers for the renewable portfolio standard. So on the one hand, while she supports portfolio nationalization, she would suggest a renewable fuels exemption for waivers in California.

No one cares more for her State. No one is more articulate on these issues. No one has studied these issues more than has she. We will carry on this debate for months, if not years, to come. At the end of the day, I will respect her and admire her tenacity and persistence as much as anybody in this Chamber. I just happen to strongly disagree with her in this case. I know that is her feeling with regard to my position. So we will agree to disagree and move on.

I yield the floor, having had the opportunity to respond to some of the issues raised.

Mrs. FEINSTEIN. Mr. President, I look forward to responding to the distinguished Democratic leader, with whom I profoundly disagree. The distinguished Democratic leader made the point—well, California is already using ethanol in its gasoline. My goodness, it is already using it up to 65 percent. California is forced to use it. It is forced to use it. Yet it doesn't need to use it. That is my point. The egregious 2-percent Federal oxygenate requirement forces California to move in this direction if it is going to phase out MTBE, which is another oxygenate which has been shown to have very detrimental environmental and health effects. The Governor has said he is going to phase it out by the end of this year. Consequently, to meet the 2-percent oxygenate requirement—which I think is flawed public policy—again, California is forced to begin to use this ethanol.

The Democratic leader also says that I have supported a renewable portfolio standard. In fact I have. California has a renewable portfolio standard. It is for wind, it is for solar, it is for alternative energies, and California has set it at 10 percent. Yes, I support that. That is totally different than an ethanol requirement, which is not a renewable energy source like solar or wind.

To add insult to injury, the Democratic leader says this doesn't require States to use it. Then I ask the question: Why does his legislation exempt Alaska and Hawaii? If it doesn't force States to use it, why is there an exemption that exempts Alaska and Hawaii? Let me read it to you, on page 4 of the bill:

> Not later than 1 year after the date of enactment of this paragraph the administrator shall promulgate regulations to ensure that gasoline sold or introduced into commerce in the United States, except in Alaska and Hawaii, on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with subparagraph (b).

Mr. DASCHLE. Will the gentle—the Senator yield for an answer to that question?

Mrs. FEINSTEIN. Yes, except I am not feeling too gentle at the moment, but I am happy to.

Mr. DASCHLE. I know she does, because she does want to know the answer to that question. It goes back to the first comment she made. The first comment is that California is forced. California is forced to have a certain standard, meeting the clean air requirements passed in the law of 1991. That is a requirement that the whole country is forced to live with.

You have to meet that clean air requirement. What California has chosen to do—wisely, in my opinion—is to use ethanol to accommodate the goals and requirements set up for the entire Nation with regard to cleaning up the air that many of us voted overwhelmingly to do in the early 1990s.

Here is the key issue. This isn't some ethanol advocacy group that said this. This isn't a group of us here in the Senate that have said this but the California Energy Commission, having studied very carefully the utilization and the acquisition of ethanol to meet these clean air requirements, said in January of this year that ''the integration of ethanol is progressing without one major problem . . . no shortages, no transportation delays, no logistical problems associated with the increased use of ethanol in the State.''

That is the response to the first part of the question.

Why Alaska and Hawaii? Frankly, I didn't favor carving out Alaska and Hawaii because I think we could say categorically, regardless of circumstances. But Senators from Alaska and Hawaii were concerned about the fact that they are not part of the contiguous United States; that if you are ever going to come into an issue involving transportation, Alaska and Hawaii may ultimately create transportation issues which do not exist in the continental United States among the contiguous States. As a result, giving them the benefit of the doubt in the first phase of this integration is something I am willing to accept even though I am not prepared to support.

But there is no question, based on current utilization and based on the Department of Energy in California

that said themselves there is no integration problem.

That is the reason.

I thank very much the Senator from California yielding on that question.

Mrs. FEINSTEIN. I thank the distinguished Democratic leader.

I would like to refute his comment on how well things are going in California and ethanol being accommodated by reading an article in the Los Angeles Times of May 10.

California gasoline prices rose higher and faster than pump prices elsewhere in the nation this year because of supply problems caused by refinery repairs and the transition to a new clean-fuel additive, the U.S. Energy Department said Friday.

Refiners in the state are switching to ethanol as part of the recipe for cleaner-burning fuel, eliminating water-polluting methyl tertiary butyl ether, or MTBE, in advance of a Jan. 1 State ban.

This change in fuel additives, designed to meet the Federal oxygen requirement for gas, helped push California gas prices higher and might leave the state short of supplies during peak summer driving months, the report by the Energy Information Administration said.

That in turn could trigger more frequent price spikes, said the EIA, the Energy Department's research and statistical arm. The agency said the report was a preliminary assessment and that it plans to release more detailed findings this fall.

''There is a chance that California could see a recurring problem with volatility,'' said Joanne Shore, an EIA senior analyst who led the team that produced the report. ''Certainly, that is an issue for this summer that everyone is going to continue to watch.''

The report, requested by Rep. Doug Ose (R–Sacramento), provides more ammunition for California officials who have demanded without success that the state be freed from the Federal requirement to add oxygenates to its gasoline.

I don't understand why the Democratic leader is so determined to force on those who do not want a special mandate, which not only he doesn't want, but who do not need the special mandate. We can have as clean a gas as they can refine in South Dakota, provided they refine gas in South Dakota. We can do it as well, or better. We can do it in a reformulated formula which will mean clean air standards. The 2 percent oxygenate requirement was flawed and the leader is replacing it with something equally flawed. Supposing in 5 years we have new technology that enables the cleaner burning engine. We still have to put ethanol in it, and we still have to put ethanol in a hydrogen engine.

I guess what I object to—and I can go into trade preferences and I can go into subsidies. Subsidies for a mandate is incredible. It is just such a bad bill.

Mr. DASCHLE. Will the Senator yield again?

Mrs. FEINSTEIN. No. I would like to ask the Democratic leader a question, if I might. What objection does he have against my amendment, which is a simple amendment which simply says if the State can provide adequate evidence to the EPA that it can burn or refine gasoline to meet clean air standards that it should not be required to use ethanol? What objection does he have to that?

Mr. DASCHLE. Mr. President, I would be happy to respond. The answer is that is exactly what we do in the bill—exactly. We provide a waiver. Under the new application, the State of California, if they can make the case that they shouldn't be held responsible or shouldn't be held to the requirement of the legislation, is entitled to the waiver. That is No. 1.

No. 2, the Senator from California still has yet to say why on the one hand she is prepared to support a renewable portfolio standard applicable to all States but not a renewable fuels standard. She isn't willing to do that. So there is an inconsistency there that I find interesting.

Let me go back.

Mrs. FEINSTEIN. Will the Senator yield on that point?

Mr. DASCHLE. Let me finish, and then I would be happy to yield.

She quoted an article. She has had as much experience as I have had with journalism in the country, and in our lives. I don't know what journalistic publication that may have come from. But we know this. We know that oftentimes these columns are written with a built-in bias, with a built-in point of view, and I doubt that she would argue that all articles are written with an objective analysis as their motivation. But you have to think that the Department of Energy in California would be objective. They certainly aren't there touting ethanol as their goal for anything other than what they think is best for California.

I am going to quote. She quoted an article. I will quote the report from California, page III–3, the report of March 28 of 2003, just a couple of months ago.

Since the price of ethanol to refiners is currently at modest levels relative to gasoline, the recent increase in California's gasoline prices cannot—

Let me emphasize ''cannot''—

—be attributable to availability or cost of ethanol.

That is from the California Energy Department report.

That isn't the only one. That was corroborated by the Energy Information Administration here in Washington. The report was provided last month, in May of this year. Let me read from that report on page VII:

''Other factors associated with the MTBE/ethanol changeover, such as ethanol supply and price, and infrastructure to deliver, store and blend ethanol, did not seem to be significant issues'' in the calculation of costs.

That is Department of Energy information.

Here you have the Department of Energy from California and the Department of Energy from the United States Federal Government both calculating that there is no impact, pricewise, with the integration of ethanol into gasoline—none.

I have seen all these articles, and they all have agendas and they all are written in subjective ways to make a point. I thought there was one again in the Post this morning.

But, nonetheless, I think it would be hard for the Senator from California to argue against her own Department of Energy when it comes to the calculation of the integration of the ethanol. I know that is not her intention. I think that is what we really have to make sure is in the Record—a recognition after careful study that there really wasn't any impact on the price of gasoline with the integration of ethanol.

I believe she has the floor and she yielded to me. I would be happy to relinquish the floor so she can regain it.

Mrs. FEINSTEIN. I thank the distinguished Democratic leader.

As I understood what he said, he said there is a waiver in the amendment. Well, indeed there is a waiver in the amendment. It is on page 12 of the amendment. It begins on line 12. I would like to read it:

The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements of paragraph (2) in whole or in part on petition by 1 or more States by reducing the national quantity of renewable fuel required under paragraph (2)—

based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

[secondly,] based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply or distribution capacity to meet the requirement.

There is no waiver if you can meet the clean air standards without a renewable fuel such as ethanol. There is no waiver in this amendment for that. And if you are so sure of the ground you stand on, why, for Heaven's sake, wouldn't you allow a waiver if we can demonstrate—this is a rhetorical question—if we can demonstrate to the EPA Administrator that, yes, California, through its formula, can reformulate gasoline to meet the Clean Air Act without either a 2 percent oxygenate requirement or a renewable fuel to the extent that we have here?

Also, since you are on the floor, I just want you to see what you are pressing upon California. As shown on this chart, this is the amount of ethanol we would have to use, and this is the amount of ethanol your amendment forces us to use.

Mr. DASCHLE. Will the Senator yield on that point?

Mrs. FEINSTEIN. I would appreciate finishing, if I might.

Mr. DASCHLE. Yes.

Mrs. FEINSTEIN. Yes. The Senator mentioned my support of a renewable portfolio standard. Indeed, I do support a renewable portfolio standard. But the renewable portfolio standard is essentially a percentage requirement that a State would use of renewable fuels,

such as wind, solar, biomass, et cetera. And California has elected to provide that 10 percent of its portfolio should be in wind, solar, biomass, et cetera. I have supported that requirement in this amendment as well, and California is able to do it, and has been doing it. I think that is an extraordinarily positive thing.

I have great concerns about ethanol because I do not think all of the science has been completed on ethanol. We know ethanol produces a benzene plume which can break away in the ground if the fuel leaks from an underground—the minority leader is smiling, but I wonder if this same discussion took place when MTBE was introduced and people thought it was going to be just fine. It has polluted about 20,000 wells in California and has shown to have a significant hazard.

Now, I think to dismiss this as being wonderful for the environment is not quite correct because we know it reduces some components, but we also know it increases other components in the air that produce smog and ozone. And California has two of the most difficult nonattainment regions in the United States, one of them being the Los Angeles area, the other being the Fresno area. I don't know whether this requirement will, in fact, result in California's two difficult areas increasing in smog, but I do think that providing flexibility to a manufacturer to be able to produce reformulated fuels that meet the requirements is important.

The other thing that is of concern to me, since we are on this, is the safe harbor provision. I know my colleague from California, Senator BARBARA BOXER, is going to offer an amendment that would remove the safe harbor. The American Petroleum Association, as they have indicated to me, agreed to support this largely because they were protected from any liability.

My understanding is, there is a provision in the amendment offered by the two leaders that would shield ethanol producers and refiners from any liability if the fuel additive harms the environment or public health. Candidly, I find this safe harbor provision astonishing. Ethanol is subsidized by the Government, protected from foreign competition by high trade barriers, and now, on top of mandating its use, we are going to exempt the fuel additive from liability in this amendment. This is unconscionable, and I think it is egregious public policy to mandate ethanol into our fuel supply in the first place and, even worse, to provide it with a complete liability protection before scientific and health experts can fully investigate the impact of tripling ethanol in the air we breathe and the water we drink.

As I said, this is exactly the mistake we made with MTBE. Over the past several years, we have learned that MTBE has contaminated our water and may, in fact, be a human carcinogen.

Last fall, a California jury found that there was clear and convincing evidence that three major oil companies acted with malice by polluting ground water at Lake Tahoe with MTBE because the gasoline they sold was defective in design and there was failure to warn of its pollution hazard.

After a 5-month trial, Shell Oil and Lyondell Chemical Company were found guilty of withholding information on the dangers of MTBE. The firms settled with the South Lake Tahoe Water District for $69 million. This case demonstrates why we cannot surrender the rights of citizens to hold polluters accountable for the harm they inflict. Yet this amendment has a safe harbor provision, and if I should be right, and if there should be—and I hope there are not—undue environmental or health consequences from this mandate, consumers cannot use their right to go to court to find justice.

So I do not know how those who favor this legislation can exempt the ethanol industry from this kind of wrongdoing. It is not as if the industry has not had some wrongdoing in the past. So I urge everyone—I know my colleague is going to move this amendment that would remove the safe harbor provision, and I certainly intend to support her in doing so.

I still—although many other things have been proposed or said by the distinguished Democratic leader—I do not understand why he would have opposition to my amendment, why he would say that if the State can prove we can produce gasoline without a 2-percent requirement or without this ethanol mandate that meets clean air standards, we cannot get a waiver. That is all we are asking for, that opportunity to make a showing that that is the case. Yet the Democratic leader has produced a lot of other things but has not answered why there should not—if you are going to have an economic waiver and an environmental waiver—why you cannot have a waiver if a State can show that it does not need ethanol to maintain clean air standards.

So I think it is an eminently fair amendment, and I just have a hard time understanding why we would be so anxious to pass this kind of public policy that mandates on States a use when most people, I think, have derided and derogated mandates from the Federal Government.

I would like to make one more point. The last time I looked—and this may have changed—but California is almost up to 100 percent of its refining capacity. My understanding is, if you put ethanol in—probably not in the early years, but in the outyears—to the extent required, we will not have the refining capacity available to maintain this mandate with adequate gasoline.

California is predicted to have 50 million people by 2020. They drive. They use gasoline. And I very much worry that refining capacity, which is about 98 percent at the present time because MTBE minimizes gasoline and ethanol requires added gasoline per gallon, that we really won't have the refining capacity. And that will create another problem for California.

I am hopeful the Democratic leader would see his way clear to allowing California and other States that wish to try to submit a case to the EPA, to say we can refine gasoline to meet clean air standards with flexibility and without this mandate, the opportunity to do so.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I will have to depart the floor in a moment. Let me attempt to respond again to some of the concerns raised by the distinguished Senator from California.

I remind my colleagues that California is currently using ethanol in 65 percent of the gasoline that it markets. That would go up to 80 percent this summer. It has gone up to 80 percent. Four out of five gallons in California will be using ethanol, and the Department of Energy in California has said there has been no disruption, no problems. There has been absolutely nothing they can point to that would be disadvantageous just to the consumer.

Why the Senator from California would believe so strongly about a waiver when one certainly is not needed, given current experience, is not an answer I can provide.

Methyl tertiary butyl ether, MTBE, is not something many of us were supportive of when we integrated it in the first place. This was something that coal companies and many of the petroleum refiners wanted as an alternative to ethanol. So it was a compromise. Many of us raised questions even then, back in 1991, whether it was going to be advantageous for us. We predicted that there could be some issues involving the use of MTBE, and those predictions were borne out.

As the case now has demonstrated, we are phasing out MTBE, as we should. But ethanol has shown itself now for 20 years to be what we said it was. It has proved to be, as advertised, the kind of clean-burning fuel that we have sought to increase not only clean air and the oxygen in gasoline but many other advantages.

Here is one fact I hope my colleagues will remember: In the year 2002, because this country incorporated ethanol into gasoline, the Department of Energy estimated that we will have reduced—it could have been EPA; don't hold me to the source but a governmental analysis done on the effects of ethanol—greenhouse gases by 4.3 million tons. That is the equivalent of 636,000 cars taken off the road. That is what we have been able to do just in 1 year, 636,000 cars taken off the road, the equivalent of which we have now acquired or achieved as a result of the utilization of ethanol.

Again, as to the chart, I don't know where it came from, but I will tell the Senate what the American Petroleum

Institute and the California Energy Commission, the Senator's own commission, have said. California will need to use 843 million gallons of ethanol to meet the clean air requirements next year, according to API, but under this amendment they will only have to use 252 million gallons. They are already using 600 million this year. California is using 600 million. The requirement would be that they use 252. There are the California Energy Commission comments.

Governor Gray Davis, quoted on March 15, 2002:

> Let's let the Daschle bill pass. Have a nice schedule that will affect the entire country, phase ethanol in, protect the environment.

That is a quote from the California Governor.

California EPA Secretary Winston Hickox:

> We need the Federal law changed for the flexibility that we are not in opposition to the stairstep in terms of the increase of the use of renewable fuels on a national basis. Potentially, ethanol is a creator of business and jobs in California.

These are from California officials.

One other issue, safe harbor. I was interested in comments made by the distinguished Senator from California on safe harbor. She actually supported safe harbor legislation on Y2K in 1999. There was no concern then about safe harbor problems when she voted for it. My other colleagues have voted for it as well.

Let me make sure people understand what we are talking about with regard to safe harbor. What we did was say if there is a defect in design or manufacture of renewable fuel by virtue of the legislation we are mandating these companies to use, then we will exempt them from liability as a result of the mandate. Do you know how many cases that is? That is estimated to be two one-thousandths of 1 percent—not two one-hundredths, not two-tenths but two one-thousandths of 1 percent of all cases involved situations where we are providing safe harbor.

I will tell you what we are not covering. We are not covering negligence. We are not covering the duty to warn. We are not covering personal injury. We are not covering property damage. We are not covering wrongful death. We are not covering compensatory damages or punitive damages. We are not covering all of those things about which the Senator from California has expressed concern. They are covered. They are in there; two one-thousandths of 1 percent providing the same safe harbor she voted for with the Y2K legislation in 1999.

I will have to move on to other matters in my schedule. I appreciate the opportunity to discuss many of the questions with the distinguished Senator from California. I have no greater respect for anybody in the Chamber than I do her. I consider her a wonderful and close personal friend. This issue has forced us to agree to disagree for years. This year will be no different. I appreciate her efficacy and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Might I say to the two Senators debating the issue, because of management problems, it appears this amendment will be set aside and will be voted on later in the evening but today, along with as many votes as we can stack with it, sometime after 4 o'clock this afternoon. I assume that is satisfactory to the Senator from California and the minority leader.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. It is. While the Democratic leader is still on the floor, I would like to address his comment about California's support, theoretically, which I don't think is correct. I address it with a letter from the California Environmental Protection Agency. California is very eager to get out from under the 2-percent oxygenate requirement. Just to sum up this last paragraph of an April 7 letter from Mr. Winston Hickox, the agency Secretary, it says:

> Some have suggested that California should go along with the safe harbor as a small price to pay for elimination of the 2 percent mandate.
>
> I disagree. Such a tradeoff makes no logical sense. Elimination of the costly and unnecessary oxygenate requirement has nothing to do with assuring that the State of California has a full array of enforcement and restitution options available to address MTBE-caused pollution problems. In short, I do not support a tradeoff that puts at risk the health of the citizens of the State.

I ask unanimous consent that this be printed in the RECORD.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY,
Sacramento, CA, April 7, 2003.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC

DEAR SENATOR FEINSTEIN: Governor Gray Davis has asked that I respond to your March 24, 2003, letter regarding the fuels provision in the new energy bill being considered by the 108th Congress.

You asked if Governor Davis agrees with my statement that ". . . California would rather have the status quo instead of limiting MTBE liability and getting an oxygenate waiver." The Governor does agree with this statement; we both feel that limiting liability for MTBE is the wrong approach. I appreciate the opportunity to discuss which "fuels provisions" are appropriate for inclusion in any comprehensive federal energy legislation. Specifically, I would like to focus on the MTBE safe harbor language and the two percent oxygenate requirement.

As a matter of policy and to preserve our legal options, I am strongly opposed to an MTBE safe harbor. Industry made a calculated business decision to use MTBE with full knowledge that it was a serious threat to groundwater. The State of California and others should not be limited in the ability to take strong action to address pollution problems caused by MTBE.

I remain steadfast in my support for elimination of the two percent oxygenate requirement. Studies have consistently demonstrated that this requirement is not necessary to achieve air quality goals and that it unreasonably raises the price of gasoline in California.

Some have suggested that California should go along with the safe harbor as a small price to pay for elimination of the two percent mandate. I disagree. Such a tradeoff makes no logical sense. Elimination of the costly and unnecessary oxygenate requirement has nothing to do with assuring that the State of California has a full array of enforcement and restitution options available to address MTBE caused pollution problems. In short, I do not support a tradeoff that puts at risk the health of the citizens of this State.

I also look forward to continuing to work with you on these important issues.

Sincerely,

WINSTON H. HICKOX,
Agency Secretary.

AMENDMENT NO. 844 TO AMENDMENT NO. 539

Mrs. FEINSTEIN. Mr. President, I send another amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

> The Senator from California [Mrs. FEINSTEIN], for herself, Mr. NICKLES, Mr. MCCAIN, Mr. KYL, Mr. GREGG, Mr. WYDEN, Mr. LEAHY, Mr. SCHUMER, Mr. SUNUNU, and Mr. REED, proposes an amendment numbered 844.

Mrs. FEINSTEIN. 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:

> (Purpose: To authorize the Governors of the States to elect to participate in the renewable fuel program)
>
> On page 6, between lines 17 and 18, insert the following:
>
> (C) ELECTION BY STATES.—The renewable fuel program shall apply to a State only if the Governor of the State notifies the Administrator that the State elects to participate in the renewable fuel program.

Mr. DOMENICI. Mr. President, what is the amendment?

Mrs. FEINSTEIN. The amendment would give the right to the Governors of States to opt into the program.

Mr. DOMENICI. I assume it would be a second-degree amendment.

Mrs. FEINSTEIN. A second degree to the Frist-Daschle amendment, yes.

Mr. DOMENICI. Is it in order without a consent agreement?

The PRESIDING OFFICER. The Senator got permission to set aside the pending amendment by unanimous consent.

Mr. DOMENICI. She already did that?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I thank the Chair.

Mrs. FEINSTEIN. I thank the Senator from New Mexico.

Mr. President, this second-degree amendment to the first-degree ethanol

amendment would require the Governor of each State to opt into the ethanol mandate. Senators NICKLES, MCCAIN, KYL, GREGG, WYDEN, LEAHY, SCHUMER, REED, and SUNUNU are cosponsors of this amendment. I thank them for their support.

The pending first-degree ethanol amendment mandates 5 billion gallons of ethanol into our fuel supply by 2012, yet it exempts Alaska and Hawaii from this nationwide mandate. I strongly believe that each State should have this choice.

In the Environment and Public Works Committee, Senator MURKOWSKI offered an amendment to the ethanol mandate to exempt Alaska and Hawaii from the requirement because, first, Alaska and Hawaii are a great distance from the Midwest, where 99 percent of the ethanol is produced in the United States; secondly, families and businesses in Alaska and Hawaii would have to pay exorbitant costs for ethanol to be shipped to these States and blended into their gasoline.

I have the same concerns about increased fuel costs to families and businesses in California if the ethanol mandate becomes law. I am sure other Senators up and down the east and west coasts have the same concerns I do.

Because moisture causes ethanol to separate from gasoline, the fuel additive cannot be shipped through traditional gasoline pipelines. Ethanol needs to be transported separately by truck, boat, or rail, and blended into gasoline after arrival. Unfortunately, this makes the 1- to 2- to 3-week delivery time from the Midwest to either coast dependent upon good weather conditions as well as available ships, trucks, and trains equipped to handle large amounts of ethanol.

According to Steve Larson, former executive director of the California Energy Commission:

> The adequacy of logistics to deliver large volumes of ethanol to [California] on a consistent basis is uncertain.

In sum, it will be extremely costly to ship large amounts of ethanol to California and other States.

I believe every State outside the Midwest will have to grapple with how to bring ethanol to their States since the Midwest controls 99 percent of the production. Last year, the General Accounting Office indicated how unequal the effects of the mandate will be across the Nation. As the GAO reported:

> Ethanol imports from other regions are vital. However, any potential price spike could be exacerbated if it takes too long for supplies from out-of-State (primarily the Midwest, where virtually all of the production capacity is located).

Mr. President, on the issue of increased costs, let me quote from a Wall Street Journal editorial that ran last year:

> If consumers think the Federal gas tax is ugly, this new ethanol tax will give them shudders. Moving ethanol to places outside the Midwest involves big shipping fees or building new capacity. Refiners also face costs in adding ethanol to their products. According to independent consultant Hart Downstream Energy Services, the mandate would cost consumers an extra annual $8.4 billion at the pump the first 5 years. New York and California would see gas prices rise by 7 to 10 cents a gallon.

So Hart Downstream Energy Services is estimating an annual $8.4 billion increase cost at the pump over the first 5 years. They are saying that New York and California would see gas prices rise by 7 to 10 cents a gallon. Therefore, any shortfall in supply, either because of manipulation or raw market forces, will be exacerbated on the west and the east coasts, which will be reliant on ethanol coming from another region of the United States. Are we not just asking for trouble by mandating ethanol nationwide if it is produced almost entirely in one region?

The fraud and manipulation that went into the California energy market 2 years ago wasn't expected, nor did anyone ever believe it would happen. But it did. I think there is a problem when you concentrate too much control in either one region or in one producer. As you know, this bill does both. The largest production center is the Midwest, and the largest producer is Archer Daniels Midland, and they produce 46 percent of the supply. This sets up a scenario that leads to the concern, I believe, of both coasts about this mandate.

Since Alaska and Hawaii have an exemption in the ethanol mandate, why not give other States the opportunity to choose whether they want to enter the program? Why not give this choice to California, Oregon, Washington, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida? These are States that are far from the Midwest but where families and businesses will have to pay more for gasoline under the ethanol mandate.

This ethanol mandate forces ethanol into our fuel supply nationwide, and under the credit trading provisions of the mandate, if States do not use the ethanol, they have to pay for it anyway. This really adds insult to injury. If you do not use it, you have to pay for it anyway. What kind of public policy is that?

Additionally, forcing States to use ethanol they do not need and forcing States to pay for ethanol they do not use amounts to a transfer of wealth from all States to the midwest corn States.

Remember, ethanol is not necessary to achieve cleaner air. For California, the ethanol mandate will force more ethanol into our fuel supply than we actually need to achieve clean air. Once again, I will show you that chart because the cumulative answer to this chart is that it forces California to use 2.5 billion gallons of ethanol it does not need over 8 years, and that is fact.

If the ethanol amendment proves itself, if it cleans the air and does not pollute the air with increased ozone or smog and if it is cost effective, Governors will want to include their States. In fact, I believe most States in the Midwest will opt into the ethanol mandate because that is where 99 percent of the ethanol is produced.

The belief is there are 69 votes to support this ethanol mandate in this House. If that is true, what are they worried about? We would have 34 or 35 States automatically opting in. Why not give those few States that have real concerns and want out of the 2-percent oxygenate mandate and also out of the ethanol mandate the opportunity to show that they can reformulate gasoline to meet clean air standards without the amount that is prescribed upon them by this mandate?

This year we saw retail gasoline prices across the U.S. In the United States, retail gas prices rose from $1.44 to $1.73 per gallon over the first 10 weeks of this year. California's gasoline prices rose even more precipitously than across the United States, climbing from $1.58 a gallon on January 1 to a record setting $2.15 a gallon on March 17.

I recall on a recent weekend during that period when I was in the State, I actually paid, for the first time in my life, $50 for a tankful of nonpremium gasoline.

Since the middle of March, gasoline prices have decreased largely due to the decrease in the price of crude oil since the war in Iraq has ended. But gasoline in my State still sells for around $1.80. That is still up 30 cents from the beginning of the year.

One reason prices are so high is that the 1990 Clean Air Act required States to use fuel additives, called oxygenates, that we no longer need to achieve cleaner air. This ethanol mandate offered by the majority and minority leaders will only trade one bad requirement, the 2-percent oxygenate requirement, for another, the ethanol mandate, because now we will be mandating 5 billion gallons of ethanol into our fuel supply.

Since there are high costs for States, such as California, to comply with any mandated Federal requirement, and these costs are passed on, as we all know, to drivers at the pump, the ethanol mandate amounts effectively to a hidden gas tax, and I think consumers should know that. In fact, when we pass this mandate, not only are we passing subsidies for the industry, not only are we mandating its use, but we are also providing a gas tax raise.

Instead of mandating 5 billion gallons of ethanol into our fuel supply, we should be lifting all mandates, or at least allow the Governor of a State to opt in to this mandate if that State wishes to. We need to provide flexibility to refiners for them to optimize how and what they blend instead of forcing them to blend gasoline with either MTBE or ethanol.

Without eliminating these mandates, we can expect disruptions and price spikes during the peak driving months of this summer, on top of the high price motorists are already paying.

Bob Slaughter, the president of the National Petrochemical and Refiners Association, wrote in a letter to all Senators last week:

> Forcing ethanol's use throughout the Nation will reduce flexibility in this Nation's gasoline manufacturing and distribution system, raise environmental concerns in ozone control areas—

For me, that is the Los Angeles area and the Fresno Central Valley area—

> and will result in increased costs. And this is in addition to the fact that the product is uneconomic without the very significant Federal subsidies—a total of roughly $10 billion—it has received for 25 years.

This is not me saying this. This is the president of the National Petrochemical and Refiners Association pointing out that ethanol to date has received roughly a $10 billion subsidy which this bill, of course, continues, and increases.

Proponents of the ethanol mandate argue that gas price increases will be minimal, but their projections do not take into consideration the real-world infrastructure constraints and concentration in the market that I have just pointed out on this chart—concentration in the marketplace that could lead to price spikes. If I have ever seen a scenario that lends itself to control of the marketplace and to potential antitrust violations, it is this one.

Just look at the disparity. It is not spread out evenly: 46 percent for one company; Williams, 6 percent; Cargill, 5 percent; High Plains Corporation, 4 percent; New Energy Corporation, 4 percent; Midwest Grain, 3 percent; and Chief Ethanol, 3 percent. If I have ever seen a scenario for market concentration, it is this one.

The second-degree amendment I have offered will require the Governor of a State to opt into the ethanol mandate. If the amendment offered by the two leaders is so fine, so good, so beneficial for all of America, then Governors should want to include their States.

The Senators from Alaska and Hawaii have worked to allow their States to be exempted from this mandate. That is the first break in the dike. They said they did not even want to try it. I believe, and the cosponsors of this amendment believe, each and every State should have this choice.

If this program, as put forward by the leaders, is so fine, the Governors will opt in. If they believe it enables their State to have cleaner air, the Governors will opt in. If they believe they can produce the adequate infrastructure, the Governors will opt in. If they believe they want to see the tariff protection, the subsidies, the potential taxes at the pump, their Governor will opt in. But to force it on a State, when that State does not require it, when it can meet the clean air standards in another way, I believe is wrong-headed and short-sighted public policy.

I urge my colleagues to support this second-degree amendment.

Before I yield the floor, I remind the Chair I have offered two separate amendments, the EPA waiver first and the State opt-in as a second free-standing amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise today in support of Senate amendment No. 539, the renewable fuels package to the Energy bill, and to oppose the opt-in and waiver amendments of the Senator from California.

First, I will talk a little bit about the renewable fuels package and its benefit to the people of this country. The amendment contains language which was voted out of the EPW Committee, of which I am a member, earlier this year. The language establishes a nationwide renewable fuels standard of 5 billion gallons by 2012, repeals the oxygenate requirement for reformulated gasoline under the Clean Air Act, and also phases down the use of MTBE over 4 years. The language in this amendment has strong bipartisan support and is the result of long negotiation between the Renewable Fuels Association, the National Corn Growers Association, the Farm Bureau, the American Petroleum Institute, the Northeast States for Coordinated Air Use Management, and the American Lung Association.

I am very familiar with the amount of work that went into drafting the compromise legislation. It was lengthy, it was open, and I was very pleased all of these various groups could get together and work out that big compromise, particularly the Senator from Ohio, who has Ashland-Marathon Oil and also represents the sixth largest State in corn production.

I emphasize that the passage of the ethanol bill will protect our national security, help our economy, and protect our environment. The amendment the majority and minority leaders have introduced is a compromise that will triple the amount of domestically produced ethanol used in America. It is an essential tool to reducing our dependence on imported oil. I think we all know over 58 percent of the oil we use in this country is imported. Last year, we imported an average of 4,558,000 barrels per day from OPEC countries and 442,000 barrels a day from Iraq. Let me say that again. Last year, we imported nearly a half million barrels of oil from Iraq, and this dependence is not getting any better.

The Energy Information Administration estimates our dependency on imported oil could grow to nearly 70 percent by the year 2020, and our President has stated repeatedly that energy security is a cornerstone for national security. I agree. It is crucial we become less dependent on foreign sources of oil and look to domestic sources to meet our energy needs.

Ethanol is an excellent domestic source. It is clean burning. It is a homegrown renewable fuel that we can rely on for generations to come. The renewable fuels standard in this language will displace 1.6 billion barrels of oil. Ethanol is also good for our Nation's economy. Tripling the use of renewable fuels over the next decade will reduce our national trade deficit by more than $34 billion. By 2012, it will increase the U.S. gross domestic product by $156 billion. It will create 214,000 new jobs, expand household income by an additional $51.7 billion, and save taxpayers $3 billion annually in reduced Government subsidies due to the creation of new markets for corn. All of us who were concerned about the farm bill that passed last year are concerned about these subsidies. The passage of this ethanol amendment will help reduce the subsidy by $3 billion.

The benefits for the farm economy are even more pronounced. As I mentioned, Ohio is the sixth in the Nation in terms of corn production and is among the highest in the Nation in terms of putting ethanol into our gas tanks. Forty percent of the gasoline in Ohio is ethanol blend.

An increase in the use of ethanol across the Nation means an economic boost to thousands of farm families across my State. Currently, the ethanol production provides 192,000 jobs and $4.5 billion in net farm income nationwide. The passage of this amendment will increase the net farm income by nearly $6 billion annually, which is significant. Passage of this amendment will create $5.3 billion of new investment in renewable fuels production capacity.

Phasing out MTBE on a national basis will be good for our fuel supply because refiners are under tremendous strain from having to make several different gasoline blends to meet various State clean air requirements. And no new refineries—I want to underscore—no new refineries in this country have been built in the last 25 years. The effects of the various State responses to the threat of MTBE contamination, including bans and phaseouts on different schedules, will add a significant burden to existing refineries.

The MTBE phaseout provisions in this package will ensure that refiners will have less stress on their system and that gasoline will be more fungible nationwide. Expanding the use of ethanol will also protect our environment by reducing auto emissions, which will mean cleaner air and improved public health.

Use of ethanol reduces emissions of carbon monoxide and hydrocarbons by 20 percent. Ethanol also reduces emissions of particulates, which are a real problem in this country today, by 40 percent. Use of ethanol RFG helped move Chicago into attainment of the Federal ozone standard, the only RFG area to see such an improvement. It was done in the Chicago area by using ethanol.

In 2002, ethanol use in the United States reduced greenhouse gas emissions, something we have talked about a great deal on the Senate floor, by 4.3 million tons. Listen to this: The equivalent of removing more than 630,000 vehicles from the road. Think of that.

Over the course of the debate on this amendment, several arguments against the renewable fuels package have been raised by our colleagues from California and New York, ranging from concerns that a renewable fuels standard cannot be met and will raise gasoline prices to claims that ethanol is bad for the environment and allegations that this package will benefit a select number of producers without helping our farmers. These arguments remind me of the adage that you cannot let the facts get in the way of a good argument.

The concerns raised by opponents of the renewable fuels standard concerning the impact of RFS, the fuel supply, and gasoline prices, while understandable, I believe are completely unfounded. The fact is, our farmers will be able to meet the ethanol standard, and the combination of the MTBE phaseout and oxygenate waiver in this package will significantly improve our fuel supply system and lower costs for consumers.

Our farmers can meet the ethanol standard. For 2003, the ethanol industry is on pace to produce more than 2.7 billion gallons. The amount of ethanol required under the RFS begins at 2.6 billion in 2005. Adequate ethanol supply is simply not an issue.

Currently, 73 ethanol plants nationwide have the capacity to produce over 2.9 billion gallons annually. Further, there are 10 ethanol plants now under construction which when completed will bring the total capacity to more than 3.3 billion gallons. That is today. We are talking about 5 billion by the year 2012. There is no problem with achieving that goal.

California has been cited as a major problem area. However, all but two small refineries have already transitioned from MTBE into ethanol. California will use close to 700 million gallons of ethanol in 2003 after consuming roughly 100 million gallons last year. Think of that: From 100 million last year to 700 million this year.

The California Energy Commission has concluded the transition to ethanol ''is progressing without any major problems.'' The U.S. Energy Information Administration found the transition went ''remarkably well.'' The Energy Information Administration studied the RFS without accounting for the impact of banking and trading credits. This means they analyzed the effective cost of ethanol being blended at every single refinery and concluded the impact on refiner costs would be one-half of 1 percent per gallon. However, it was noted with credit trading ethanol will not need to be blended at every refinery. Forget about the fact we built into this the credit trading provision. This would reduce the impact because refiners will have the flexibility to use ethanol where it makes the most sense economically. Look around the country and they can trade, use it where it makes most sense economically.

In the absence of Federal legislation, consumers will likely be subject to the costs of uncoordinated State action, individual States adding the MTBE but cannot change the Federal RFG oxygen content requirement. This bill does that; it gets rid of that requirement.

The coalition of these two elements will likely lead to higher costs unless this bill is passed. For instance, California will ban MTBE in 2004 and the Federal RFG oxygenate requirement will be left in place if this does not pass. Therefore, California's required ethanol use in 2005 would be 895 million gallons. However, if the fuels provision of this amendment is enacted, fuel providers in California would be required to use far less ethanol in 2005, 291 million gallons, which could be even less with the bill's credit banking and trading provisions.

There is a lot of flexibility for States to do what is in their best interest. With a State MTBE ban set for January 2004, New York faces a similar situation. Under the status quo, fuel providers would be required to use 197 million gallons of ethanol in New York in 2005. However, if the amendment is passed, refiners, blenders, and importers would be required to use or purchase credits for even less—100 million gallons of ethanol in 2005.

A study concluded by Mathpro, a prominent economic analysis firm, found that compared with the situation where States are banning MTBE and the Federal RFG oxygen content requirement is left in place, the fuels provisions would decrease the average gasoline production cost by 2 cents per gallon. In addition, the fuels provisions provide safeguards in the event that RFS would severely harm the economy or the environment or would leave a potential supply and distribution problem, the RFS requirement could be reduced or eliminated.

The status quo situation creates transportation and infrastructure problems. It is individual State bans, as in California and New York, which will require the transport of large amounts of ethanol to States far from where it is produced. In contrast, a critical element of this fuels package is a national RFS with, as I mentioned, a credit banking and trading program to ensure that renewable fuels will not have to be in every gallon of gasoline. This will allow refineries to use ethanol where it makes the most sense.

Furthermore, ethanol is already blended from Alaska to Florida and from California to New York. Ethanol is already transported via barge, railcar, and ocean-going vessels from markets throughout the country. The U.S. Department of Energy studied the feasibility of a 5 billion gallon per year national market for ethanol and found no major infrastructure barriers exist and needed investments on an amortized per-gallon basis are modest and prevent no major obstacle.

Let's talk about our farmers and how it helps them. Some of my colleagues have used the supplier ADM, Archer Daniels Midland, as an argument that the market is dangerously concentrated. Contrary to the charts presented by the Senator from California, with the current industry expansion, ADM, according to the information I have, is at 32 percent of total capacity. By comparison, farmer-owned ethanol plants have increased their percentage of total production capacity from 20 percent in 1999 to 38 percent today. I know in my own State when I met recently with our farm community, there is talk of our farmer community investing in two new plants that will be owned by the farmers in the State of Ohio.

Furthermore, when ADM purchased another ethanol producer last year, the Department of Justice investigated the impact this would have on competition. They found that ''the acquisition did not warrant challenge in terms of its potential effect in the ethanol market.''

Contrary to claims of entry into the marketplace problems, the industry has grown by leaps and bounds over the past 3 years with 30 new facilities built since 2001. According to the Federal Trade Commission merger guidelines, entry time of less than 2 years is not considered a barrier to entry. The average entry time of the new ethanol facility is from 15 to 20 months. If the industry continues to add 8 to 10 facilities a year through 2012, we will have an additional 70 new facilities across this Nation to take care of any market control that anyone might want.

Both the U.S. Department of Agriculture and the Congressional Budget Office have recognized the benefit of the investment of the ethanol program on the overall health of the Nation's economy. Recently, the USDA stated that the ethanol program would decrease farm program payments by $3 billion. In its analysis of this amendment, CBO stated the provision would reduce direct spending by $2 billion during 2005 to 2013.

Let's talk about the impact on the economy. Tripling the use of renewable fuels over the next decade will also reduce our national trade deficit by more than $34 billion. A lot of our trade deficit has to do with importing oil. It will increase the U.S. gross domestic product by $156 billion by 2012. It will create more than 214,000 jobs. It will expand household income by an additional $51.7 billion. As I said, it will save taxpayers a lot of money because of reduced Government subsidies to the agricultural community.

The benefits for the farming community are even more pronounced. An increase in the use of ethanol across the Nation means an economic boost to thousands of farm families across the

States through this country. Currently, ethanol production provides 192,000 jobs and 4.5 billion in net farm income nationwide. Passage of this amendment will increase net farm income by $6 billion annually. As I said before, it will create 5.3 billion in new investment and renewable fuels production capacity.

Now, the environment. It has been brought up that ethanol is bad for the environment, that there have been problems and red flags thrown about the use of ethanol.

The Clean Air Act's reformulated gasoline program requires the same smog-reducing characteristics for gasoline whether blended with MTBE or ethanol. In other words, if you use ethanol you still must comply with the Act.

The RFS agreement includes strong anti-backsliding provisions that prohibit refiners from producing gasoline that increases emissions once the oxygenate requirement is removed. A Governor can also petition EPA for a waiver of the ethanol requirement based on supporting documentation that the ethanol waiver will increase emissions that contribute to air pollution in any area of the State. So if there is a period during one year where there may be a problem, a Governor can ask for a waiver from one provision.

The fuels agreement would benefit the environment in a number of ways:

It reduces tailpipe emissions of carbon monoxide, VOCs, and fine particulates.

It phases down MTBE over 4 years to address groundwater contamination, and since ethanol biodegrades quickly, it will not have the same problem.

It provides for one grade of summertime Federal RFG, which is more stringent.

It increases the benefits from the Federal RFG program on air toxic reductions.

It provides States in the ozone transport region an enhanced opportunity to participate in the RFG program because of unique air quality problems.

It includes provisions that require EPA to conduct a study on the effects on public health, air quality, and water resources of increased use of potential MTBE substitutes, including ethanol.

The use of ethanol-blended fuels also reduces so-called greenhouse gas emissions by 12 to 19 percent compared with conventional gasoline, according to Argonne National Laboratory. In fact, Argonne states ethanol use last year in the U.S. reduced the so-called greenhouse gas emissions by approximately 4.3 million tons, equivalent to removing the annual emissions of more than 636,000 cars. Additionally, a new report from the Pew Center on Global Climate Change concluded that:

> During the next 15 years, replacement fuels offer the greatest promise for reducing transportation sector [greenhouse gas] emissions.

Regarding benzene, there have been no conclusive studies showing ethanol-blended gasoline, leaked into an existing benzene plume would result in further benzene spread—blending ethanol usually equates to less benzene in gasoline.

According to the Northeast States for Coordinated Air Use Management:

> We are satisfied to have reached an agreement that substantially broadens the ability of the U.S. EPA and our Nation's Governors to protect, and in some cases improve, air quality, and public health as we undertake major changes in the Nation's fuel supply.

Also, after an environmental impact analysis, the California Environmental Policy Council gave ethanol a clean bill of health and approved its use as a replacement for MTBE in California gasoline.

The fuels agreement is supported by the American Petroleum Institute; the Renewable Fuels Association; the Northeast States for Coordinated Air Use Management—NESCAUM; the American Lung Association; U.S. Chamber of Commerce; US Action; the Union of Concerned Scientists; the Environmental and Energy Studies Institute; the Governor's Ethanol Coalition.

We have heard so much talk about letting Governors opt into this program. I want to make it clear the Governors' Ethanol Coalition is supporting this ethanol agreement and this amendment. General Motors and, as Senator DASCHLE mentioned earlier today in his response to the Senator from California, the Governors of California and New York also support this amendment, plus all of the major, of course, agricultural organizations in the United States.

Again, I want to state for my colleagues particularly, there were many public and well-attended stakeholder meetings leading to this historic RFS fuels agreement.

So many times there are issues that come before the Senate where we have groups that have differences of opinion. So often, these groups never get together and talk to each other; they talk past each other. As one who has been so involved in this whole issue of ethanol, beginning frankly when I was Governor of the State of Ohio, I was always concerned that somehow we just could not get the folks from the oil industry and the corn growers and other groups together to talk about how we could come up with something that would make sense, that would satisfy their respective needs, to underscore the importance of the fact that they had a symbiotic relationship with each other; if they got together, they could come up with something that would achieve their respective goals.

That happened. It doesn't happen very often around here, but it did happen. I will never forget the press conference that was held in the LBJ Room. On that stage were representatives from a dozen or so organizations in this country, organizations that, if someone had said they would be on the stage together supporting this ethanol compromise, people would have said: No way. No way.

It happened. So I am saying to my colleagues, this has been vetted. It has been discussed. We have a good compromise. Let's not diminish it with the amendments that are going to be submitted to this very important amendment, this amendment that is so important for our country.

By the way, this bill has to get done this year. If we do not get this amendment done and deal with the oxygenate program and the MTBE, we are going to have chaos—chaos. If the people in California and New York think the gasoline price is high now, if this is not passed, it will go sky high.

I am saying to everyone, please, let's support this amendment and vote against any of the amendments to this amendment that are being submitted by some of my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I rise in support of the amendment offered by the Senator from California, the second-degree amendment, that I think injects a level of fairness in the underlying amendment. I respect the work of my colleague from Ohio and his appreciation for the effort that went into crafting the underlying amendment that doubles the ethanol mandate. Yet, I think that amendments can be offered to make this Energy bill as a whole, and this ethanol provision, a lot more sensible, make it a lot more fair to taxpayers, make it fair to States, and even improve the environment.

I want to touch on a few of those points. Certainly we will hear from a lot of Senators from States that benefit from the ethanol program and will benefit from an expansion in the ethanol program. They see its economic impact, perhaps, at the local level with their farmers or at the corporate level with some of the very big agribusiness concerns that benefit from this program. But I think we need to take a balanced approach. I think we need to weigh the impact on consumers. I think the Senator from California, Mrs. FEINSTEIN, has done an exceptional job of laying out the importance of reacting to the needs of those consumers, and the importance of taking a balanced approach. She has been a great leader on this issue, and I am pleased to be a cosponsor of her amendment.

As she indicated, doubling the ethanol mandate will have very significant costs. It will impose a burden on the States. There may well be an ethanol coalition of Governors, many of whom have economies in their home States that will benefit from the ethanol mandate. But we cannot escape the fact that this mandate does represent a burden on States, a burden on industry, and a burden on consumers. I think there are very questionable benefits outside a few of those farm-driven economies that I mentioned.

On the environment, the Senator from California has offered an amendment that in no way exempts States

from their obligations under the Clean Air Act, and in no way exempts them from having to meet the standards that any other State would meet in cleaning up the air we breathe. What it would do, simply, is to allow States to decide how to go about meeting those tough standards and would give States the chance to opt out of this ethanol mandate if they could otherwise meet those clean air standards.

This does nothing to diminish our commitment to the Clean Air Act. This does nothing to diminish our commitment to the environment.

So one has to ask the question: Why then mandate the use of this product, ethanol, on all 50 States? Although it has been pointed out that it is not actually 50 States, it is 48 States, as two States are already exempt from this requirement. I certainly believe you wouldn't exempt States from this mandate unless you recognized that it did have costs associated with it, and very significant costs at that.

This amendment offered by the Senator from California protects every bit our commitment to the Clean Air Act and to the environment. But it does reflect new costs to consumers—new costs from the logistics and shipping that is going to be required to move ethanol around the country. As has been pointed out, ethanol cannot move through the gas lines which already exist in this country. It has to be trucked and shipped and blended on the spot.

As the Senator from Ohio pointed out, we can do this. We have infrastructure that can accomplish this task. I would offer no disagreement there. Yes, we have trucks, ships, logistics, planners, and computer software to get it to where it needs to be, whether it takes a week or 2 or 3 weeks. That kind of a system is more susceptible to interruption and, therefore, price spikes. But we have the technology and capability to ship this mandated product around the country in order to blend it.

But we are just fooling ourselves if we pretend it wouldn't cost the consumer extra—and it will. We can have a debate as to whether or not a mandate will increase consumer prices 2 cents, or 4 cents, or 5 cents, over what amount of time, and why. But those newly imposed logistic requirements will cost money. I think we are going to address this cost issue.

I know the Senator from New Mexico is working on an amendment that will highlight the concern we should all have—that a mandate such as this increases the price to all consumers in the country. But we have to be wary of the costs. We also have to be aware of the fundamental fairness: Why give exemptions to two States and not allow other States to opt out of this program? I trust the States. I trust the Governors. I trust State legislators to take good steps that are in their self-interest to protect the environment in their States, to serve their consumers, and to ensure that they have an energy system that serves their States.

The Senator from Ohio said specifically that there is a lot of room in this legislation for States to do what is in their best interests. But then he suggested that to allow States to opt out would somehow encourage them to take steps that would make the system too complicated and actually raise prices back home in their States.

I don't think you can have it both ways. You can't say States will take steps in their best interests, but then suggest that if we gave them the opportunity to opt out of this program, they would take steps that weren't in their best interests. I think they will do the right thing. Certainly, when it comes to meeting the tough requirements of the Clean Air Act, I think States will do the right thing. And where ethanol makes sense environmentally and economically, States will move quickly to use it to the greatest extent possible.

From the standpoint of the environment, the Feinstein amendment does not weaken any legislation. From the standpoint of costs, the underlying amendment certainly increases the cost to the consumer. It is equally important from the standpoint of basic fairness that we treat all the States equally. If we allow some to opt out, we should allow them all to opt out if they so choose.

Given these facts, why would we force this mandate on the States? I don't know for sure what the answer is. But I think in part we are forcing this subsidy on the States to benefit some big, profitable companies. We can argue whether the five or six largest ethanol firms control 60 percent of the market or 70 percent of the market. But these are good, strong, profitable companies. They have great employees, and good leadership, I hope. But they ought not to be given a subsidy on the backs of consumers all over the country. We should not be providing a subsidy to these six or seven large firms and increasing the cost to consumers, while at same time we could be depleting $2 billion a year from the Highway Trust Fund when this mandate is phased in.

The Senator from Ohio pointed out that the Congressional Budget Office has said this will reduce direct spending by $2 billion. That is because it is going to suck $2 billion out of the Highway Trust Fund. Unfortunately, the result is more likely than not to be moving general fund money over into the Highway Trust Fund. That is not something I think we should be doing.

I think we need to be honest to the voters and honest to the consumers that when they pay taxes at the pump, it goes into the Highway Trust Fund and gets spent on infrastructure in this country. Ethanol is given an enormous, significant tax subsidy. I guess it depends on what you consider enormous. Is $1 billion or $2 billion enormous? It is certainly in my State. Some people would argue it is only a few cents, or 2 pennies. But $2 billion is real money where I come from. To take $2 billion a year out of the Highway Trust Fund, I think, is a mistake.

The reason we have heard a subsidy was justified in the past was that we needed the subsidy to get consumers to use the product. This legislation mandates that consumers use the product. You can't have it both ways. You can't mandate that they use it and then continue to give it a subsidy.

I suggest one or the other has to go. Either we have to allow States to opt out of this program and let the taxpayers in those States who think it is a good idea subsidize it, or we ought to get rid of the tax subsidy altogether.

The Senator from California has put together a good, thoughtful amendment that respects rights and lets States opt out of this program. I think this is the right approach. I support her amendment and I look forward to working with her further on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I am pleased to join my colleagues on both sides of the aisle in support of the renewable fuels standard amendment to S. 14, the Energy bill on the floor.

I paid close attention to the comments made by the distinguished Senator from New Hampshire. I don't know whether I should make the remarks I have prepared or try to refute the things he said point by point. Maybe I will do a little bit of both and blend them up a little.

There was one statement made by the Senator from New Hampshire that I did want to point to at the beginning that I think is somewhat erroneous. The Senator from New Hampshire said there is going to be this money sucked out of the highway trust fund because of the use of ethanol. As everyone knows, there is a Finance Committee amendment that is going to be added to this measure or the Highway bill by both Senator GRASSLEY and Senator BAUCUS. It has broad bipartisan support. That amendment will address this issue. It was reported out of the Finance Committee. As I said, it has broad-based support I believe on both sides of the aisle. This proposal would reshape the ethanol excise tax exemption. Ethanol blended fuels will make a similar contribution to the highway trust fund as regular gasoline.

Mr. SUNUNU. Mr. President, will the Senator yield for a question?

Mr. HARKIN. The proposal by the Finance Committee will actually add $2 billion to the highway trust fund annually.

Yes, I would be delighted to yield for a question.

Mr. SUNUNU. Is the Senator suggesting that ethanol under this legislation be subject to the exact same excise tax to which gasoline would be subject?

Mr. HARKIN. I am not certain I understand the import of the question.

Mr. SUNUNU. Gasoline is subject to a Federal excise tax of 18.3 cents per gallon. The Senator's description suggests that ethanol will now be taxed at 18.3 cents a gallon as well and that revenue will go into the highway trust fund.

Mr. HARKIN. No. What I am suggesting is that in the past, as we know, a portion of the money was not added to the highway trust fund, it was added to the general fund. And there was a partial exclusion from tax on each gallon of gasohol sold. In effect we are making the highway trust fund whole in the expected Finance Committee amendment.

Mr. SUNUNU. If the Senator will yield slightly further, that is precisely the point I was making—that ethanol will not be subject to excise taxes. It will require taking money from the general fund to pay for this tax and putting it into the trust fund, so that the trust fund won't be depleted as a result of the fact that ethanol is not subject to the full 18.3 cent tax. If we treat the two equally, we should subject them both to an 18.3-cent tax. If you give ethanol the subsidy, what you are forced to do—exactly what you described—is move general fund money into the trust fund to cover that loss of revenue.

Mr. HARKIN. I say to my friend from New Hampshire, what we are doing is not taking money from the general fund. What we are doing is taking the money from the ethanol part of that which went to the general fund and putting it where it should have been in the first place; and that is, the highway trust fund. That is all we are doing. We are not taking money out of the general fund that comes from general income taxes and every other kind of excise taxes that are paid in this country. We are only talking about ethanol. It will add about $2 billion to the highway trust fund annually.

The other point the Senator from New Hampshire made, which I wish to respond to, is on the issue of whether or not this is a great burden on the States.

In California, nearly all of the refiners have voluntarily switched from MTBE to ethanol in advance of the State's MTBE phaseout deadline of January 1 of next year. Today, approximately 65 percent of all California gasoline is blended with ethanol. It is estimated that 80 percent of fuel in California will contain ethanol by this summer.

I am told that last month the California Energy Commission stated that the transition to ethanol, which began in January of 2003, is ''progressing without any major problems.'' There have been no ethanol shortages, transportation delays, or logistical problems associated with the increased use of ethanol in California. Thus, any efforts to carve out California, per the Feinstein amendment or amendments, from the renewable fuels standard, are unjustified and unnecessary.

Most ethanol sold in California is under a fixed price contract at about 63 cents per gallon, after the tax incentives are applied. Wholesale gasoline in California—that is what ethanol is blended with—is selling for $1.04 a gallon on average. So ethanol is cheaper per gallon in California than is regular gasoline. So how can this be a burden at all on California?

This renewable fuels standard, as has been said by so many before me, will increase the use of ethanol and other renewable fuels—including biodiesel; not just ethanol, but biodiesel—in the Nation's fuel supply from 2.6 billion gallons in 2005 to 5 billion gallons in 2012. This amendment is very similar to the language we overwhelmingly passed out of this body in the last Congress as part of a comprehensive Energy bill package. It represents the culmination of a historic fuels agreement negotiated by the agriculture, renewable fuels, petroleum, and environmental communities over the past several years.

Unfortunately, the agreement—the amendment we passed overwhelmingly last year—did not become law in 2002 due to the demise of the Energy bill in conference negotiations. This year, we must pass the renewable fuels standard and have it signed into law by the President, who has indicated his support for this.

The renewable fuels standard is truly an energy security measure. The former Director of the Central Intelligence Agency, James Woolsey, believes the renewable fuels standard is an essential component in the advancement of America's energy security. His sentiments have been echoed as well by ADM Thomas Moorer, former Chairman of the Joint Chiefs of Staff, and Robert McFarlane, former National Security Adviser under President Reagan.

The renewable fuels standard will displace about 1.6 billion barrels of imported oil over the next decade. As a result of this, we will save $4 billion in imported oil each year. This is a critically important first step toward energy independence for America.

As far as our economy goes, this renewable fuels standard amendment will add about $156 billion to our gross domestic product by 2012, spurring about $5.3 billion in new investment and creating 214,000 new jobs. It will boost farm income by $1.3 billion annually.

I am very proud of the example set by my own State of Iowa where we have 12 plants producing more than one-fifth of U.S. ethanol. We have two biodiesel plants, which place Iowa first in the Nation in producing this soy-based fuel. Thirty percent of our corn crop goes into value-added ethanol production, supporting over 1,500 jobs, and pumping nearly $50 million annually into our State's economy, which is of critical help to our rural communities.

These biofuels plants serve as local economic engines—providing high-paying jobs, capital investment opportunities, increased local tax revenue, and value-added markets for our farmers. A very large share of this production in Iowa is in plants built with the investments of farmer-owners.

I want to add a statement. I was looking at one of the charts my friend from California, Senator FEINSTEIN, had, which showed that Archer Daniels Midland had 46 percent of the production capacity—I think is what the chart showed—and all the rest of the plants around filled in the other 54 percent.

Well, it is true that Archer Daniels Midland has been a leader in ethanol production in this country. I commend them for it. They have really paved the way. They broke through the barrier. They invested the money in finding new ways and new technologies and a cost-effective means of producing and distributing ethanol. So I believe it would be normal for a company such as Archer Daniels Midland to have a significant share of production capacity because they were there first. They recognized the environmental impact it would have in cleaning up the environment, the impact it would have on saving us from imported oil, the impact it would have on local jobs and the economies in many States, and what it would mean to replace a potentially carcinogenic octane enhancer called MTBE.

So, yes, I commend Archer Daniels Midland for being a leader many years ago in starting to produce ethanol before many others even really thought about it. It is a very forward-looking company. They were there from the beginning.

I would point out, however, that most of the new productive capacity coming on line in America is from farmer-owned cooperatives, farmer-owned plants. They are the ones building the new plants in cities and communities that dot our countryside. I think you have to look at this in that context.

So, yes, I commend Archer Daniels Midland for being a leader in this many years ago, and for bringing us to the point where now we can spin off and spur more ethanol plant construction throughout the United States that basically is owned by smaller entities or by farmers themselves.

As I said, these plants serve as local economic engines in so many of our communities. The value-added benefits of ethanol mean a $2 bushel of corn is converted into $5 of fuel and feed co-products. That is another thing that people forget, that once we take the alcohol out of the corn, we have a very valuable byproduct left that can be fed to livestock, basically to cattle. So you get kind of two bangs for the buck out of it.

The renewable fuels standard is more than just about increasing this use of fuels; it is more than just about cutting down on the imported oil; it is more than just the economic engines that it provides in many communities; it is also about providing a healthy and

sustainable environment for future generations.

Ethanol and biodiesel greatly benefit public health and the environment by protecting air and water quality and reducing greenhouse gas emissions. They are nontoxic, biodegradable, energy efficient, and cleaner burning sources of energy than petroleum-based fuels. A new report by the Pew Center on Global Climate Change finds that ethanol-blended fuels offer us the greatest promise for reducing transportation-related greenhouse gas emissions over the next 15 years.

The U.S. Department of Energy has concluded that petroleum-based fuels account for 82 percent of carbon monoxide, which, according to the National Research Council, accounts for 20 percent of smog formation in cities. In contrast, the Environmental Protection Agency has determined that ethanol-blended fuels significantly reduce these emissions, and biodiesel nearly eliminates sulfur emissions that contribute to acid rain and reduces potential cancer-causing compounds.

Clearly, the renewable fuels standard represents a momentous opportunity to enhance our Nation's energy security, strengthen our economy, create jobs, boost farm and rural income, and help clean up our environment. The 5 billion gallons of renewable fuels that would ultimately be required by the renewable fuels standard would replace gasoline we currently get from foreign oil, and at the same time reduce the price at the pump. Simply put, renewable fuels make good, common sense for our Nation and all of its citizens.

More to the point of the amendment now before us by the Senator from California on State exemptions—there is really no need to grant States exemptions right now because in the underlying bill it already provides for States to be able to apply for and be granted an EPA waiver if they can show the RFS severely harms the economy or environment of the State or if there is an inadequate domestic supply or distribution capacity to meet the requirement. So, really, the amendment offered by the Senator from California is unneeded because there is already a waiver provision in there.

Well, our renewable fuels standard is something we passed last year overwhelmingly with bipartisan support. I know there will be several attempts here to weaken it. I hope we again have, as we did last year, overwhelming bipartisan support to keep this strong renewable fuels standard in this bill and, get this Energy bill through and to the President so he can sign it this year.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I want to discuss with the Senate where we are. As manager of the bill, I am interested in trying to see if we can entice and excite Senators about bringing their amendments that have to do with the ethanol part of this bill to the floor today, if possible. We have two pending and, very shortly, we will have a consent agreement regarding voting on those two. That would give us the afternoon for further discussion on and the reception of other amendments with reference to ethanol—if Senators desire to do that. We are aware of two or three others, perhaps four Senators who would like to offer amendments regarding ethanol.

I remind Senators there are many more issues in this Energy bill, although this is a very important one. Obviously, we want it thoroughly debated and, ultimately, hopefully, from the managers' standpoint, we would like it to be adopted as part of the bill. Sooner or later, we have to head on to some of the other provisions. There are seven or eight contentious ones at least that need to be discussed. We are now awaiting final word from the other side as to whether we can proceed. I understand we can.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR—S. 1162

Mr. DOMENICI. Mr. President, I understand that S. 1162 is at the desk and is due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I ask that it be in order to read the title of the measure.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1162) to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

Mr. DOMENICI. Mr. President, I ask that the Senate proceed to the measure and object to further proceeding.

The PRESIDING OFFICER. Objection is heard.

Under rule XIV, the measure will be placed on the calendar.

UNANIMOUS CONSENT AGREEMENT—S. 14

Mr. DOMENICI. Mr. President, I understand the ethanol sequencing of votes is acceptable, so I will propound the unanimous consent request.

I ask unanimous consent that a vote occur in relation to the Feinstein amendment No. 843 at 4:30 today and that there be 10 minutes equally divided for debate prior to the vote. I further ask that following that vote, the Senate immediately proceed to a vote in relation to the Feinstein amendment No. 844, with 4 minutes equally divided for debate prior to that vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, that means that at 4:30 we will start the first vote on S. 14, the Energy Policy Act. There will be two votes. There is another matter already pending, but we will await the arrival of the chairman of the HELP Committee, Senator GREGG, to see what his pleasure is regarding further time to debate the LIHEAP amendment and an amendment I made on his behalf thereto.

Hopefully that, too, can be disposed of today, although the Senator from New Mexico is in no way pushing that because Senator GREGG will use whatever time he needs in that regard.

Once again, Mr. President, I say to my fellow Senators, I know some of them have other amendments regarding the ethanol amendment. We also know that the ethanol amendment is very popular. We think it is a fair assessment to say it is probably going to pass rather handsomely in the Senate. Nonetheless, Senators desire to make their case and make their points, and the Senate is disposed, obviously, to let them do that. It would be nice if we could get that much of the bill done today; that is, debate on those issues pertaining to ethanol.

I note Senator BINGAMAN is standing. Perhaps he desires to speak at this point.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I certainly have no objection to anything the chairman said, but I would like to clarify, the votes are to start at 4:30 p.m. today; is that what the unanimous-consent agreement provides?

The PRESIDING OFFICER. That is correct.

Mr. BINGAMAN. I appreciate that. I yield the floor.

Mr. DOMENICI. I assume I said 4 o'clock. I was incorrect. It is 4:30 p.m.

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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will

stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Chair, in my capacity as a Senator from the State of Ohio, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY POLICY ACT OF 2003—Continued

Mr. TALENT. Mr. President, I want to speak briefly on the renewable fuels standard that is the subject of the Frist-Daschle amendment, and specifically with regard to a report released today by the National Corn Growers which contains yet another round of good news regarding ethanol.

For decades, those of us who care about energy in the United States and care about energy independence, who care about jobs and the creation of jobs, who care about the future and how we are going to have enough energy for this economy to expand throughout the 21st century have looked for alternative sources of energy. The Energy bill we are debating is a great progrowth, projobs Energy bill across the board. It encourages the production of traditional forms of energy, and it should. It encourages the production of oil and natural gas and nuclear energy. I support all of that. I think most of us in this Senate do. But all of us are concerned about the fact that the traditional forms of energy tend to be nonrenewable. There is a point at which we are in danger of running out. We import a lot of oil from foreign countries. About 59 percent of what we use in the United States we import.

We have all wanted and have talked about for decades the possibility of renewable sources of energy, particularly that we can make here. I go around Missouri and I talk with our corn growers and other agricultural producers about what a great day it will be when we can grow our own fuel effectively and when we don't have to worry about running out and being dependent on other countries.

As the Frist-Daschle amendment indicates, that day, if it is not here, is fast approaching. We are close to being able to grow our own fuel. That fuel is ethanol. It is a great day when that means more jobs for America. It will mean a greater measure of energy independence for our country and a greater measure of energy security for our country. It will mean support for and new markets for our family farmers and our agricultural producers. It is a good thing.

I am glad Senator FRIST and Senator DASCHLE have offered this amendment. I am a strong supporter of it. In fact, I am a cosponsor of it. I am proud of the fact that ethanol will be the subject of one of the first genuine bipartisan efforts in this country, and I hope that amendment passes.

The Corn Growers issued a report today designed to rebut some of the concerns that people have expressed. It is kind of ironic that we are now approaching this day when we actually have access to renewable sources of energy and alternative fuels. And some are getting nervous about it. Their report issued today indicates what common sense already tells us.

First of all, blending ethanol with gasoline at a 10-percent level, which is what the renewable fuels standard calls for, will reduce the retail price of conventional gas by 5 percent or 6.6 cents per gallon based on national average 2002 prices. This translates into an annual savings to consumers of $3.3 billion. The report says that. They have studied it for a long time. It really is a matter of common sense because when you increase the supply, the price goes down. The more ethanol we produce, the more we can rely on renewable sources we can grow and the greater the supply of energy.

The report also indicated that using corn and other grains to produce the 5 billion gallons of ethanol required by the renewable fuels standard will have an insignificant impact on consumer food prices.

In other words, the price of corn and other items is not going to go up because we have tremendous productive capacity in this country. As a matter of fact, we are not using the capacity we have. As a matter of fact, the price to consumers is going to go down because as our producers are able to grow corn and turn it into a value-added commodity, a valuable commodity, ethanol, the price of future farm bills is going to go down.

I was impressed very much when I was in Macon, MO, visiting our ethanol plant there. One of the producers who owns that plant pulled me aside and said: Senator TALENT, the real good thing about this is when the price of corn goes down, I make more money on the ethanol.

I thought to myself: Yes, that is one of the keys to ethanol. It will help smooth out some of the cycles of commodity prices, the ups and downs of commodity prices worldwide, which will mean that farm bills will become less challenging every 5 years. It will also mean more money for the transportation trust fund once we have adopted the tax changes that the Finance Committee has worked out and which will accompany or follow shortly after this Energy bill.

It is a good thing for America. It is a good thing for our producers. It is a good thing for the creation of jobs.

I am glad this amendment is being offered. I want to address briefly the amendment of the Senator from California. I know it is an amendment offered in good faith. It is an amendment to exempt California from the renewable fuels standard. It is a little hard for me to understand because the standard is not a mandate for the States. It is a mandate for the refineries. They have to have 5 billion gallons of ethanol refined and into circulation by the year 2012. That should not be difficult.

The use of ethanol is growing all over the country, precisely because of the advantages it offers, which I have outlined. Exempting States doesn't make any sense. California is already using ethanol. By this summer, 60 to 70 percent of the gasoline sold in California will be an ethanol blend.

I suspect that maybe States such as California think: we don't produce ethanol here; we don't want to have to import energy from other States. If you do not import energy from other States, and if you do not import ethanol from other States, you are going to have to import something from someplace in order to run the automobiles. I would a whole heck of a lot rather have States in this country importing ethanol, which is good for the environment and jobs in the United States, from other States in the U.S. than the alternative, which is to import gasoline, which is not as good for the environment and which does not mean jobs for our country, from Venezuela or from the Arab States or from some other place in the world. They are taking one of the tremendous virtues of the renewable fuels standard and trying to turn it into a vice.

It will reduce our dependence on foreign countries.

There is really no danger to the United States being dependent on fuel that we produce in the United States. It is a good thing to be dependent on fuel we produce in Missouri or Minnesota or North Dakota or South Dakota or Illinois or any of the number of States that produce ethanol.

I understand the uneasiness. The use of ethanol is growing very fast. Its future is coming on us very fast. Sometimes change is difficult to deal with. I was in a Breaktime convenience store in Columbia, MO, where they are selling ethanol at the pump for the same price they have traditionally sold gasoline. I went to this place, stood out next to the pump, talked to the proprietors, and said: This is the future. It is a good future. It is a national future for the United States. This is a national energy policy. We have one Union, not just 50 different States. We have one national economy, and we ought to have one renewable fuels standard for everybody, and we ought to have confidence in it.

I think this 5-billion-gallon standard will be very easily attained. I think we will be above that. States all over the country and consumers all over the country are using ethanol to their benefit and to the benefit of the Nation as

a whole. This is a pro-jobs, pro-growth Energy bill, and the Frist-Daschle amendment is a very important pro-jobs, pro-growth, pro-energy security and independence part of it.

Let's adopt that amendment. We do not need these weakening amendments. Let's face the future with confidence. One of the reasons we can do that is because the Nation will increasingly rely on fuel that we produce in this country in the 50 States.

I thank the Senate for its attention, Mr. President, and I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. KYL. Mr. President, at this point I want to talk to the general subject of the two second-degree amendments offered by the Senator from California which will be pending for us to vote on later this afternoon. They both have to do with the requirement under the underlying amendment to impose an ethanol requirement for gasoline throughout the country and to not allow States to opt in or opt out of that mandated ethanol requirement.

One of the amendments by the Senator from California is to allow an opt-in, so that States that believe this will help them deal with their problems of ozone and the environment or other environmental pollution can opt into this program and take advantage of it; but for those States that believe it would be harmful to their environment, they would not have to opt in. The other amendment would require findings with respect to whether or not it would help the environment.

I want to comment about that because the State of Arizona is one of the States that would be adversely affected by a requirement to use ethanol. Partly, this is as a result of the fact that the climate in Arizona is very warm, shall we say, particularly in the summertime. Our summer runs essentially from April through October. During that period of time, ethanol does not work well in communities such as Yuma, AZ, and Tucson, AZ, because of the way it interacts with the surrounding hot air, and the product that is produced, the moisture from the tailpipe of the automobile, interacts with the air to in fact produce ozone, which is the very thing we are trying to prevent by the use of oxygenated fuel. As a result, Arizona has used an MTBE substitute oxygenate that doesn't create the same problem ethanol creates in the hot environs of the climates in Yuma or Tucson, AZ.

As you know, MTBE is associated with some environmental damage to aquifers, where MTBE has spilled into them inadvertently and, as a result, MTBE is being phased out.

Arizona receives all of its gasoline from refineries in California. Therefore, decisions California makes pretty well impact on what Arizona has available to it for its vehicle use. This is why, naturally, the points of the Senator from California are exactly the points I make, because they apply to the refineries in her State and the same kinds of climatological requirement that my State of Arizona has with respect to environmental protection.

So let me refer to several points with respect to the ethanol mandate and begin with that point of environmental impact. Ethanol is an extremely volatile fuel. It breaks down very quickly. In fact, it is virtually impossible to transport by pipeline because of this. It has to be transported by truck. Obviously, it is not produced in the West, in States like Arizona. It would have to be trucked in from other places such as the Midwest. This adds to the cost of the fuel, but that is another matter. Ethanol has been used as an additive in gasoline sold in the Phoenix and Tucson areas. But according to the Arizona Department of Environmental Quality, the State agency of the State of Arizona that is responsible for environmental protection in the State of Arizona, this mandate would be very bad for communities, as I said, like Yuma and Tucson, probably causing those areas to violate the 8-hour ozone standard under the Clean Air Act. This would have dramatic effects in Arizona. Those communities would be out of compliance.

There are a whole host of economic negative effects from finding a violation of the ozone standard. How can it be that the use of an oxygenate such as this would create more ozone? Because of the unique climate in Arizona in the summertime where, instead of reducing the amount of ozone particulate, it increases it.

Given the fact that there is no evidence that the use of oxygenates like ethanol would help improve the quality of air in Arizona, it seems to me a finding from the Arizona Department of Environmental Quality that says Arizona communities would likely violate the 8-hour ozone standard by being forced to use ethanol is a very powerful argument for the Governor of the State of Arizona having the option of opting into this program.

Why would the other States force on Arizona a program which our own Department of Environmental Quality says is going to make the air worse, not better—in fact, so much worse it will be in violation of the Clean Air Act? It is not as if the committee and the proponents of the underlying amendment have not understood that the mandate should not apply to all States. In fact, two States are specifically exempted—Hawaii and Alaska—from this mandate.

Why, if it is appropriate to exempt two States, is it not appropriate to at least afford other States the option of submitting themselves to this mandate or not, depending upon whether this mandate would make their air quality worse or better? It seems to me if we are really talking about environmental quality here, rather than a subsidy for the corn industry in the Midwest, then we would be looking at the environmental impact of a mandate of this sort. Since we have already decided that two States should not be required to comply with this mandate, we have already crossed the bridge of saying it is appropriate to exempt some States. Why not allow those States, with their departments of environmental quality having said they would be harmed, the ability to opt out, or the requirement that they opt in, in order for the program to be effective in the State? Why not allow that option for those States? What is so important about this mandate that every single State, except two—and I don't know why these two were exempted—is not at least given the opportunity to exempt itself from the provision?

It seems to me there has to be something else involved here. I suspect it has to do with the desire of the corn producers and the people who transform the corn into an ethanol kind of product to make a buck. But we already provide them a lot of bucks through the subsidy for ethanol that has already been voted on by the Congress, has already been in existence for many years, and which will increase in this bill. I could understand—I would not agree with it—a subsidy to try to produce more of something we think we want to produce. Even though I don't think that is a good idea, I could at least understand the theory that if we want more of something, we are going to have the Government provide a subsidy to produce more of it. I could also understand the alternative, which would be that this is such a good idea that we are going to force people to do it; we are going to mandate it because we in Washington know best, of course, and therefore irrespective of what the environmental quality people in your own State believe, by golly, we know better, so we are going to make them do it.

What is a little hard for me to understand is why we still need the subsidies if we are going to have this mandate. The purpose of the subsidies was to try to encourage this production, but we do not need the subsidies if people are going to be required to use ethanol. It is a mandate. We do not need the incentive or the encouragement anymore.

Clearly, this is about special interest money influence, and I will be that specific because the environmental benefits, especially to an area such as mine, have not been demonstrated. At least the point is made by an agency of my State that it would actually degrade the air quality of some parts of the State—in fact, pull them out of compliance with the Clean Air Act, and yet

the mandate would be imposed at the same time we continue to provide this subsidy. Something is drastically amiss here.

There is an old phrase, ''Follow the money,'' so maybe that is what we should do here. Let's take a look at the money part of this issue.

Currently, refiners use approximately 1.7 billion gallons of ethanol annually, and the underlying provision would increase that to 5 billion gallons annually by the year 2012.

There is no question that gasoline prices would increase, based on data from the Energy Information Administration. It has been estimated that the increase in gas prices caused by this mandate could be between $6.7 billion and $8 billion a year. So that is the price we as a country, as consumers of this product, will be paying simply to enrich the people who produce the product.

Arizonans will, according to this estimate, be paying on average 7.6 cents more per gallon of gas. Is that fair, Mr. President?

I speak very plainly about the subsidies to the ethanol industry. According to the Congressional Research Service—this is an unbiased source—the ethanol and corn industries have received more than $29 billion in subsidies since 1996 and could receive another $26 billion more over the next 5 years.

CBO, another unbiased source, has a different estimate for a different time period. They have estimated, based on a review of S. 791, the basis of the underlying amendment we are debating, $2.3 billion just between the years 2004 and 2008.

We also know there is an impact on the highway trust fund because every gallon of gas containing ethanol—10-percent blend—gets a 5.3-cent subsidy in the form of reduced gas taxes. This amounts to a 53-cent-per-gallon ethanol subsidy to the industry at the expense of the highway trust fund, and the Energy Information Administration has estimated that this will reduce the annual gasoline excise tax collections by an average of $892 million between the years 2006 and 2020.

Again, my State is a donor State already. Arizonans send $1 in taxes to the Federal Government and for highway transportation-related needs receives in return only 90.5 cents. So to the extent total revenues to the fund are reduced, the Arizona highway program will obviously be significantly impacted.

There are a lot of general points that I could discuss. There are disputes between authorities on the subject of whether or not it takes more to produce a gallon of ethanol than the gallon actually contains in terms of Btu content; in other words, do you actually have a net loss in net energy value. There are disputes about that. Some experts say about 29 percent more energy is used to produce a gallon of ethanol than the energy in a gallon of ethanol. The National Corn Growers Association, not exactly an unbiased source, disagrees with that. I do not know where the truth lies. Clearly, it seems to me the science is at best in dispute.

In any event, we would all have to agree that taking into account all costs, not just the energy cost, that clearly it costs a great deal to produce a gallon of ethanol or they would not need the subsidy which Congress has generously provided for its production.

I have already talked about the environmental benefits being questionable. It is not just my own State environmental agency but also a National Research Council report found that oxygenates have little or no impact on ozone formation, and there are a lot of refineries that claim they can actually produce similar environmental gains without the use of oxygenates. In fact, that is what we are going to have to do in Arizona because we cannot use MTBE, and we would hope not to have to use the ethanol, as a result of which we would have to find a different blend and would be committed to doing that.

It seems to me the ethanol industry, which enjoys this 5.2-cent-per-gallon exemption on the ethanol blend, or gasohol, from the 18.4-cents-per-gallon Federal excise tax on motor fuels, with the resulting mandate that the Congress is going to impose for the increase in the number of gallons used, would no longer need to be supported by this subsidy, which, as I said, works out to be 52 to 53 cents per gallon for pure ethanol.

The General Accounting Office estimates the tax exemption has deprived the highway trust fund—a slightly different number than I gave before—of between $7.5 billion and $11 billion over the 22 years it has been in place. This is a very costly subsidy and would be a very costly mandate.

Because the underlying amendment is costly, is not necessary, is contradictory with the subsidies that are already provided, and because the amendment of the Senator from California would simply provide the opportunity for States that would be adversely affected by this mandate to deal with their pollution problems in some other way—remember, they still have to comply with the Clean Air Act; nobody is exempting anybody from the Clean Air Act; they simply have to find a different way to comply—it seems to me it would be appropriate for us to support the amendment of the Senator from California and allow States to tailor their blends to the unique situation in their particular States.

Everybody would still have to meet the Clean Air Act but we could each do so in a way that best suits our individual purposes. For that reason, I hope my colleagues will support the amendment of the Senator from California.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MCCAIN are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise to speak on behalf of the ethanol amendment and to comment upon several of the remarks that were made by my colleagues.

One of the items that was mentioned by the junior Senator from Arizona was the issue of subsidy. I think it is important we clarify the fact that, yes, ethanol has been subsidized over the years, but the Federal ethanol program was established following the OPEC oil embargoes of the 1970s.

I am old enough to remember the long lines in 1973. At that stage of the game, we were only about 34 percent reliant on foreign oil. Of course, we all know today we are 58 percent reliant on foreign oil.

So when the ethanol subsidy came in place and the program was established, we had a dangerous dependence on imported oil. That was one of the reasons they did it. As an alternative to petroleum, ethanol directly displaces imported oil and reduces tailpipe emissions while helping to bolster the domestic economy. Yet today, as I just said, we import more petroleum than ever before with rising crude oil prices and increasing international instability.

Incentives for production and use of domestic ethanol are critical; that is, we can rely upon ethanol. We cannot rely upon imported oil.

I think it is really important for all of us to recognize the fact that we have subsidized the oil industry substantially since the early 1900s. Some may not believe this, but the oil industry started out in the State of Ohio. It was called Standard Oil. Today we continue to subsidize the oil industry. In fact, according to the General Accounting Office, in an October 2000 report, the oil industry has received over $130 billion in tax incentives just in the past 30 years, dwarfing the roughly $11 billion provided for renewable fuels.

Here is an interesting fact: During this time, the U.S. oil production has plummeted while annual U.S. ethanol production has grown by over 2 billion gallons. The point is, when we got into the issue of subsidizing ethanol, we were in very bad shape in terms of our reliance on foreign oil. Since that time, we have made substantial progress.

During the same period of time, if you want to pit one industry over the other, we have seen our dependence on foreign oil grow despite the subsidy we have provided to the oil industry.

There is also the suggestion that the ethanol mandate will largely benefit producers, not farmers. According to

the U.S. Department of Agriculture, ethanol production raises the price of corn by 30 to 50 percent nationwide. This is an average of 5 to 10 cents additional premium in the areas that supply ethanol plants. Both of these numbers apply to all corn, not just corn sold to ethanol plants. Given a billion bushel corn crop, it adds between $3 and $5 billion to farm income every year. There is no question, ethanol is good for our farmers. Additionally, farmers own nearly 40 percent of the ethanol industry, and that is growing. These farmer owners realize value-added benefits from their investments.

A chart was referenced by the Senator from California about the fact we are relying on Archer Daniels Midland for 46 percent of our ethanol. The fact is it is now down to 32 percent. The real growth in producing ethanol is from ethanol plants financed by the agricultural community in the United States.

Finally, every major farm organization supports the fuels agreement, including, but not limited to, the following: American Farm Bureau Federation, the National Farmers Union, National Corn Growers Association, American Corn Growers, National Grain Sorghum Producers and American Soybean Association.

Now, we have some concern about what impact does this industry have on the National Treasury, our general fund. Both the U.S. Department of Agriculture and the Congressional Budget Office have recognized the benefit of the investment in the ethanol program on the overall health of the Nation's economy. Recently, the USDA stated the ethanol program would decrease farm program payments by $3 billion per year. In its analysis of this amendment, CBO stated the provision would reduce direct spending by $2 billion during 2005 to 2013, certainly a partial offset to any subsidy given to the ethanol industry.

Tripling the use of renewable fuels over the next decade will reduce our national trade deficit by $34 billion. Our trade deficit is at an all-time high. A lot of that trade deficit has to do with importing oil. It will increase the U.S. gross domestic product by $156 billion by 2012 and create more than 214,000 new jobs. It will expand household income by an additional $51.7 billion, and it will save taxpayers $2 billion annually in reduced government subsidies due to the creation of new markets for corn.

We see a tremendous economic benefit to this ethanol industry in our country. That is why we are working so hard to have this amendment included in the Energy bill.

In addition to its importance in becoming more self-reliant in terms of imported oil, also in terms of our economy, ethanol helps our environment. This bill provides strong antibacksliding provisions that prohibit refiners from producing gasoline that increases emissions. Once the oxygenate requirements are removed, a Governor can also petition EPA for a waiver of the ethanol requirement based on supporting documentation that the ethanol waiver will increase emissions that contribute to air pollution in an area of the State. This is something that was not mentioned by the junior Senator from Arizona in his presentation. The fact is, if ethanol is such a big environmental problem in the State of Arizona, the Governor of Arizona can petition that they be exempt from the mandate provision. That is included in our amendment.

Last year, the ethanol industry also worked with EPA on the discovery and containment of the emissions from ethanol facilities. Consent decrees have been filed by the Justice Department in record time, and compliance by the ethanol industry has been cited as a model.

The fuels agreement we are asking Members to support will benefit the environment in a number of ways. It reduces tailpipe emission of carbon monoxide, VOCs, and fine particulates, and phases down MTBE over 4 years to address our ground water contamination problem. It provides for one grade of summertime Federal RFG, which is more stringent. It increases the benefits from the Federal RFG program on air toxin reduction. It provides States in the ozone transport region enhanced opportunity to participate in the RFG program. And it includes provisions that require EPA to conduct a study of the effects on public health, air quality, and water resources of increased use of MTBEs. We have tried to cover everything in this amendment.

The amendments to opt out of this program are unnecessary and unwarranted.

The fuels agreement contained in this amendment that passed the Senate last year includes the establishment of a renewable fuel standard and will provide for greater refinery flexibility in the fuels marketplace than the existing Clean Air Act oxygenate requirement. It does not require that a single gallon of renewable fuels be used in any particular State or region; rather, the requirement is on the refiners. The RFS will allow much greater flexibility in the work of oxygenates, which should reduce the chances that localized supply disruption of gasoline or oxygenates will result in retail supply shortages.

The additional flexibility provided by the RFS credit trading provisions will be a lower cost to refiners and, thus, consumers. The credit trading system will ensure that renewable fuels are used when and where most cost effective, which is why we have the credit and trading provisions. In California, we need to emphasize this.

By the way, California is the area where the junior Senator from Arizona says they are going to have to rely upon getting their ethanol blend gasoline. Nearly all the refiners, the people who provide the gasoline to the State of Arizona, have switched from MTBE to ethanol in advance of the State's MTBE phaseout deadline of January 1. The results can only be described as seamless. There have been no ethanol shortages, transportation delays, or logistical problems associated with the increased use of ethanol in the State of California. In fact, according to an April 2003 California Energy Commission report, the transition to ethanol which began in January 2003 ''is progressing without any major problems.''

We need to emphasize that. This is not going to discombobulate delivery of the gasoline in California or New York or other places that people say it will cause a problem. The Energy Commission of California says it is progressing without any major problems. Today, approximately 65 percent of all California gasoline is blended with ethanol. It is estimated that 80 percent of the fuel will contain ethanol by this summer. They are moving ahead. Only 100 million gallons of ethanol were used in the State last year. California refiners will use between 600 and 700 million gallons of ethanol in 2003. There is not any reason to opt out because of the fact that blended gasoline will not be available to these States.

This legislation is the result of a great deal of work and compromise on the part of many Members of the Senate working with a variety of organizations.

I would like to remind my colleagues of the organizations that support this. It is unusual, in terms of the diverse groups represented. It is supported by the American Petroleum Institute. There has been some talk that the oil industry does not support it. The fact is, the American Petroleum Institute is supportive; of course, the Renewable Fuels Association; the Northeast States for Coordinated Air Use Management. Again, there is an area of the country that could be affected by it, and they like the compromise that has been put together.

We are talking about environmental concerns. The American Lung Association is supportive of this ethanol amendment. The U.S. Chamber of Commerce is certainly concerned about the impact this would have on the economy of the United States. The Union of Concerned Scientists, again, a very forthright, outspoken environmental organization that, on many occasions, is very critical of legislation being promoted in the Senate, says: We like this agreement that has been entered into.

The Environmental and Energy Studies Institute; the Governors' Ethanol Coalition; General Motors. Here is one that I think is really important for some of my colleagues who cannot make up their mind with regard to some of the amendments we are going to get to this ethanol amendment, and that is that the Governors of both California and New York support this compromise, and, of course, all the major agricultural organizations in the United States.

I urge my colleagues to support this ethanol amendment and defeat some of

the amendments that they are going to have an opportunity to vote on later on this afternoon.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, first, I compliment my colleagues, the chairman and ranking member of the Energy Committee, for doing such an incredible job on an Energy bill that is so needed in this great country. For the last 25 years, I think we have really begun to see the growth in our Nation and recognized the need for a modernization of our energy policy in this country. I think these Senators have done an excellent job in bringing together a diversity of issues, certainly in recognizing the need for renewable fuels, in looking at how we can work with cleaner burning fuels, the diversity of energy sources and resources that we can use in this great Nation. I applaud them for their hard work and diligence in that.

It is so important in our State. In Arkansas, both as a consumer as well as producer of energy, and certainly in terms of the rural nature of our State, so much of what is in this bill is going to be very productive for what we want to see happening, not only in the State of Arkansas but across this great Nation in new and innovative energy policy.

UNANIMOUS CONSENT REQUEST—H.R. 1308

Mrs. LINCOLN. Mr. President, I also would like to talk about something that has been on the minds of many of my colleagues as well as others across this great land. After we finished the growth package the week before we took our break, I had many concerns about what we were doing in that growth package and what we were trying to do, what supposedly was our objective in terms of stimulating the economy. I think it is so important to recognize the reasons why we wanted to stimulate our economy in this country. I think that really is to move forward the growth of this great Nation.

I think we need look no further than the American family if we want to understand why we want to stimulate growth in this great Nation to stimulate the economy. That is why I introduced the Working Taxpayer Fairness Restoration Act. I offered this bill on behalf of nearly 12 million children who were left behind when President Bush signed the 2003 tax bill. There were many of us who were very anxious to make sure we had a fairness in that stimulus package and in that tax bill; that there was a balance between fiscal responsibility and tax relief that would be available to all families.

I have introduced the bill with many of my good friends, including Senators SNOWE, WARNER, JEFFORDS, ROCKEFELLER, COLLINS, REED, BINGAMAN, LANDRIEU, JOHNSON, HARKIN, KENNEDY, PRYOR, BREAUX, EDWARDS, CLINTON, CORZINE, DURBIN, SARBANES, KERRY, LIEBERMAN, SCHUMER, LAUTENBERG, MIKULSKI, REID, GRAHAM of Florida, BAUCUS, LEAHY, NELSON of Florida, NELSON of Nebraska, LEVIN, CARPER, HOLLINGS, BIDEN, SPECTER, CANTWELL, DASCHLE, STABENOW, DODD, CONRAD, VOINOVICH, AKAKA, DORGAN, KOHL, CHAFEE, FEINSTEIN, and BOXER.

This bill would restore a provision left on the cutting room floor when the House and Senate leaders finalized the conference report on the tax cut.

Our bill will restore the advanced refundability of the child tax credit. My friend from Maine, Senator OLYMPIA SNOWE, and I have worked since 2001 to ensure all working families benefit from the child tax credit. We worked very hard to ensure in the 2001 tax cut that the child tax credit was refundable.

During the Finance Committee deliberations on this year's tax bill, I successfully offered an amendment that would have advanced the refundability of the child tax credit. Regrettably, that provision was dropped in conference.

Really, unless we pass this bill we have introduced soon, families with incomes between $10,500 and $26,625 will not get that $400 check that will be mailed in July as part of the 2003 tax bill. Since nearly half of the taxpayers in Arkansas have an adjusted gross income of less than $20,000, Arkansas families are among the hardest hit by this omission in the new tax law.

Consider this: The base pay for a private in the military, serving in Iraq, is just under $16,000 per year. The average Arkansas firefighter makes between $22,000 and $25,000 a year. Many of those enlisted men and women, who could be given a few days' notice before being shipped off to war, and those firefighters who could get no more than just a few minutes' notice before rushing into a terrorist attack—they all have families, or many of them do. They work hard to support their families and to protect us. Yet they got left out when negotiators shook hands over that final tax bill.

I was not in the room during those negotiations in the dark of night, and I understand very few of my colleagues were. But we are here today. We are all here in the Senate, working today, united, hopefully, in our effort to fight for these working families.

Advancing the refundable portion of the child credit to cover these families will cost only $3.5 billion—just 1 percent of the entire cost of that tax bill. This measure had strong bipartisan support in the Senate, I am proud to say. I was proud to play a leading role to expand the child tax credit in the Senate bill. I am glad to have bipartisan support in my efforts on the bill that we have introduced to restore this provision.

We will pay for this tax relief for working families by shutting down some of the Enron-related tax shelters. This pay-for was included in the Senate version of the 2003 tax bill that has already received the blessing of the majority of the Senate Members. Especially as our Nation contends with a sluggish economy, we should ensure that everyone benefits from the tax cut. After all, buying blue jeans for schoolchildren, washing powder for the laundry, or tires for the car costs just as much for a family making $20,000 a year as it does for a family making $100,000 a year. If we want to get our economy back on track, we need to make sure we are putting money into the pockets of consumers who will spend it.

This is not about partisanship. It is not about who is going to win here or lose here today or in the next coming days. That is certainly evidenced by the cosponsorship of this bill. What this is about is doing what is right for the families who may need a little extra help, families who are working hard, day in and day out, playing by the rules, bringing home a paycheck and trying to raise their children the best way they know how: with good values and good examples.

We should fix this problem—not in the future, not next year, not sometime down the road. We need to fix this and correct this inconsistency immediately. We have an opportunity to do what is right on behalf of the working men and women in this country who are working hard, creating a face for this Nation in the next 20 years.

What is our Nation going to look like in the next 20 years? What are the values of the leaders of tomorrow? These faces and these values are in the children we are raising today. It is not too much for this body, or the coequal body of the House, to say the time is right, to put our money where our mouth is, to give these hard-working families the opportunity to get a little extra—a little extra of the incredible amount they pay into the system, a little bit extra to raise those children the best way they know how.

I started by saying the initiative to stimulate the economy in this country was an initiative, I think, based on what we all wanted to achieve: Not just to stimulate the economy but to strengthen our Nation. And, once again, we have the opportunity, and we need to look no further than the faces of our children and the workers of the American family in order to be able to do that.

Let us make these American families our priority today.

I ask unanimous consent that the Senate proceed to calendar No. 52, H.R. 1308, a bill to amend the Internal Revenue Code of 1986 to end certain abusive tax practices; that the Lincoln substitute amendment, which is at the desk and is a modified version of S. 1162, a bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, be considered and agreed to; that the bill H.R. 1308, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, without intervening action or debate, on behalf of working American families.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, reserving the right to object, I ask unanimous consent that the request be modified so that all after the enacting clause of H.R. 1308 be stricken, and the text of the Grassley amendment regarding the child tax credit be inserted in lieu thereof; provided further that the bill then be read a third time and passed and the motion to reconsider laid upon the table.

Mrs. LINCOLN. Mr. President, with all due respect to my colleague, I reserve the right to object.

The PRESIDING OFFICER. Is there objection?

Mrs. LINCOLN. Yes. I object.

I would like to comment. I think I know what the chairman is doing. I would like to comment that we did provide pay-for in our bill. My concern for what he has offered is that it is going to add another $90 billion or $80 billion to unpaid debt in this country, for which I don't believe there is a pay-for.

I respectfully object.

The PRESIDING OFFICER. Objection is heard to the modification.

Is there objection to the request?

Mr. DOMENICI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI. Mr. President, I would like to state what the Grassley proposal is.

It would make permanent the increase in the child tax credit. The bill signed by the President last week increases the credit from $600 to $1,000 for the next 2 years. The Grassley amendment would make the increase permanent.

Second, it would eliminate the marriage penalty built into the current child tax credit. The Grassley amendment increases the income phaseout for married couples filing jointly to twist the limit for single individuals filing alone. The Lincoln amendment fails to address this inequity in the current formulation of the child tax credit.

Third, the amendment would create a uniform definition of a ''child.'' This language is identical to the legislation introduced by Senators GRASSLEY and BAUCUS. This change reduces from five to one the number of definitions of a ''child'' in the Tax Code, which will simplify part of the code that will directly affect working families.

I might say to my good friend that I think she understands. I have the greatest respect for her. And, obviously, she makes a case today not only for herself but for many Senators and for many who voted with her in the days preceding as this legislation worked its way through here and through the conference in the House.

It is the responsibility of the Senator from New Mexico to respond in behalf of the majority, and I have done so. In doing so, I have offered a counterproposal. Obviously, it is significantly different than the one the distinguished Senator from Arkansas offered; nonetheless, a very significant proposal. I thank her for her generosity.

I yield the floor.

Mrs. LINCOLN. Mr. President, I thank the chairman and my good friend, who is a diligent worker on behalf of children. I know his concern for the children of this country. I would like to express to him that in the counterproposal that has been offered, it was not my intent to look for an attempt or an excuse to reopen the tax package or to spend an additional hundred billion dollars. I simply felt very compelled—that with a small portion of this bill that could be rectified to make sure these working families in America could get the same benefit from this tax bill that everybody else will on July 1—to think this was an easy opportunity for us to do that. We had a pay-for that was reasonable and something that the rest of the Senate had already agreed to and that Senators probably felt very comfortable with. It was simply an opportunity to express to those families that we certainly believed they were a priority and that we could support them in this effort.

I appreciate the remarks of the Senator very much. I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me speak very briefly and indicate my strong support for the Senator from Arkansas and her effort.

I think clearly we need to address this major failing of the previously passed tax bill, and we need to do so in a way that is fiscally responsible. That is exactly what the Senator from Arkansas has proposed—to find a way to pay for the refundability of the child tax credit. That is what she proposed earlier in the bill. That is what the Senate agreed to earlier in the bill. That is clearly what we ought to do at this point. I regret that we were not able to do that this afternoon. But I hope the opportunity to do so will recur at some point in the near future and we can, once again, do what we believe should be done to try to bring more equity to that tax package which was passed and signed by the President.

Mr. DOMENICI. Mr. President, it is my understanding that a vote will occur at 4:30; that there are 10 minutes prior thereto for debate on the first amendment equally divided into 5 minutes each for those proponents and opponents of that amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Parliamentary inquiry: What is the title of the first amendment?

The PRESIDING OFFICER. The first amendment is amendment No. 843 offered by the Senator from California, the purpose of which is to offer an ethanol mandate renewable fuel program to be suspended temporarily if the mandate is harmful to the environment.

Mr. DOMENICI. Mr. President, I trust the Senator from California will be here if she desires to debate it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

AMENDMENTS NOS. 843 AND 844

Mr. DASCHLE. Mr. President, I know we will be voting at 4:30 on the Feinstein amendments. Both amendments attempt to provide waivers to the States from the renewable fuels standard. There are several points to be made. I made some of them this morning. But in case my colleagues have not had the opportunity to evaluate the amendments or consider the concerns raised by many of us with regard to the amendments, I thought it would be appropriate for me to say a couple of words again now.

First of all, with regard to ethanol utilization, the State of California is currently using ethanol in 65 percent of all the fuel it is marketing within the State. That is expected to go up to 80 percent this summer. The Department of Energy in California has said there has been absolutely no difficulty in the integration of ethanol from a transportation point of view, a storage point of view, an environmental point of view, or a cost point of view.

So that would be first. Why have a waiver when there is no problem? The problem does not exist. In fact, studies have shown—that I pointed out this morning, one by the Department of Energy Information, one by the Department of Energy in California—that have said there is absolutely no connection between increases in the price paid for gasoline and the use of ethanol. So from a cost point of view in particular, there certainly isn't any need for a waiver.

Secondly, and perhaps far more importantly, this legislation provides that there is no mandate on the States. There isn't one requirement within the bill that says a State must use ethanol as part of its requirement under the law. That does not exist. The requirement is on refiners, not on the States. And the refiners are given wide latitude to make their decisions based on where it is appropriately marketable and not on any predesign with regard to the market itself.

We are not dictating to any oil company that that 65 percent now being used in California be used as a result of a legal requirement. That does not exist. We are simply saying: Look, we will let the oil companies and the refiners make up their own minds. And

with the credit trading system, the job is made all the easier.

I would also say that if worse comes to worst, we have said: Look, if all else fails, there is absolutely no reason why a State cannot apply for a waiver under the new law. Senator FEINSTEIN and others have suggested, well, they have applied for waivers in the past and have been turned down. I hasten again to add for those who may be confused by this, she is talking about the current law. In part, what we are doing now is amending the law, removing the oxygenate requirement, phasing out methyl tertiary butyl ether, MTBE, and providing an opportunity for States to get out from under requirements of the old law while at the same time coming up with a way with which our country can reduce its dependence on foreign sources, can find ways with which to clean up the air, and can do as much as possible to find markets for agricultural products within our own States and country. That is, in essence, what this bill provides.

So I simply say, Mr. President, as well intended as the Senator from California is, there is absolutely no reason why this waiver is necessary. They have one in the bill. They have the credit trading system in the bill. There isn't any requirement for a State to mandate the use of ethanol in this bill.

And, finally, it is working as we have predicted it would, certainly in those States where the markets have been allowed to work. California, as I said, now expects 80 percent of their fuel to incorporate ethanol through the summer. So it is yet another one of these constant myths that has to be destroyed and dealt with as we consider the many allegations about what it is we are trying to do.

Very simply, we are saying to the country, to the refiners, to petroleum marketers in particular: We are going to give you as much flexibility as you could possibly hope to have. And that is exactly what this legislation does.

Having said that, 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.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask my colleagues to support the second-degree amendment I offered this morning to the pending first-degree ethanol mandate that would provide authority to the Administrator of the EPA to waive the ethanol mandate if a State or a region does not need it to meet the requirements of the Clean Air Act.

In the pending first-degree ethanol mandate, there is waiver language, and that waiver language allows the Administrator of the EPA to waive the ethanol mandate if it would severely harm the economy or environment of a State, a region, or the United States.

I believe the EPA Administrator should also have the ability to waive the mandate if a State can show that it can meet the Clean Air Act standards without having to use ethanol. I think that is very important because all the refiners in my State tell me that if we allow them flexibility, they can, through the reformulated model of our gasoline, for the most part, meet Clean Air Act standards without this mandate. They may have to use some ethanol—and they are using ethanol now because there is a 2-percent oxygenate requirement—they may have to use some ethanol at certain times of the year in certain areas of the State, but they do not need to use the amount of ethanol that this legislation forces them—forces them, Mr. President—to use to meet the Clean Air Act standards.

This mandate forces California to use over 2.5 billion gallons of ethanol over 8 years that the State does not need.

On this chart, the red shows the forced use of ethanol. The blue shows the ethanol we would use in certain markets during certain seasons to meet Clean Air Act standards. As one can see, there is a huge differential between the red and the blue areas.

We use this amount shown in blue and do not use the rest of the ethanol which is shown in red which we have to pay for anyway. That is a wealth transfer, if you will. In the outer years, it most certainly is going to mean an increased price of gasoline at the pump for consumers.

All this amendment does is add to the waiver provision one other possibility for waiver, and that is, if a State can show that it does not need to use all of this extra ethanol to the EPA, the EPA can then waive the mandate. What could make better sense? Why would anyone oppose this as a matter of public policy? Why would any public policy force use and force costs on a consumer and transfer wealth to another area of the country when it is not necessary to do so? That is the crux of my argument. We do not need to use it. This chart clearly shows it.

If we look at another chart, we will see that we are forced to transport a lot of ethanol to get it out to California; that the big production of ethanol is in the Midwest in what is called PADD II. Mr. President, 2.27 billion gallons of ethanol are made in this area. The entire West makes maybe 10 million gallons of ethanol. Therefore, all of this has to be moved not by fuel line but by barge, by truck, by boat, by some other way, and increases costs. That is the reason for the waiver. If we can show that we can meet Clean Air Act standards, EPA can give those States a waiver.

I thank the Chair. I gather my time is up. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am prepared to vote. Do I have to yield back time?

Mrs. FEINSTEIN. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Time is yielded back.

Mr. DOMENICI. I yield back any time I have in opposition.

The PRESIDING OFFICER. Without objection, the vote may occur at this time. The question is on agreeing to amendment No. 843. The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Missouri (Mr. BOND) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that if present and voting, the Senator from Florida (Mr. GRAHAM) and the Senator from Massachusetts (Mr. KERRY) would each vote ''nay''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 60, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—35

Akaka	Feinstein	Nickles
Allard	Gregg	Reed
Allen	Hatch	Santorum
Bennett	Hollings	Schumer
Bingaman	Hutchison	Sessions
Boxer	Inouye	Shelby
Cantwell	Kennedy	Specter
Clinton	Kyl	Sununu
Collins	Lautenberg	Thomas
Corzine	Leahy	Warner
Ensign	McCain	Wyden
Enzi	Murray	

NAYS—60

Alexander	Dayton	Lincoln
Baucus	DeWine	Lott
Bayh	Dodd	Lugar
Biden	Dole	McConnell
Breaux	Domenici	Mikulski
Brownback	Dorgan	Miller
Bunning	Durbin	Murkowski
Burns	Feingold	Nelson (FL)
Byrd	Fitzgerald	Nelson (NE)
Campbell	Frist	Pryor
Carper	Graham (SC)	Reid
Chafee	Grassley	Roberts
Chambliss	Hagel	Rockefeller
Cochran	Harkin	Sarbanes
Coleman	Inhofe	Smith
Conrad	Jeffords	Snowe
Cornyn	Johnson	Stabenow
Craig	Kohl	Stevens
Crapo	Landrieu	Talent
Daschle	Levin	Voinovich

NOT VOTING—5

Bond	Graham (FL)	Lieberman
Edwards	Kerry	

The amendment (No. 843) was rejected.

The PRESIDING OFFICER. The Senator from Virginia.

CHANGE OF VOTE

Mr. WARNER. I ask unanimous consent that on vote No. 203 my vote be changed from nay to aye. There is no consequence.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 844

The PRESIDING OFFICER. There are now 4 minutes evenly divided. Who yields time?

Mr. DOMENICI. Can we have order, Mr. President? I understand the Senator from California has 2 minutes. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. FEINSTEIN. Mr. President, I will just use a minute and then cede some of the remaining minute to the Senator from Arizona, if I might.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, this amendment would allow a Governor of a State to opt into the ethanol program. Both Alaska and Hawaii have been able to become exempted from the ethanol mandate. The question this presents for many of us is this: If a Governor of a State believes the program is cost effective, believes it is going to clean up their environment, believes it is all of the things the ethanol proponents say it is, then surely that Governor will opt in.

But if a Governor of a State, depending upon geographical location, infrastructure for delivery, or science about the product, might decide not to opt into the program, that Governor would have that opportunity. This amendment is cosponsored by Senators NICKLES, MCCAIN, KYL, GREGG, WYDEN, LEAHY, SCHUMER, REED, SUNUNU, KENNEDY, and CLINTON.

I thank them for their support and yield the remainder of my time to the Senator from Arizona.

Mr. KYL. Mr. President, can we have order?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let's make it clear that every State still has to comply with the Clean Air Act. The question is how they each choose to do so. In Arizona, the Department of Environmental Quality, the department of the State that is required to cause the State to be in compliance, says this mandate will actually cause two of our larger communities, Yuma and Tucson, to be in noncompliance with the ozone standard during the summer months. Each State can meet the requirements in the ways they deem best under the amendment of the Senator from California. Let's not mandate a one-size-fits-all—oh, excuse me, except for Alaska and Hawaii—for every State. Give the Governors who are responsible people the ability to decide whether this is the best way for their State to meet the Clean Air Act standards.

The PRESIDING OFFICER. Who yields time? The Democratic leader.

Mr. DOMENICI. Mr. President, can we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DASCHLE. Mr. President, this amendment is based on a misconception. The misconception is that somehow there is a mandate to begin with. There is no mandate for the States under this bill.

There is a requirement that refiners find a way to reach the goals that we set out in the legislation overall, both in energy as well as the ethanol itself, but there is no requirement that States meet some standard with regard to utilization of ethanol. And there is also an option for the States to opt out if they find the circumstances described by the distinguished Senator from Arizona would ever come about. States have the right to opt out, even though there is no particular mandate to opt into the program to begin with. This is a refiners obligation, not a State obligation.

Mr. DOMENICI. Mr. President, might I say, if you are for an ethanol program for the Nation, then you can't vote for this amendment.

If this amendment passes, there is no American ethanol program as we have been speaking of it in terms of reducing the American dependence on foreign oil. It becomes something different and not an American program to accomplish that purpose.

I yield the remainder of my time.

Mrs. FEINSTEIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficent second.

The question is on agreeing to the amendment, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. GRAHAM) and the Senator from Massachusetts (Mr. KERRY) would each vote ''nay.''

The PRESIDING OFFICER (Mrs. DOLE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 62, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—34

Akaka	Enzi	Leahy
Allard	Feinstein	Lott
Allen	Graham (SC)	McCain
Boxer	Gregg	Nickles
Campbell	Hollings	Reed
Chambliss	Hutchison	Santorum
Clinton	Inouye	Schumer
Collins	Kennedy	Sessions
Corzine	Kyl	
Ensign	Lautenberg	
Shelby	Sununu	Warner
Specter	Thomas	Wyden

NAYS—62

Alexander	Daschle	Lincoln
Baucus	Dayton	Lugar
Bayh	DeWine	McConnell
Bennett	Dodd	Mikulski
Biden	Dole	Miller
Bingaman	Domenici	Murkowski
Bond	Dorgan	Murray
Breaux	Durbin	Nelson (FL)
Brownback	Feingold	Nelson (NE)
Bunning	Fitzgerald	Pryor
Burns	Frist	Reid
Byrd	Grassley	Roberts
Cantwell	Hagel	Rockefeller
Carper	Harkin	Sarbanes
Chafee	Hatch	Smith
Cochran	Inhofe	Snowe
Coleman	Jeffords	Stabenow
Conrad	Johnson	Stevens
Cornyn	Kohl	Talent
Craig	Landrieu	Voinovich
Crapo	Levin	

NOT VOTING—4

Edwards	Kerry
Graham (FL)	Lieberman

The amendment (No. 844) was rejected.

Mr. REID. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

NEXT GENERATION LIGHTING INITIATIVE

Mr. BINGAMAN. Mr. President, will the manager of the legislation yield for a question?

Mr. DOMENICI. I am happy to yield.

Mr. BINGAMAN. Section 914 of this legislation directs the Secretary of Energy to establish a research and development program on solid-state lighting. I worked on this provision with the Senator from New Mexico, the chairman of the Energy and Natural Resources Committee, and I thought it would be useful to have his agreement that this program should not be a traditional grant, contract or cooperative agreement effort. The Department of Energy, DOE, should administer this program in partnership with an alliance of solid-state lighting industry partners who will act to guide and evaluate the research.

Mr. DOMENICI. I certainly concur. The alliance should be an inclusive but well-defined group of companies active in the research, development and implementation of solid-state lighting technologies in the United States. The DOE should select the alliance as quickly as possible, so as not to delay the program's implementation.

Mr. BINGAMAN. If the Senator would yield for a further question, I would like to know whether he also agrees that our intention is that academia, national laboratories and other research organizations should perform most of the fundamental research, while commercial entities, especially alliance companies, should perform most of the development and demonstration work. The selection of DOE laboratories should be based on demonstrated technical accomplishments

in the field of solid-state lighting, particularly inorganic and organic light-emitting diodes.

Mr. DOMENICI. Mr. President, again I completely agree with the Senator. I would also add that the intellectual property in section 914 is patterned after the Department of Energy's Solid State Energy Conversion Alliance, or SECA. Under the SECA model, research and development qualifies for the ''exceptional circumstances'' provision of the Bayh-Dole Act. Inventors still retain rights to their intellectual property. Those alliance participants who are active in solid-state lighting research and development will receive the first option to negotiate non-exclusive licenses and royalty payments to use the invention.

Mr. BINGAMAN. I thank the Senator and would ask one final question. I think he would agree that solid-state lighting is in its research infancy. While it holds a promise to make white light illumination 10 times more efficient than today's light bulb, it is imperative that the DOE implement this program quickly, and transfer the pre-competitive research to industry, so that our country can retain its leadership position in lighting—a field that Thomas Edison started.

Mr. DOMENICI. I fully agree. The Senator serves as our ranking member and was instrumental in the adoption of this provision by our committee. I think we both expect that quick action by the Department of Energy will stimulate the private sector.

Mr. BINGAMAN. I thank the Senator for yielding.

AMENDMENT NO. 845 TO AMENDMENT NO. 539

(Purpose: To amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes)

Mr. BINGAMAN. Madam President, on behalf of Senator SCHUMER and Senator LINCOLN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mrs. LINCOLN, proposes an amendment numbered 845 to amendment No. 539.

Mr. BINGAMAN. Madam 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 printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. I ask unanimous consent that the majority whip be recognized to speak for up to 5 minutes.

Mr. MCCONNELL. As in morning business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia? Without objection, it is so ordered.

Mr. MCCONNELL. I thank the distinguished assistant Democratic leader.

(The remarks of Mr. MCCONNELL are printed in today's RECORD under ''Morning Business.'')

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 539 WITHDRAWN

Mr. FRIST. I now withdraw amendment No. 539.

MORNING BUSINESS

Mr. FRIST. Madam President, I ask unanimous consent that the Senate now proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Madam President, it is probably confusing to people who are watching this debate and discussion. I have just withdrawn the ethanol amendment. As the minority leader suggested, my plans are to reintroduce that amendment at the earliest time feasible, likely first thing tomorrow morning.

What has just happened is that while we were talking about ethanol and energy, we were moved to the consideration of something which, yes, could be related but it is on child tax credits, another issue that is important to the American people. What we have agreed to do is to address that issue sometime in the very near future in a way that we can consider alternatives to addressing the issues surrounding child tax credits.

The Senator from South Dakota.

Mr. DASCHLE. Madam President, I am disappointed that the underlying amendment was withdrawn. That was an amendment offered by the distinguished majority leader and myself. We are certainly going to be coming back at the earliest possible time to continue the debate.

We have had a good debate today. A couple of amendments were offered to the amendment. This is a revenue bill, and certainly it is within the right of the Senator from Arkansas to offer this amendment. This is a key amendment that I hope we can address. We have begun discussions about how we might address it over the course of the next couple of days. It would be my hope that we could get a vote on this amendment, whether it is freestanding or it is a part of the bill, and whatever our Republican colleagues may wish to offer as well, but we have to keep moving along. The sooner we can dispose of this amendment, the sooner we can get to some of these other issues.

I hope we can reintroduce the ethanol amendment at the earliest possible date, continue the debate on that, finish it, and then move to the other issues as we debate this bill.

So it is disappointing, but I hope we can regroup and begin again tomorrow.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I know the distinguished minority leader is disappointed, but not as much as the Senator from New Mexico. Obviously, we have worked very hard on what we think is a very good Energy bill. I think the United States deserves an Energy bill. I know there are other issues. I have no quibble with other Senators who have issues that they think are of great importance, including tax issues, but it is quite a surprise to see an issue of tax significance being applied to an Energy bill for the United States, although technically one might call it a tax bill.

Nonetheless, where there is a will there is a way. If I understand it, there seems to be a will tonight that we will proceed to try to iron out the difficulties between the parties as to the tax matters and then tomorrow proceed with dispatch to get the ethanol amendment back on board, and hopefully not have to go through the same amendments on ethanol that we have already had, and proceed with the lining up of some amendments on the Energy bill with which I understand the minority has indicated a willingness to help. We will work on our side to do the same.

Whatever time I had remaining under my 10 minutes, I yield back.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Madam President, it is probably confusing to people who are watching this debate and discussion. I have just withdrawn the ethanol amendment. As the minority leader suggested, my plans are to reintroduce that amendment at the earliest time feasible, likely first thing tomorrow morning.

What has just happened is that while we were talking about ethanol and energy, we were moved to the consideration of something which, yes, could be related but it is on child tax credits, another issue that is important to the American people. What we have agreed to do is to address that issue sometime in the very near future in a way that we can consider alternatives to addressing the issues surrounding child tax credits.

Child tax credits are a separate issue from ethanol and energy, a very important issue, one we have been made aware of over the last several days that must be addressed. We will, of course, tonight, figure out the best way to address that, and it will be done in the very near future.

We will in all likelihood reintroduce the ethanol amendment, my amendment, with the Democratic leader, early in the morning, and over the course of tonight and this evening and early in the morning we will, hopefully, have a series of amendments

lined up, and we will be able to move directly to ethanol, on energy, so that we can progress with this very important legislation, the Energy bill, and this ethanol amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I do not quite understand why the ethanol provision had to be pulled at this point. I know an amendment was offered by my colleague and it deals with the child tax credit. It seems to me that could have been dispensed with rather quickly.

Let me talk for a minute about the child tax credit. First, I think the ethanol provisions are very important. I am a member of the Energy and Natural Resources Committee and I want this Energy bill done. We have a responsibility to get this moving and through here.

My colleague earlier today offered a unanimous consent request dealing with the child tax credit. It is not surprising to me that was offered. It probably would have been offered no matter what was before the Senate. The reason for that is the announcement in recent days regarding the final conference report of the tax package. That told us what most know; that is, when those who wrote this package gathered in a room someplace, there were not a lot of high-priced folks around trying to encourage them to make sure all American children were treated right with respect to the child tax credit.

Now we discover around 12 million children in this country are left out of this calculation of child tax credit. Why? Because some people allege—in fact, I heard it on a talk show today—some allege they do not pay taxes. These people do not pay taxes, we are told. I don't know what they are thinking when they say that because these are taxpayers. They work hard. Often these are the kinds of people who have to shower after work, not before work. They work hard all day long and they pay more in payroll taxes than they pay in income tax. And they are told by this Senate, they are told by the Congress, they are told by talk show hosts, that they do not pay tax and therefore their kids do not count.

This Congress ought to be embarrassed when it hears news reports about what the conference report said: By the way, we will provide a child tax credit, but we will decide that 12 million children are left out. Why? Because their families earn between $10,000 and $26,000. Somehow the Congress has decided they do not work, or they do not count, or they do not pay taxes. What a bunch of rubbish. What a bunch of nonsense. They deserve to be angry about this. We ought to be angry about it. What kind of priority is this? I don't understand it at all.

The fact is, when they look back at our work 10 years from now, or 100 years from now, the only thing historians will understand about us is what our value system was. What did we value? What did we think was important? What did we stand up for? Whose side were we on?

I watched this tax bill come together, and I waded through crowds of people in the Capitol—basement, first floor, second floor. I guarantee I have never had to wade through a crowd of people who came to Washington, DC, to make sure we were playing fair for these 12 million children, to make sure we were standing up for the families who were earning $10,500 a year to $26,000 a year. I guarantee the hallways are not filled with lobbyists being paid to represent their interests. I guarantee that.

But there are a lot of high-priced people around here protecting the interests of the people at the upper end of the income scale. We did not hear reports that they were being shortchanged, that children at the upper end of the economic ladder were left out. No, they were taken right good care of. It is just the folks at the bottom. The folks at the bottom, working people, people who work for $10,500 to $26,000 a year, who have kids, trying to raise a family, they are the ones who know about ''second''—second house, second mortgage, second shift, second job. And now they get second-hand treatment in the tax bill because they are told they don't count because they don't pay taxes. The heck they do not pay taxes. Of course they pay taxes. They pay payroll taxes out of every single paycheck. I am offended that people say people at the bottom of the economic ladder who find a paycheck less than their gross pay—and do you know why? Because they had taxes taken out—I am offended when people say they are not taxpayers. I am offended when somehow it is told they do not deserve a tax cut like all other Americans because the fact that they pay payroll taxes is somehow less worthy than others who pay income taxes. One-half of the American people pay higher payroll taxes than income tax and somehow this tax bill and those who worked on it decided they were not worthy, they were not taxpayers. We will tell their 12 million children they do not count. We will tell them it does not matter they have kids; they do not need the tax credit.

There is something horribly wrong with that value system. It is not surprising to me that someone comes to the floor—and if it had not been my colleague from Arkansas, it would have been one of a dozen others today—to say this needs to be fixed—not tomorrow, not next week, not next month. This ought to be fixed now. It ought not take an hour or a day. It ought to take 10 minutes for this Senate to understand its responsibility.

It's our responsibility to say to these people, the working people making $10,000 to $26,000 a year, trying to raise kids, working at a job, trying to do right, it is this Congress' responsibility to say to them: You get the same tax cut as other Americans do. We provide the same child tax credit for you as we provide for other Americans. You pay taxes; we intend to recognize it. That is the responsibility of this Senate.

I do not, for the life of me, understand why the offering of this amendment persuades somebody to take down the amendment in the Energy bill. That is nonsense. We can pass this in 5 minutes.

Mr. REID. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. REID. I wonder, does the Senator think any parents of these kids earning $10,000 to $26,000 a year, do they benefit from the cut in dividend payments from corporations? Do you think they benefit much from that, which was in the final version of the bill?

Mr. DORGAN. I say to my colleague from Nevada, there is no question, these are not families who have dividends. These are not families who collect a lot of interest. These are families who live paycheck to paycheck, trying to make a living, trying to do right by their kids, trying to send their kids to good schools, trying to buy new clothes for the kid to go to school in September. These are families trying to make ends meet. They are always left out.

Frankly, I was surprised when I heard the President and others advertising the tax bill, saying we support a child tax credit for America's children—except he left out the colleagues of mine in the Senate who convened in a conference, without our participation. Nobody here was invited to that conference. They wrote a bill that said it is just some American children; it is not children from those families who make $10,000 to $26,000 a year because somehow they are not taxpayers.

Mr. REID. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. REID. The Senator and I have been back in Washington for some time. Right out these doors and various other places in the Capitol, there are lobbyists, lobbyists who represent interests. Did the Senator run into any lobbyists during consideration of the tax bill, the people wearing the Gucci shoes, delivered to the Capitol in limousines, lobbyists representing these people who were left out of the benefits of this tax bill passed 2 weeks ago?

Mr. DORGAN. To my colleague from Nevada, this hallway in the Capitol outside this Chamber is never ever populated by those who are paid to represent the interests of people who work at the bottom of the economic ladder. They do not have full-time lobbyists crawling the Halls of Congress saying: By the way, give us a break on dividends; give us a break on this issue or that issue.

No, unfortunately, it is these families, the families who work hard, at the bottom of the economic ladder, struggling every paycheck, trying to make ends meet, who get the short end of the stick every time you open it up and look at the details.

I was surprised. I am a Lutheran Norwegian from North Dakota, kind of

stoic. I don't rise to the passion of some of my colleagues from New York, but this makes me angry. That is just because it is fundamentally wrong. It talks about our character, that we decide we are going to give some tax cuts, we are going to help some people out, but you know what. We will take a look at the top people and just give them a thick layer of butter on their bread, but to the bottom people we will say you don't count.

I will tell why. Mark my words. It is because those who wrote this bill believe that these are not taxpayers. Do you know why? Because somebody who is making $15,000 a year, trying to raise four kids, trying to patch up their car, seeing if they have enough money for new brake linings, seeing if they can afford to put gas in next week—it is because those people are working at jobs where in most cases they are not paying an income tax. But they are paying a payroll tax. The fact is, as a percent of their income, they pay a higher payroll tax than the people at the upper end of the income scale. But when it comes time for tax cuts, we have people sitting around a table here who say the only people who pay taxes in America are those who pay income taxes. That is pure nonsense and they ought to know better. There are taxpayers in this country—in fact, more than half of the American people pay higher payroll taxes than income taxes.

I frankly resent it when people say somebody at the bottom of the economic ladder who pays payroll taxes is not an American taxpayer. If we talk about trying to provide some stimulus to this economy of ours, trying to provide some lift to this economy by giving people purchasing power—and that is what people talk about, providing some purchasing power—the American economic engine is the working families out there. Provide them with purchasing power with tax cuts and they will make the economic engine purr—except they say those most likely to spend the child tax credit, those who need it most, those at the bottom of the economic ladder, working every single day, they should be left out and they and their 12 million kids should not count.

I know why it happened. It is because we have colleagues in this Chamber who say they are not taxpayers because they do not pay income taxes. But they pay payroll taxes. We have colleagues who say payroll taxes do not count; you are not a taxpayer.

I say that is sheer rubbish.

Mrs. LINCOLN. Will the Senator yield? Not only do they pay payroll taxes, but they also pay sales tax when they buy new tires for that vehicle. They pay excise taxes. For people who live in States like ours which are predominantly rural, who have to drive great distances to their jobs, perhaps, when they pump gasoline, they are paying an excise tax. They pay property taxes and also they have to pay State income taxes in some instances that are different from Federal income taxes.

The Senator from North Dakota makes some very good points. These are taxpayers, hard-working people trying to raise a family, playing by the rules, and they are paying taxes.

I would like to ask the Senator, when was the last time you saw anybody offer up a tax cut on their sales tax or on their excise tax or on the other taxes they do suffer from or that they are burdened with?

In other words, they are going to see all the tax increases but never see any of the tax decreases or the tax benefits, if we do not look to making these child tax credits refundable to those 12 million children who are out there, in these families who are continuing to pay not only payroll taxes but the sales taxes and the excise taxes and everything else out there. The Senator makes an excellent point.

Mr. DORGAN. Mr. President, Bob Wills of the Texas Playboys back in the 1930s had a song with a verse that fits almost perfectly the philosophy of those who wrote this bill and left out 12 million children.

> The little bee sucks the blossom,
> and the big bee gets the honey.
> The little guy picks the cotton,
> and the big guy gets the money.

It is a simple verse with an important lesson.

I followed a car the other day, an old car that had several children in it. They had the back bumper taped up but they had a bumper sticker that said:

> We fought the gas war and gas won.

I pulled up behind that car at a four-way stop sign and smiled to myself because, you know, in circumstances like that, that family trying to raise children, trying to keep an old car together, keep the bumper taped on, they figure everybody wins except them. They are trying hard but they do not win; somehow they do not count. That impression is always reinforced.

Yes, it is reinforced by Bob Wills in the Texas Playboys' verse, but it is reinforced every day in almost every way, especially in the policies of this Chamber.

It is about values. This decision we make about tax cuts is about our value system. What do we think is important? What do we hold dear? What is our character about?

Let me yield the floor in a moment by simply saying Mr. Wallis, the Convenor of the Call To Renewal, a National Federation of Churches and faith-based organizations, said:

> The decision to drop child tax credits for America's poorest families and children in favor of further tax cuts for the rich is morally offensive.

My whole hope is we just do the right thing and do it quickly. We know what the right thing is. It is not the right thing to say these 12 million children coming from the lower-income households, working households that are trying to make ends meet, that they should not count with the child tax credit. We know that is wrong. If we know that is wrong, and in our heart all of us know that is wrong, then we know what is right. What is right is to say we will fix it and we will fix it now—not tomorrow, not next week, not next month, not after we have another closed meeting and some secret conference—right now.

We can do that. That is our obligation, in my judgment, to a lot of people in this country who deserve a break from us—taxpayers. Yes, they are taxpayers who deserve some tax relief in the form of child tax credits, taxpayers who were left out of the original bill but who will, with the help of my colleagues, be put in, in this Senate.

Mrs. BOXER. Will the Senator yield? I know my friend from Arkansas has a very important meeting tonight, on behalf of her children, as it turns out. That is why she is the perfect person—I ask my friend, before he leaves the floor—to have brought this to us, because she knows children's needs very well, after raising the most beautiful twin kids who I happen to know personally and consider them friends.

I guess my question to my friend—and I will be brief on this question—is this: Does my friend have any idea—and I don't expect him to know—how many of these kids come from California? He talks about 12 million. Does he have any notion? I would say to my friend the answer is about 10 percent, about 10 percent of those kids.

I want to say to my friend that in this tax cut, if we do not fix it the way my friend from Arkansas wants to fix it—and make no mistake, it could have been done already, all this rigmarole and parliamentary procedure aside. In California people who make between $10,000 and $20,000, their average tax cut—does my friend have any idea what it might be?

Mr. DORGAN. I don't think it is fair for the Senator from California to ask me questions she assumes I can't answer. The correct answer is no.

I have to leave the floor.

Let me ask consent that my colleague from California be recognized for 3 minutes.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered. The Senator from California.

Mrs. BOXER. I will just take a minute. I would say it is important to note that the people in California—and I assume this is true of the people in the State of Tennessee, in the State of Arkansas, and perhaps New York as well—the people who earn between $10,000 and $20,000 a year, their average tax cut, which the President signed into law and most Democrats voted against and most Republicans voted for—their average tax cut is $7. These are working people. They are working. They are getting their hands dirty. They are keeping this country going. The top elite few get hundreds of thousands back and these people get $7 a year.

If they have children, they are suffering, and all my friend from Arkansas is saying is: Give these families a little fairness. They pay payroll taxes. They pay sales taxes. They have to live. And, by the way, giving them a check is going to stimulate this economy, not by giving it to people like Leona Helmsley. She has everything she needs, thank you very much. I don't mean to pick on her particularly—but Warren Buffett has said it well himself. He doesn't need it. He has his kids and their kids and their future kids and their future kids covered. He has every generation of Buffetts covered.

All we are doing is fighting for the people who need us the most.

I thank my friend from Arkansas for her courage and I want to say how much I support her and how much I am looking forward to voting in favor of her amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. REID. Mr. President, will the Senator yield for a statement?

Mrs. LINCOLN. Yes.

Mr. REID. Mr. President, I have been waiting to be recognized so I could lay on this RECORD a compliment from me, the people of the State of Nevada, and the country for the brilliant statement the Senator made this past Saturday on national radio. Rarely are the statements of the Democrats who follow the President's weekly address picked up on the weekly and hourly news shows on the weekends. But the statement of the Senator from Arkansas was on the news all Saturday afternoon and all day Sunday, the reason being that it was such a timely statement the Senator made. It is obvious that it had a tremendous impact because we have now heard from the majority. Paraphrasing the statements we have heard over here today: Yes, I guess we could have done a little better, and we will work something out so there will be some adjustments made on how children in America are treated for tax purposes.

The Senator from Arkansas, I believe, can take much of the credit for our being here today. I told her personally, and I want to say publicly, she did a tremendous job representing the people of Nevada and the rest of the country.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I thank my colleagues from Nevada and California, and all of those who have come to the floor today to talk about a very important issue.

I also compliment my colleague, Chairman DOMENICI, as well as the ranking member, Senator BINGAMAN, for an incredible effort on our Energy bill. There is no doubt that we need to address the energy needs of this country. We have for the last 25 years tried to modernize what we do in energy. I think this bill is an incredibly important bill. I hope my amendment does not in any way diminish my support for what the chairman is doing in moving forward on the Energy bill. It is equally important to the working families of this great Nation that we address those issues and look at ways of finding alternative fuels. Lord knows, for those who pay the bill at home—the last time I paid my gas bill, it was enormously high, and for American families as well. When we look at an opportunity for an energy package, such as the chairman is bringing to us, we can certainly provide for our families some of their capabilities to raise their family and be productive and strengthen this great country in which we live.

I hope the chairman can understand. I noticed his disappointment as we shifted off that amendment. I, too, was disappointed. I was disappointed when this child credit bill was taken out of the bill in the dark of the night—something that was important to so many families across this Nation.

I also want to plead with those who are disappointed. We have shifted off only for a moment. We will return tomorrow and go vigorously at this Energy bill. We only have a limited amount of time.

This tax package was signed into law. Many individuals will reap its benefits come the first of July. But these 12 million children and their families will not get those benefits on July 1 unless we act quickly.

Certainly, we all know that when we have made mistakes, or when we have done something which we think we could have done better, what do we do? We immediately try to correct it. We don't sit around as it becomes worse; we deal with that issue.

That is all I have been asking. This is an appropriate bill. It is a revenue measure, and it is appropriate for me to bring up an amendment such as this.

Again, I don't want those who are working so hard and who have invested so much time, as I have, too, on the Energy bill to think we are trying to divert any of that attention. We are simply trying to correct something that was done incorrectly.

We only have a limited amount of time. We want to make sure that these families are given the same benefits and the same opportunities this tax bill will give other Americans to infuse the economy, to help grow the economy of this great country and, thus, strengthen our Nation.

We talk about it time and time again. I hope as we reflect on these families that we are actually trying to help those working families who are making between $10,500 and $26,625. These are the families who have been left out. I promise you, these people do pay taxes. Although they may not fall into the category of paying enormous income taxes, think of the sales taxes they pay, think of the excise taxes they pay, think of the property taxes they may pay, and think of some of the State taxes they may pay. They are paying taxes that are consuming a lot of their take-home pay. The problem we have is that they are trying desperately and passionately to raise their children with the same values you and I have.

Why does it come to my attention? It is because of the time I have spent at home over the past 2 years shadowing welfare moms as we were debating the welfare reform package, recognizing that it is as painful for that welfare mother leaving a crying child at daycare as it is for me, a Senator.

This past spring break, I spent my time traveling around the State of Arkansas visiting with workers. But then I, too, had to put on my hat and became a mom. I had to go and purchase blue jeans for my children. I had to buy tires for my car because my husband told me I had to—not because I wanted to spend my money there but because he told me it was for the safety of our family. We needed new tires. I had to put a new battery in my car—all of these things, none of which I did that was any different than any other working mom, no matter how much that working mom makes.

All we are doing is asking for fairness in a package that is there to stimulate the economy. And for what reason? So we can strengthen our country. Not only do we want to give these families the capability to provide for their children in a way that is going to make their children stronger Americans, smarter Americans, healthier Americans, more safe Americans, but we want to give them the opportunity to participate in strengthening this country. This is not a handout. This is reaching a hand to our neighbors—those who are doing the same things we are doing: Raising our children and strengthening our families.

I plead with my colleagues. If we notice something that we haven't done as best we could do it, let us fix it. Legislation is not a work of art; it is a work in progress.

A lot of my colleagues agree with me. I have 49 cosponsors since we introduced the bill yesterday. Six of them are Republicans. It is bipartisan. I don't want this to be a partisan issue. I want this to be a strengthening issue; that we in the Senate believe our working families mean enough to us that we are going to share with them less than 1 percent of this tax bill to help them raise their families, to buy those tires, that washing powder.

I paid the bill for my children's lunch tab at the school. None of these things is any different for these working families. We have to know that. We as a Senate have to know that. We can't sit on the pedestal and forget there are people out there trying to raise their families. We talk about values. We talk about how we want these children to be healthy, we want them to be tomorrow's leaders, we want them to have the compassion and the values that we talk about on the floor of this Senate.

My friends, the best way we can teach them that is to walk our talk, to

live these issues, to reach out to these working men and women of America, and say that our families are not just important to us, but your family is just as important; giving you this assistance to be the best families you can possibly be is a priority for us, a priority enough that we are going to take a few minutes out of our busy day on the floor of the Senate and correct something that we could have done better. We are going to take those few moments and make that happen. Then, we are going to resume our business with this Energy bill, and we are going to go back to our business of making the energy policy of this country even better for you, too.

So I hope my colleagues will not take this incorrectly. This is not about slowing down a train or missing the train stop. This is about reaching out to the working men and women of this country and saying: My children are not only important to me, but your children are equally as important to me. And I want to do all that I can to give you the ability to be the best parent and for you to have the best family that you possibly can.

To affect the lives of 12 million children—12 million children of working American families—is our opportunity this evening and tomorrow. These are people who are working. They are bringing home a paycheck, sometimes working two jobs, with both parents working perhaps. They have children.

I hope that as a body we will not miss that opportunity to move forward, show our great Nation—and other nations, too—that when we talk about our children and their future, when we talk about the future of this country and the role we have to play globally in the future workforce of America and the future leaders of America, that we do believe it is a priority, priority enough to stop for a few moments and correct something we could have done better.

Mr. President, I hope we will have multitudes of opportunities, as we move forward, to make a lot of things better, but in this opportunity here today and tomorrow as we begin to look at this issue and the bill that I have introduced, and that many of my colleagues have joined me in, I hope they will continue to join me in moving forward and doing what we can for the 12 million children who live in the working families of this great Nation, who have been left out of this tax package, to give them the relief and the opportunity to help grow and strengthen our country.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, before the Senator from Arkansas leaves—I know she has a meeting for her children—I want to add my accolades to that of my friends from Nevada and California. She has done a good deed. The Bible says: The best thing to do is do a good deed for those who are in need. She has done that, not only tonight but by her efforts in the Finance Committee and on the floor of the Senate because the children her amendment is aimed at are the ones who most need our help. So I know she has to attend to her own children. I thank her. All of America owes the Senator from Arkansas a debt of gratitude.

Mr. President, I am in full accord with what was said before about bringing this amendment to the floor. I do not like class warfare arguments. And I certainly believe there are certain tax cuts for people regardless of their income that stimulate the economy. I thought a tax cut was appropriate. But what really burns me is this idea that is circulating now that the people left out of the tax bill do not pay income taxes and, therefore, they are not entitled to a tax cut.

When you look at the working class, the people earning $10,000 to $26,000, they pay a much higher percentage of taxes than we do. They pay tax on gasoline. They pay a payroll tax. They pay property taxes, if they own a home. They pay the property tax in a passthrough when the home is rented. And their percentage is much higher than anybody else's.

If you want to talk about class warfare, look at this Wall Street Journal editorial today, ''Even Luckier Duckies,'' talking about these people who don't pay income taxes.

America, who would you rather be, a family with $22,000, paying no income tax—but paying a payroll tax, paying a sales tax, paying tax on gasoline—or somebody worth $1 million, God bless them, who pays $150,000 or $70,000 or $100,000, or whatever they pay in income tax? Give us a break. Who is doing class warfare? Who? I would say this editorial is class warfare. It is misleading as well.

''Luckier Duckies''? Well, if you want to define the world just by income taxes, you can. But ask any American—not just those making $10,000 to $26,000—ask any American making $60,000 or $70,000—at least from New York State—what is the tax they hate the most. It is not the income tax. It is not even the sales tax. It is the property tax. Do we define those people as well off because they pay little in income tax? Absolutely not. When a green dollar goes out of your hands for a tax, it is a green dollar, and it can buy food and it can pay rent and it does not matter if it is an income tax or a sales tax or a payroll tax. And, of course, the payroll tax is a Federal tax.

So this is not fair. This argument that these folks pay no taxes is bogus. The argument that they pay no Federal taxes, if they are working, is bogus. The idea that they escape the system scot-free while all the other wealthier people are struggling hard and paying money into the Treasury is bogus. They generally pay, as has been said before, a greater percentage of their income as taxes than more well-to-do people.

I read an article the other day in the New York Times. It wasn't about Federal taxes, but it took one census tract in Southern Queens in Ozone Park. It was an average census tract. I read about a family. They were talking about how tax increases in New York City—property tax increases, the increase in subway fare, which is not a tax increase but has the same effect—and the family was making, I believe it was $34,000. The mother worked in a beauty parlor and the father was a janitor at the library, and they had been saving $5 a week, I think it was, to have a party for their child's communion.

They kept an envelope, and every week Mom put the $5 in. And she started several years before because she knew the date of her child's communion and she wanted to have enough money to have a party for the whole family.

And now, because of these tax increases, because of the increase in the subway fare, and because of a rent increase on the block—and another family who was struggling was told by their landlord he would have to increase the rent because the property tax increased—there would be no party for the young child. It touched me. I wish every one of my colleagues could read that story.

This idea that people making $15,000 or $20,000 or $25,000 are ''Lucky Ducks,'' that is so unfair. It is not right. I would argue that is class warfare. And there are many people in America who are struggling and working hard. A lot of the people in the New York Times article I am talking about are immigrants. There is a very mixed group on those few blocks and around 101st Avenue in Ozone Park, NY. And every one of our families probably came here poor as church mice. Mine did. And every generation that starts here in America struggles. Mine did. And probably yours did too, Mr. President, at some point in the past.

No one is saying they are oppressed or beleaguered. They are fine people. They are the people who have made this country strong, along with so many others. But to say they are in great shape in terms of the Federal tax law, given the payroll tax they pay, to say they are in great shape, despite all the other taxes they pay—sales tax and property taxes, whether they own their property, or if not, the passthroughs—is just not fair. It is not right. It is not the best of America.

And I am not surprised this Chamber is empty. I am not surprised, during the course of this whole debate, not a single Senator from the other side, with the exception of you, Mr. President, who might have been here not quite by choice——

Mr. REID. Will the Senator yield for a question?

Mr. SCHUMER. I am happy to yield to my colleague.

Mr. REID. How long did my friend serve in the House of Representatives?

Mr. SCHUMER. Eighteen years.

Mr. REID. During that period of time, you served, as did I, with the now majority leader in the House of Representatives, Mr. DELAY; is that true?

Mr. SCHUMER. It is true.

Mr. REID. Is the Senator aware of a statement made by the Republican majority leader in the United States House of Representatives today that said:

> They had their chance. There is a lot of other things that are more important than that. To me it is a little difficult to give tax relief to people who don't pay income taxes.

Is the Senator aware that the majority leader of the House of Representatives has made this statement today?

Mr. SCHUMER. I was not aware of it. I am glad my friend from Nevada has brought it to my attention. It is what I was talking about. It is so unfair to say there were other things more important in the bill than helping struggling families. Before my friend from Nevada came in, I was talking about an article in the New York Times about working families, about the income level we are talking about, and how one family had been saving $5 in an envelope every week so that their son might have a party at his holy communion for all his friends and family. And now they can't save that $5 anymore because taxes are going up and the costs are going up. To say that family is not struggling is amazing.

I also am interested to hear my colleague say that there were other things in the bill more important. If I heard him correctly, it seemed to me that the majority leader is not going to want to change this. Did he say that as well?

Mr. REID. The majority leader said:

> They had their chance. There is a lot of other things that are more important than that. To me it is a little difficult to give tax relief to people who don't pay income taxes.

It is clear, in answer to the Senator's question, that the majority leader in the House of Representatives, the person who controls what comes and goes on that floor, has said that these people are out in the cold, for lack of a better description. They had their chance. As I discussed with the Senator from North Dakota, they had their chance. These people who make from $10,000 to $26,000 a year, their chance is weighed with the problems of people who make much more money. They have no one representing them. As I discussed with the Senator from North Dakota, there is no more populated area than the Halls of this Capitol Building when there is a tax bill up, with lobbyists who are looking for a little niche to help the elite of the country.

These people are not the elite. These people we are trying to help are not elite. They are people who, as Senator DORGAN said, take showers after work, not before. I am terribly disappointed that already the person who sets the agenda for the Republican House of Representatives has said these people are finished. They had their chance.

Mr. SCHUMER. I agree with my colleague. What is the purpose of saying they are doing OK because they don't pay income taxes, when they are paying 7.5 percent of their check into the payroll tax? That is something most Americans support, but they are sure paying a lot. Right then and there, when you have a $15,000-a-year job, and 7.5 percent comes out for the payroll tax, that is food off the table. That is not going without the second vacation or buying some special gift for your wife, that is food off the table.

When you pay that dollar to the Federal Government, to the State government, to the local government, do you think most Americans say it doesn't count because it is not an income tax? It doesn't count to pay property taxes? It doesn't count to pay sales taxes? It doesn't count to pay excise taxes?

That is the kind of logic that is what I call outcome determinative. You look at what you want to do: Help the wealthier classes for whatever reason. And then you come up with the argument that income tax is the only tax that counts.

I wonder if my friend saw this editorial in the Wall Street Journal, ''Even Luckier Duckies.'' Basically, it says this tax bill has made a lot of people very lucky because they won't have to pay income tax. And I asked my colleagues who were not here, how lucky do they think someone making $20,000 a year is compared to somebody making $200,000 or $2 million? Who would trade places? Who of those who make $200,000 or $2 million would trade places with the person who is making $20,000 so they could be a lucky duck and not pay income tax? Give me a break.

This is not America. This is not the generosity of spirit that this country has always shown. This is not the fairness that this country has shown. As I mentioned earlier, I don't like the class warfare arguments. I have supported tax cuts on individuals with some money to stimulate growth in the past and will continue to in the future. But to make it seem as the majority leader did, as did the Wall Street Journal editorial page, which often reflects the majority leader's view, that someone making $20,000 is lucky because they don't pay income tax, and someone making $1 million is unlucky because they pay significant income tax, that is turning logic, fairness, goodness of spirit, and having a good soul on its head.

I am happy to yield to my colleague.

Mr. REID. The Senator is aware that the tax bill, according to this White House, was passed to create jobs. The Senator has heard that?

Mr. SCHUMER. I have indeed.

Mr. REID. The Senator is also aware of people like Warren Buffett who said: I am going to get hundreds of millions of dollars as a result of this tax bill. I don't want the money. I don't need the money. I won't invest the money. You have heard him say this?

Mr. SCHUMER. I have indeed.

Mr. REID. Does the Senator acknowledge that any amount of money that people who are making $10,000 to $26,000 a year receive, whether it is $100 or $500, will be immediately spent to buy things that create jobs for people?

Mr. SCHUMER. The likelihood is much greater than somebody who is given the money who has a large income.

Mr. REID. The Senator is aware that here in Washington Members of the Senate every 6 years have to raise money talking to people to see if they will help us; is he not?

Mr. SCHUMER. People have said I am aware of that.

Mr. REID. Does the Senator think many Senators will go to this group of people who make from $10,000 to $26,000 a year for campaign contributions?

Mr. SCHUMER. I doubt it. Forget the raising of the money. I worry that they don't sit down and talk to somebody who is making that amount of money, ever. Yes, you may shake hands at a county fair. But how about sitting in a living room and talking to the family who is making $27,000 and has dreams for their children and is struggling to do the best for their kids and can't make ends meet? Again, that story about the communion touched me. But there was another one in that New York Times, an article about a family, a husband, wife, and two kids who were going to have to move out of the house they always lived in because their landlord got an 18-percent increase in property tax and he didn't want to pass it on. They were friends. It is a two-family house in a neighborhood in Queens. He didn't want to pass the property tax on as a raise in the rent for the people in the apartment. He had no choice because he couldn't make ends meet. He was not well off either.

Here is a family—they probably don't pay much, if any, income tax; I don't remember exactly what their income was, probably in the $30,000 range—who is going to have to move. They don't know where to find a place to live. The kids will have to be uprooted and go to a different school. Who in this Chamber would not choose to help that family out a little bit? I mean, create jobs? I have to tell you, a lot of these families have jobs. They had jobs. The hard-working sort of bottom-of-the-ladder jobs that they are starting out at. But not to give them a little break for their children because there is no room in the Tax Code and it is loaded with things for other people? Where are our values? Where are our priorities?

I wish every single person on both sides of the aisle would just go to three homes of someone making between $10,000 and $26,000 a year.

Spend a half hour with them and talk about their struggle and then come back and say we could not reduce the top rate by a little bit less.

I thank my colleague from Nevada for his questions. I think he hit the nail on the head. I am just saddened by this. If it were truly just a mistake,

then we would not have heard the language statement issued by TOM DELAY, the majority leader in the other body; if it were just a mistake, we would not have pulled an amendment that a lot of people care about—I am glad it was pulled, myself, because I am not for it—but it would not have just run off the floor. If it was a mistake, they could say, great, the amendment of the Senator from Arkansas was pulled out at the last minute and we are going to put it back in and show that it was a mistake. But, no. There will be a lot of concerns, and maybe we will get it and maybe we will not. I hope we will.

I am troubled—very troubled—by the fact that we have a view here that those making $20,000, or $25,000, or $15,000 are lucky ducks because they don't pay income tax. That is a view some in this Chamber seem to have taken.

Mr. President, I ask unanimous consent that today's Wall Street Journal editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 3, 2003]

EVEN LUCKIER DUCKIES

The new tax bill exempts another three million-plus low-income workers from any federal tax liability whatsoever, so you'd think the nation's class warriors would be pleased. But instead we are all now being treated to their outrage because the law doesn't go further and ''cut'' income taxes for those who don't pay them.

This is the essence of the uproar over the shape of the child-care tax credit. The tax bill the President signed last week increases the per child federal income tax credit to $1,000, up from the partially refundable $600 credit passed in the 2001 tax bill. But Republican conferees decided that the increase will not be paid out to those too poor to have any tax liability to begin with.

Most Americans probably don't realize that it is possible to cut taxes beyond zero. But then they don't live in Washington, where politicians regularly demand that tax credits be made ''refundable,'' which means that the government writes a check to people whose income after deductions is too low to owe any taxes. In more honest precincts, this might even be called ''welfare.''

But among tax cut opponents it is a political spinning opportunity. ''Simply unconscionable,'' says Presidential hopeful John Kerry. The Democratic National Committee declares that the ''Bush tax scheme leaves millions of children out in the cold . . . one out of every six children under the age of 17, families and children pushed aside to make room for the massive tax cuts to the wealthy.''

Senator OLYMPIA SNOWE, the media's favorite Republican now that John McCain isn't actively running for President, says she is ''dismayed.'' ''I don't know why they would cut that out of the bill,'' adds Senator BLANCHE LINCOLN (D., Ark.). Those last two remarks take chutzpah, because if either woman had been willing to vote for the tax bill, a refundability provision would have been in it.

Senator LINCOLN introduced the idea in the Senate Finance Committee, but then announced she wasn't going to vote for the bill anyway. Ms. Snowe was also one of those, along with Senator GEORGE VOINOVICH (R., Ohio), who insisted that the bill's total ''cost''—in tax cuts and new spending—not exceed $350 billion. Something had to give in House-Senate conference to meet that dollar limit, and out went refundability. The bill passed by a single Senate vote, with Vice President DICK CHENEY breaking the tie.

As it happens, the tax bill does a great deal for low-income families even without the refundable child credit addition. It expands the 10% income tax bracket, meaning that workers can earn more before leaping into the 15% and 25% brackets. This is a far better way to provide a tax cut than is a refundable credit, because it lowers the high marginal tax rate wall that these workers face as their credits phase out at higher income levels.

There's also $10 billion in the bill earmarked for Medicaid, the state-federal health insurance program for the poor. And any family that actually has any remaining tax liability benefits from the extra $400 in child tax credit.

More broadly, the critics want everyone to forget how steeply progressive the tax code already is. IRS data released late last year show that the top 1% of earners paid 37.4% of all federal income taxes in 2000. The top 5% paid 56.5% of federal taxes, and the top half of all earners paid 96.1%. In other words, even before President Bush started slashing taxes on the poor by increasing the child tax credit in 2001, the bottom 50% of filers had next to no federal income tax liability.

But don't low-income workers have to cough up the payroll tax? They certainly do, but don't forget that the federal Earned Income Tax Credit was designed to offset payroll taxes and is also ''refundable.'' In 2000, the EITC totaled $31.8 billion for 19.2 million Americans, for an average credit of $1,658. Some 86% of that went to workers who had little or no income tax liability.

Republicans who just voted for the tax cut could be less defensive and try to explain all of this. But instead too many of them are heading for the tall grass, with Senate Finance Chairman Chuck Grassley already promising to cave as early as this week on the child tax credit. This is the kind of political box Republicans walk into when they endorse tax credits that favor one group over another. Democrats are better at playing favorites.

We raised some hackles last year when we noted this growing trend that more and more Americans paid little or no tax. ''Lucky duckies,'' we called this non-taxpaying class at the time. Notwithstanding liberal spinners, after this tax bill they're even luckier.

BURMA

Mr. MCCONNELL. Madam President, another day has passed in Burma and the welfare and whereabouts of Aung San Suu Kyi and man of her supporters remain a mystery. The State Peace and Development Council—the rogue government there—claims that she is in a ''guest house'' in Rangoon and is in good health. If this is the case, the government should immediately allow foreign diplomats to meet with her.

The world's condemnation of the most recent murders and detentions in Burma has been swift. But words alone will not prevent the junta from assassinating more democracy activists in the days to come or detaining those whose only crime is calling for freedom and justice.

The lesson of the past few days is that dialogue has failed in Burma. Japan and other countries that advocate engagement with the SPDC as a means of political change have nothing to show for their efforts but the spilt blood of democrats and the re-arrest of Burma's greatest hope for freedom.

Foreign governments must join in a full court press to determine the health and well-being of Suu Kyi and others arrested over the weekend. Elected representatives in this body and the world's democracies must come together and forge a response to the vicious assault on freedom that continues in Burma. Our collective failure to do so will abandon the people of Burma in time of their greatest need.

Burma's regional neighbors—Japan, China, Thailand, and the Philippines, in particular—must understand the threats that a repressive Burma will continue to pose the region. Among the junta's greatest exports are drugs and HIV/AIDS—scourges that know no borders or boundaries. With terrorist threats in South Asia and Southeast Asia, the junta will continue to pose chronic problems to countries trying to close their borders to the trafficking of weapons, people, and contraband.

In conclusion, it is past time to hold the SPDC accountable for the many injustices it has inflicted upon the people of Burma. It is time for regime change in Burma.

Mr. MCCAIN. Mr. President, every so often a clarifying moment in international affairs reminds us of the stakes involved in a particular conflict, and of our moral obligation to stand with those who risk their lives for the principles of freedom. The violent crackdown against Burmese democracy leader Aung San Suu Kyi and her supporters over the weekend underscores the brutal and unreconstructed charter of Burma's dictatorship. The assault should remind democrats everywhere that we must actively support her struggle to deliver the human rights and freedom of a people long denied them by an oppressive military regime.

The arrest of Aung San Suu Kyi following a coordinated, armed attack against her and her supporters is a reminder to the world that Burma's military junta has neither legitimacy nor limits on its power to crush peaceful dissent. The junta insists it stepped in to restore order following armed clashes between members of Suu Kyi's National League for Democracy and unnamed opponents. In fact, the regime's forces had been harassing Suu Kyi and the NLD for months. The Junta's Union Solidarity Development Association orchestrated and staged last weekend's attack, killing at least 70 of her supporters and injuring Suu Kyi herself, perhaps seriously. Credible reports suggest that the regime's thugs targeted Suu Kyi personally. She is now being held incommunicado by Burmese military intelligence; her party offices have been closed; many of its activists are missing; and universities have been shut down. After having spent most of the last 14 years under

house arrest, Ms. Suu Kyi is, once again, a political prisoner.

Aung San Suu Kyi is one of the world's most courageous champions of freedom. I join advocates of a free Burma everywhere in expressing outrage at her unwarranted detention and call for her immediate, unconditional release, and the freedom to travel and speak throughout her country.

Closing party offices, shuttering universities, and detaining Aung San Suu Kyi and senior members of her party in the name of ''protecting'' her demonstrate how estranged the junta is from its own people, and how potent are Suu Kyi's appeals for democratic change in a nation that resoundingly endorsed her in democratic elections 13 years ago.

The junta's decision to release her from house arrest a year ago, and to permit her to speak and travel within tightly circumscribed limits, appeared to reflect the generals' calculation that her popular appeal had diminished, and that perhaps her fighting spirit had flagged. They could not have been more wrong.

Aung San Suu Kyi remains the legitimately elected and overwhelmingly popular leader of her country. Even though she was under house arrest in 1990, her party captured 82 percent of the vote, shocking the generals. Neither the huge majority of the Burmese people who voted for the NLD nor the international community have forgotten how Burma's junta rejected the election results, nor how the regime's forces massacred its own people at a democratic rally 2 years earlier. We have not forgotten the many political prisoners who remain in Burma's jails, or the repression Burma's people have endured for decades. The assault on Burma's free political future at the hands of the regime last weekend has reminded us of what we already knew: the junta cannot oversee the reform and opening of Burma, for it remains the biggest obstacle to the freedom and prosperity of the Burmese people. Burma cannot change as long as the junta rules, without restraint or remorse.

Despite these obvious truths, of which we have been reminded again this week, some countries have chosen to pursue policies of political and commercial engagement with the government in Rangoon on the grounds that working with and through the junta would have a more significant liberalizing effect than isolating and sanctioning it. ASEAN admitted Burma in 1997, Beijing has enjoyed warm relations with Rangoon, and most countries trade with it: only the United States and Europe impose mild sanctions against the regime. Proponents of engagement pointed to the nascent dialogue between Aung San Suu Kyi and the regime, and her release from house arrest last May, as indicators that perhaps external influence was having some beneficial effect on the dictatorship. But advocates of engagement have little to show for it following last weekend's assault on the democrats.

Burma's junta must understand quite clearly that it will not enjoy business as usual following its brutal attack on Aung San Suu Kyi and the NLD. It is time for the international community to acknowledge that the status quo serves nobody's interests except those of the regime: Burma's people suffer, its neighbors are embrassed, companies cannot do the kind of business they would with a free and developing Burma, the drug lords flourish in a vacuum of governance, and the situation inside the country grows more unstable as the regime's misrule increasingly radicalizes and impoverishes its people.

No country or leader motivated by the Welfare of the Burmese people, a desire for regional stability and prosperity, or concern for Burma's place among nations can maintain that rule by the junta serves these interests. I find it hard to believe that any democratic government would stand by the junta as it takes Burma on a forced march back in time. Yet this morning, when asked about the weekend's assault, the Japanses Foreign Minister denied that the situation in Burma was getting worse, said progress is being made toward democratization, and announced that Japan has no intention of changing its policy on Burma. Shame on the Japanese. Music to the junta's ears, perhaps, but I believe friends of the Burmese people must take a radically different, and principled, approach to a problem that kind words will only exacerbate.

The world cannot stand by as the ruination of this country continues any farther. Free Burma's leaders, and her people, will remember which nations stood with them in their struggle against oppression, and which nations seemed to side with their oppressors.

American and international policy towards Burma should reflect our conviction that oppression and impunity must come to an end, and that the regime must move towards a negotiated settlement with Aung San Suu Kyi that grants her a leading and irreversible poticial role culminating in free and fair national elections. If it does not, the regime will not be able to manage the transition, when it does come, for it will come without its consent.

I believe the United States should immediately expand the visa ban against Burmese officials to include all members of the Union Solidarity Development Association, which organized the attack against Aung San Suu Kyi's delegation last weekend. The administration should also immediately issue an executive order freezing the U.S. assets of Burmese leaders. U.N. special envoy Razali Ismail should not travel to Burma as planned this week unless he has assurances from the regime that he will be able to meet with Aung San Suu Kyi.

Congress should promptly consider legislation banning Burmese imports into the United States, and the administration should encourage the European Union to back up its commitment to human rights in Burma with concrete steps in this direction. The U.S. and the E.U. together account for over 50 percent of Burma's exports and therefore enjoy considerable leverage against the regime. The United States alone absorbs between 20 and 25 percent of Burma's exports. Consideration of a U.S. import ban should help focus attention in Rangoon on the consequences of flagrantly violating the human rights of the Burmese people and their chosen leaders. In coordination with a new U.S. initiative, an E.U. move in the direction of punitive trade sanctions would make the regime's continuing repression difficult if not impossible to sustain.

The junta's latest actions are a desperate attempt by a decaying regime to stall freedom's inevitable progress, in Burma and across Asia. They will fail as surely as Aung San Suu Kyi's campaign for a free Burma will one day succeed.

I yield the floor.

HONORING OUR ARMED FORCES

IN MEMORIAM OF ARMY SPECIALIST RYAN P. LONG

Mr. CARPER. Mr. President, It is with a heavy heart that I request a few moments today to reflect on the life of Army SP Ryan P. Long. In life, Ryan epitomized the best of our country's brave men and women who fought to free the Iraqi people. He exhibited unwavering courage, dutiful service to his country, and above all else, honor. In the way he lived his life—and how we remember him—Ryan reminds each of us how good we can be.

Following in the footsteps of his father, grandfather and great-grandfather, Ryan joined the Army in September of 1999. He was stationed at Fort Benning, GA with the A Company 3rd Battalion-75th Ranger Regiment and was assigned to a special operations unit working in Iraq. He was on his third overseas deployment with the Ranger battalion.

A lifelong resident of Seaford, DE, Ryan's passing has deeply affected the Sussex County community. Ryan was a remarkable and well-respected young man. His friends and family remember him as an honorable man with a free spirit. Ryan attended Seaford Elementary School and was a 1999 graduate of Seaford High School. Fun-loving and outgoing, he played on the soccer and golf teams and served as vice-commander of the Navy Junior ROTC program at Seaford High School. He was also actively involved in his Catholic church. In addition, Ryan enjoyed riding his motorcycles, snowboarding, and listening to music.

I rise today to commemorate Ryan, to celebrate his life, and to offer his family our support. Ryan dedicated his life to serving our country and gave his life defending its values.

IN MEMORIAM OF MARINE SERGEANT BRIAN MCGINNIS

Mr. President, I would like to set aside a few moments today to reflect on the life of Marine Sgt Brian McGinnis. Brian epitomized the best of our country's brave men and women who fought to free Iraq and to secure a new democracy in the Middle East. He exhibited unwavering courage, dutiful service to his country, and above all else, honor. In the way he lived his life—and how we remember him—Brian reminds each of us how good we can be.

A Delawarean who dreamed of becoming a marine from a young age, he wrote on his application to Caravel Academy that he wanted to attend the U.S. Naval Academy and become a Navy pilot. Brian's dream came true in 1998 in many respects when he joined the Marines. He subsequently was assigned to Marine Light Attack Helicopter Squadron 169 based out of Marine Corps Air Station at Camp Pendleton, CA.

Raised in St. Georges, DE, and in neighboring New Jersey, Brian attended Caravel Academy and graduated from William Penn High School in 1997. There he was a star wrestler and football player. It was at William Penn that he met his wife of 4 years, Megan Mahoney McGinnis. Megan describes her husband as a great person with a good heart—''the best there was!''

I rise today to commemorate Brian, to celebrate his life, and to offer his family our support and our deepest sympathy on their tragic loss.

LOCAL 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 Phoenix, AZ, on May 19, 2003. Avtar Chiera, a Sikh American, was seriously wounded after being shot twice. The 52-year-old truck driver was shot after he parked his 18-wheeler. The suspects, who were riding in a red pickup truck, yelled hateful comments. The FBI and Phoenix police department are investigating the shooting as a hate crime.

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.

BUDGET SCOREKEEPING REPORT

Mr. NICKLES. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2004 budget through June 2, 2003. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2004 Concurrent Resolution on the budget, H. Con. Res. 95, as adjusted.

The estimates show that current level spending is above the budget resolution by $1.769 billion in budget authority and by $2.959 billion in outlays in 2003. Current level is at the revenue floor in 2003.

I ask unanimous consent to print my first report for 2003 in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 3, 2003.

Hon. DON NICKLES,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached tables show the effects of Congressional action on the 2003 budget and are current through June 2, 2003. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, as adjusted.

This is my first report for the fiscal year.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Attachments.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2003, AS OF JUNE 2, 2003

[In billions of dollars]

	Budget resolution	Current level [1]	Current level over/under (−) resolution
On-budget:			
Budget authority	1,874.0	1,875.7	1.8
Outlays	1,826.1	1,829.1	3.0
Revenues	1,310.3	1,310.3	0
Off-budget:			
Social Security Outlays	366.3	366.3	0
Social Security Revenues	531.6	531.6	0

[1] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2003, AS OF JUNE 2, 2003

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,359,834
Permanents and other spending legislation	1,013,810	977,842	n.a.
Appropriation legislation	1,133,856	1,160,341	n.a.
Offsetting receipts	−369,104	−369,106	n.a.
Total, enacted in previous sessions	1,778,562	1,769,077	1,359,834
Enacted this session:			
Emergency Wartime Supplemental Appropriations Act, 2003 (P.L. 108–11)	79,190	42,024	2
Postal Civil Service Retirement System Funding Reform Act of 2003 (P.L. 108–18)	3,479	3,479	0
Gila River Indian Community Judgment Fund Distribution Act of 2003 (P.L. 108–22)	1	1	0
Unemployment Compensation Amendments of 2003 (P.L. 108–26)	3,165	3,165	0
Jobs and Growth Tax Relief Reconciliation Act of 2003 (P.L. 108–27)	11,347	11,347	−49,489
	97,182	60,016	−49,487
Entitlements and mandatories: Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	0	0	n.a.
Total current level [1]	1,875,744	1,829,093	1,310,347
Total budget resolution	1,873,975	1,826,134	1,310,347
Current level over budget resolution	1,769	2,959	0
Current level under budget resolution	n.a.	n.a.	0

[1] Excludes administrative expenses of the Social Security Administration, which are off-budget.

Note.—n.a. = not applicable; P.L. = Public Law.

Source: Congressional Budget Office.

JOBS AND GROWTH TAX RELIEF RECONCILIATION TAX ACT, 2003

ADVANCE REFUNDING

Mr. SMITH. Mr. President, I realize it cannot be considered as part of the pending legislation, but I ask Senator GRASSLEY to consider including a bill I have introduced, the Municipal Debt Refinancing Act, in future tax legislation. The Municipal Debt Refinancing Act would permit an additional advance refunding for bonds used to finance governmental facilities as part of the tax legislation to be considered by the Finance Committee. The Municipal Debt Refinancing Act would permit fiscally strapped State and local governments to take advantage of the current low market interest rates by refinancing their outstanding bonds an additional time. This proposal could translate into millions of dollars in savings for states and localities across the country. By requiring bond issuers to use the additional advance refunding authority within the next 2 years, the legislation also guarantees the maximum near-term benefit.

Individuals and corporations who borrow money are free to refinance these debts whenever the opportunity to borrow at a lower rate arises. State and local governments who issue tax-exempt bonds generally do not share this freedom. States and localities are permitted to ''advance refund'' outstanding bond issues only one time, or else they must wait until a pre-set date when interest rates have risen and the opportunity to garner savings has passed. But cost-saving refinancing opportunities typically occur only when market interest rates fall below the rate on the original bond issue. Issuers cannot effectively predict when this will happen. By providing an additional advance funding, your legislation would give issuers more flexibility to react to interest rate changes and manage their debt. This legislation would mean significant savings for State and local governments—many of which are in the midst of their worst fiscal crisis in memory—without raising taxes or increasing spending.

Mr. GRASSLEY. I appreciate the Senator's work in this important area. It is true that permitting States and localities to advance refund governmental bonds one additional time would provide important financial flexibility at a critical time. State and local governments across the country are facing unprecedented fiscal crisis. Being able to refinance debt at a lower rate will clearly translate into important savings for our Nation's cities, counties and states.

I assure the Senator this proposal will receive serious and thorough consideration by the Finance Committee, which I chair, as we address tax legislation in the future.

ANDREW HARIG

Mr. BAUCUS. Mr. President, I rise today to thank Mr. Andrew Harig for his hard work on the Senate Finance Committee.

Andy was on the staff of the Finance Committee throughout most of the 107th Congress. He was an integral part of the international trade policy team which, among other things, worked hard to win passage of the implementing legislation for the U.S.-Jordan Free Trade Agreement and the Trade Act of 2002.

In my estimation, last Congress was the most productive in at least a decade on important international trade legislation. Last year, we finally built a new bipartisan consensus that ended a deadlock that had frozen progress on most new trade agreements for nearly a decade, finally made some real progress on integrating labor and environmental issues into trade negotiations, and revamped the U.S. programs for workers who lose their jobs because of trade.

In the press, the credit for these achievements was given to Senator GRASSLEY, Representative THOMAS, myself, and other Members of Congress. But as is always the case, the achievements on trade could not have been made were it not for the contributions of people like Andy who toil behind the scenes. Without their efforts there would be no legislation passed.

In Andy's case, he cheerfully undertook one of the most thankless tasks on the Finance Committee's list of responsibilities—passage of the Miscellaneous Tariff Bill. This legislation is made up of literally dozens of smaller bills that suspend collection of tariffs on products not made in the United States and address other Customs issues.

Passage of this legislation requires a seemingly endless effort to analyze the hundreds of bills submitted and eliminate those that are controversial or have too great a budgetary impact. It requires coordinating with a half dozen administrative agencies, the U.S. International Trade Commission, the other House of Congress, and, of course, 100 Senate offices.

As I said, it is a largely thankless task, but one that is critical to hundreds of American companies and thousands of American workers. Andy Harig was the lead staff person on this legislation for the majority and—together with his counterpart on the other side of the aisle, Carrie Clarke—he did the lion's share of this work.

Unfortunately, the Senate was not able to pass this important legislation last year, but Senator GRASSLEY and I continue to work on the bill, and I hope we can eventually win passage of it—either as a free standing bill or as part of other legislation.

But whether we succeed or not, the Senate, the business community and I all owe Andrew Harig thanks for his efforts on the Miscellaneous Tariff Bill and other international trade legislation.

Andy has decided to leave the Senate to pursue an opportunity in the private sector. I wish him all the best. Of course, the Senate will continue to work after Andy leaves, but I think it will be a bit poorer for the loss of another hard-working staff person. Goodbye, Andy, and good luck.

HONORING IOWA STUDENTS WHO PARTICIPATED IN THE WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION NATIONAL FINALS

Mr. GRASSLEY. Mr. President, I will take a moment to congratulate the individuals from Central Academy in Des Moines, IA who participated in the We the People: The Citizen and the Constitution national finals in Washington, DC. This event is the culmination of extensive study by students throughout the country of the American system of constitutional democracy. The students from Central Academy won the State competition in West Des Moines and thus were given the distinction of representing Iowa in the national finals. I had the opportunity to meet with these students when they were in Washington and I am certainly proud to have had them representing the great State of Iowa. I am also pleased that my staff member, Aaron McKay, was able to be involved in this program as a judge for both the Iowa competition and the national finals as well as acting as a mentor for the team going into the finals. The We the People: The Citizen and the Constitution program, run by the Center for Civic Education with the help of Federal funding, provides an outstanding curriculum that promotes civic competence and responsibility among elementary and secondary students. Students take away a solid understanding of the origin of American constitutional democracy as well as the contemporary relevance of our founding documents and ideals. In short, it produces better citizens. In fact, I would like to personally recognize the Central Academy students who participated in this program, Alexander Body, Alec Davis, Ainslee Ericson, Joanna Grillas, Brian Haroldson, Daren Ho, Meryl Houser, Jonathon Kent, Michael Larking, Conrad Lee, Kyle McCord, Jasmine McDowell, Eleanore Neumann, Timothy Smith, Akili Thomas, Sarah Wang, Kyle Wilkinson, Jay Williams and their teacher, Harvey Kimble. They can all be very proud of their knowledge and accomplishments. I look forward to next year's competition.

ADDITIONAL STATEMENTS

ON THE RETIREMENT OF DR. KAREN J. HARSHMAN

• Mrs. BOXER. I am very pleased to take a few moments to recognize the many important accomplishments of Dr. Karen J. Harshman as she retires as superintendent of the Fontana Unified School District. Dr. Harshman has led Fontana schools through a period of unprecedented growth and during a time of increased demands on schools, and has done so with great success.

Dr. Harshman began her career in education as a substitute teacher. Since that early assignment, she has been a teacher, coordinator, principal, director, and assistant superintendent. She also serves as an instructor at local college campuses, guiding new teachers and administrators as they learn the educational ropes.

Since 1994, Dr. Harshman has lead the Fontana Unified School District as its

superintendent. During her tenure as superintendent, Fontana has seen phenomenal growth. Six schools have opened under her leadership, and the district currently ranks 17th in size in the State of California. Educational excellence has become a more prominent emphasis during her tenure, and Dr. Harshman has focused the efforts of the district on improving student performance through a variety of innovative programs known throughout California and beyond.

Dr. Harshman's accomplishments are not limited to Fontana Unified School District or education. Soroptimist International of Baldy View recently awarded her the Women Helping Women Award for bringing the American Cancer Society Relay for Life to Fontana and for her work with breast cancer survivors. Importantly, the award was also given for her lifelong work mentoring women. The Association of California School Administrators selected her as the Region 12 Superintendent of the Year for 2002. Dr. Harshman is also active in the Fontana Rotary Club, the Fontana Chamber of Commerce, and the Chaffey College Foundation.

A portion of Dr. Harshman's biography reads that ''she looks forward to every single day knowing that she is involved in the most important work on the planet.'' I invited all of my colleagues to join me in commending Dr. Karen Harshman for her great leadership doing ''the most important work on the planet''—educating our children.●

NATIONAL CREATIVE ARTS THERAPIES WEEK

● Mrs. CLINTON. Mr. President, the process of using the arts therapeutically to assist victims of illness, trauma, disability and other personal challenges, has historically been underrecognized as a valuable treatment, yet the benefits of this treatment are far reaching. The creative arts therapies, comprising the fields of art therapy, dance/movement therapy, drama therapy, music therapy, poetry therapy and psychodrama, are disciplines that foster creative expression to promote health, communication, self-awareness, emotional, social and cognitive functioning. I rise today, to proclaim National Creative Arts Therapies Week, June 1–7, 2003 as a time to recognize this unique service.

Creative arts therapies have been practiced in the United States for over 50 years with people of all ages and problems. Such therapists work in medical hospitals, rehabilitation centers, mental health facilities, day treatment centers, nursing homes, schools, homeless shelters, correctional settings, and in private practice. Creative arts therapists have helped people who have undergone trauma, loss, acute physical and chronic illness, emotional disturbance, or struggle with depression, retardation, development disabilities and addictions. The contribution of creative arts therapists in the aftermath of 9/11, assisting victims and the bereaved through trauma treatment and the alleviation of post-traumatic stress, were invaluable.

I want to recognize and thank creative arts therapists in America who are assisting the most vulnerable in our society with valuable therapeutic intervention. There are over 15,000 licensed clinicians who meet high quality standards of graduate education and practice. Various States, including New York, have additional licensure requirements, which protect patients from fraudulent practitioners and maintain the quality of care at the highest standard. These credentialed clinicians constitute a vital force of mental health professionals in our country. However, many Americans are unable to access such services because awareness about their effectiveness and employment of such therapists is not sufficiently widespread.

The National Coalition of Creative Arts Therapies Associations is collectively celebrating the history and status of their profession. They will be showcasing workshops, presentations and exhibits throughout the United States to inform the public, health care practitioners, insurers and legislators about therapeutic value and significance of this discipline.

I therefore proclaim National Creative Arts Therapies Week, June 1–7, 2003 as a time to recognize the unique service provided by these clinicians. Further, I encourage my colleagues in Congress to support the creative arts therapies fields and expand awareness of this form of treatment. At this time of heightened sensitivity to maintaining mental health, we should recognize the creative arts therapies as a way to help those in distress through the power of the arts to heal.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

FEINSTEIN-KENNEDY AMENDMENT TO THE FY2004 DEFENSE AUTHORIZATION BILL

● Mr. KERRY. Mr. President, today I submit into the record a statement to clarify my position on the development of low yield nuclear weapons. Circumstances prevented me from voting last week on the Feinstein-Kennedy amendment to the FY2004 defense authorization bill which would have struck any provisions that might permit research, development, testing, or deployment of low yield nuclear weapons. At the time, my vote was announced as an ''aye'' in favor of a motion to table the amendment. Through no fault of the distinguished Senator from Nevada who announced my vote, if I had been here, I would have voted ''nay,'' and supported the common sense proposal of the Senators from California and Massachusetts.

Last week, in a statement entered into the RECORD, I made clear my opposition to the development of low yield nuclear weapons, as well as the robust nuclear earth penetrator. It is absurd to think the United States will start development on a new generation of nuclear weapons at the same moment we seek the world's support in an effort to halt the spread of nuclear weapons and technology.

Senator FEINSTEIN and Senator KENNEDY were correct. These weapons don't make us safer. And I thank them for their continued leadership on this vital issue.●

TRIBUTE TO MATT BOWLES

Mr. BUNNING. Mr. President, I rise today to honor and pay tribute to Matt Bowles for being selected as the State Winner of the 4–H Award for Excellence. Matt will enroll in the University of Kentucky on scholarship in the fall and is the son of Larry and Diana Bowles of Mount Hermon, KY.

Matt's compassion for immigrants who struggle with language barriers led him to develop a community service project that helped his community break down cultural barriers and welcome diversity. With this program Matt solicited the aid of advanced Spanish students at his high school to help the local English as a Second Language tutoring program for Hispanics.

This award is based upon the leadership, communication, and organizational work Kentucky 4–H members have done through a 4–H Honors program sponsored by the University of Kentucky Cooperative Extension Service. Matt was selected by judges to be the recipient of this top prize because of the excellence he demonstrated through leadership in a community service project.

The efforts of Matt Bowles should be emulated. Matt has set an example that should be recognized by high school students throughout Kentucky and across America. I am convinced that he will use his strong abilities to make a difference in our country. I thank the Senate for allowing me to recognize Matt and voice his praises for his Head, Heart, Hands, and Health.

A TRIBUTE TO OUR FRIEND

● Mr. LAUTENBERG. Mr. President I rise today to pay tribute to and wish a happy birthday to one of my dearest friends, Louis Reich.

Louis was born on May 24, 1903 in Brooklyn, NY, the middle of three children. His sister Anne is now 102. By the time he was 15, Louis had a job at a big law firm on Wall Street where he made 25 cents for a car fare and food. For lunch he ate at Max's Busy Bee where he could get a frank, beans, waffles, ice cream and coffee for 15 cents. Those were the days.

Everyday he would come up from Max's basement location and encounter men standing in the middle of the street yelling up to people in four surrounding buildings. These men were

called ''brokers'' and they were buying and selling stocks. In fact, Louis was witnessing the birth of the New York Curb Exchange. He was so entranced with the scene that he got a job as a runner paying $8 a week. Wanting a way to make more money, he headed to Jerome B. Sullivan & Co., where he was hired as a clerk.

By the time he was 22, he was the head cashier at Sullivan making $100 a week plus bonus. Soon afterwards he formed the New York Curb Cashiers Exchange and was elected president. In 1923, he was introduced to Kitty Hirshleifer by his closest friend Jerry Goldberg. Four years later, Louis and Kitty were married. When Louis got his bonus from Sullivan that month the company made him a partner and he spent his newfound wealth on a trip to the coast, a new Cadillac and an apartment for $125 a month. Not many apartments available at those rates in New York today.

The crash came in 1929 and Louis was left nearly penniless. Demonstrating his adaptability he purchased a seat on the Curb Exchange with his brother Al and his cousin Ernie. His salary was now $50 a week. From 1933 to 1938 Louis became an arbitrageur. He sensed that the Canadian market was becoming competitive and through connections in Canada he started to urge companies to apply for listing on what used to be the Curb Exchange, but now known as the American Stock Exchange.

He formed a partnership with Moe Weiss which lasted for many years. Around 1955 Lou became a governor of the American Stock Exchange and chairman of the listing committee.

A few years later in 1959 I met Lou when his back-office manager saw an ad about a company who could process payrolls. It was a company I know a little about, Automatic Data Processing. At that point I was the company's salesperson and Reich & Co. signed on. We became dear friends ever since.

I owe Lou a great deal because he really spread the word about ADP. Henry Taub worked to have ADP handle all of the back office operations. Within a year ADP had a system to process securities transactions. Today, in large part thanks to Lou, ADP is one of the largest payroll and securities processing firms in the world.

Louis Reich is now 100 years old. He brings a wonderful history and an important legacy of leadership in one of the most important industries we have. The investment and finance sector helped build this country's pre-eminence in the global economy to the point that it has become. He has many happy, exciting memories. The names he remembers from that bygone era—those who worked for him—and with him are too numerous to mention here. And the one person who stood by him through it all—the one person who will be forever in his heart and who truly would have enjoyed this day—his darling wife—Kitty, the one who he misses most of all. They are all here in spirit and will never be forgotten. We wish him many more years that we can celebrate together.●

THE CAPTURE OF ERIC ROBERT RUDOLPH

● Mr. EDWARDS. Mr. President, I rise today to express pride and thanks for the excellent police work done by North Carolina law enforcement over the weekend, work that led to the capture of Eric Robert Rudolph, the alleged terrorist who had eluded capture for more than 5 years.

I am particularly proud of the fact that two of North Carolina's finest—Jeff Postell, a rookie officer in the Murphy Police Department and Cherokee County Sheriff's Deputy Sean Matthews—were responsible for brining Rudolph in.

I can't say enough about these exemplary lawmen, who represent the best that North Carolina and America have to offer—dedicated public servants risking their lives to make us safer. I will never forget the pride I felt as I watched Officer Postell, squinting in the glare of unasked for limelight, modestly dismiss praise for his actions by stating, ''It was my job.''

His job, indeed. As it is the job of thousands and thousands of other first responders in North Carolina and throughout the country. Men and women who day in and day out put their lives on the line to ensure our safety and ask so little in return. The least we can do for these brave public servants is to show our support for their efforts in meaningful ways. One of the most meaningful ways we can do this is to do more than just pay lip service to their efforts while cutting programs, funding, and benefits they so desperately need.

That is why it makes no sense that, instead of bolstering the efforts of our first responders, the administration is slashing the very programs that we need to help ensure a strong homeland defense. Just look at the COPS program—a program that has directly benefited the Murphy Police Department and Cherokee County law enforcement. Since it was created as part of a 1994 crime bill, the COPS program has helped communities hire more than 116,000 police officers nationwide.

We all know how important and effective the COPS program is. So why is President Bush proposing only $164 million for the COPS program next year, an 85 percent cut from the $1.1 billion that was spent in 2002? It is just plain wrong to, on the one hand, praise, take credit for, the fine work done by our local law enforcement day in and day out while, with the other hand, snatch away the funding that makes their work possible.

Yes, Officer Postell was just doing his job. And thanks to him, we can sleep a little easier. but not it is time for us to do our jobs. Let's give Officer Postell and his colleagues the tools they need to keep doing the work we need and appreciate so much.●

IN RECOGNITION OF MICHELE PECINA, CALIFORNIA'S NATIONAL DISTINGUISHED PRINCIPAL OF THE YEAR

● Mrs. BOXER. Mr. President, I rise today to bring to the Senate's attention an exceptional educator—Michele Pecina, the principal of James Monroe Elementary School in Madera, CA.

Michele Pecina was recently named California's National Distinguished Principal of the Year by the National Association of Elementary School Principals. She will receive her award in November in Washington, DC.

For 9 years, Michele Pecina has been the principal at James Monroe Elementary School. Under her expert guidance, the school was named a California Distinguished School in 1997 and has also received two Bell awards from the California School Boards Association. Michele Pecina believes in her students and teachers and demonstrates that belief to them every day. The result is they believe in themselves. their success in school, and in life, is remarkable.

Californians are extremely proud of Michele Pecina. I am honored to pay tribute to her. I encourage my colleagues to join me in wishing Michele Pecina continued success as she continues her exceptional work in education.●

HONORING REV. BOB WELLISCH

● Mr. COLEMAN. Mr. President, I ask that the following three tributes honoring the life of the late Rev. Bob Wellisch, St. Paul, MN native, priest for the Hmong Catholic community, and respected college professor, be printed in the RECORD.

The material follows.

[From the Star Tribune, May 26, 2003]

(By Nolan Zavoral)

THE REV. ROBERT WELLISCH, PASTOR TO TWIN CITIES HMONG, DIES

The Rev. Robert Wellisch, who built bridges between the Catholic establishment and the Twin Cities Hmong community, died in a traffic accident Saturday night.

Wellisch, 62, was driving back alone to the Twin Cities from Mankato when his car struck a horse on Hwy. 169, 4 miles north of Le Sueur, and slid into a ditch, according to the Minnesota Highway Patrol. Wellisch, who was wearing a seat belt, died at the scene.

A St. Paul native and longtime English professor at the University of St. Thomas, Wellisch was named chaplain for the Twin Cities Hmong Catholic community in 1984 by then-Archbishop John Roach. Eleven months ago, the present archbishop. Harry Flynn, appointed him as pastor of the largely Hmong parish of St. Vincent De Paul, in St. Paul's Frogtown area.

About 20 people from the congregation's leadership gathered informally Sunday at the church to mourn.

The Rev. Kevin McDonough, who oversees administration in the Archdiocese of St. Paul and Minneapolis, joined them.

''One of the elderly Hmong ladies came up to me, and she said, as it was translated to me, 'We are like a family that has lost its parent.' '' McDonough said.

''Father Wellisch was a very quiet, unassuming guy, but it was clear to the Hmong people that he had their interest at heart.''

''He loved the Hmong,'' said Michael Mikolajczak, chairman of the St. Thomas English Department. He recalled attending a Hmong fundraiser nine years ago with Wellisch.

''They wound bits of yarn around his wrists in appreciation of all he'd done,'' Mikolajczak said. ''Had it been I, I would have cut [the yarn] off the next day.

''He wore them for a whole week.''

Va Thai Lo, deacon and administrator at St. Vincent De Paul, said in a St. Thomas news release that Wellisch ''would go everywhere to assist (Hmong) families—to their homes, to where they worked and to the hospitals.

''This is a tragic loss for us.''

Among Wellisch's accomplishments at St. Vincent, McDonough said, was to help administrators with budgeting.

''He did a fine job of encouraging them along,'' McDonough said. ''This year we had a very mature budgeting process.''

It was unclear what led Wellisch to dedicate much of his life to the Hmong. The Rev. Ed Flahavan, a retired St. Paul priest who keeps in touch with many local Catholic clergy, said he thought that the Rev. Daniel Taillez—a French priest who had once served in Vietnam—introduced Wellisch to that segment of Southeast Asia's population.

Wellisch learned to say the mass in Hmong.

''He even learned to preach in Hmong—he'd learned it that well,'' said the Rev. James Reidy, a retired priest and friend of Wellisch's. ''He had the ability to pick up language very quickly,''

Wellisch is survived by three cousins. Funeral arrangements are pending. He earned an undergraduate degree St. Thomas in 1962 and a master's degree and doctorate in English from the University of Minnesota. He was ordained in 1969 and served as an associate pastor at St. Mark's Catholic Church in St. Paul until 1971, when he joined the St. Thomas faculty.

''He was the kindest, gentlest, most supportive colleague you could want, ''Mikolajczak said. ''He loved literature—Victorian, mainly, but everything, really.

''He'd teach the modern tradition if I'd want. He'd teach the classical tradition if I'd ask. He wasn't afraid to pitch in.

''He was a priest the lay faculty accepted as a colleague. He claimed no special privileges because of his collar.''

(By Casey Selix)

[From the Pioneer Press, May 26, 2003]

ST. PAUL PRIEST TO HMONG DIES

Some St. Vincent de Paul parishioners would drive 100 miles round-trip Sunday mornings to hear the Rev. Robert Wellisch celebrate Mass in Hmong.

More than half of the members of the church in St. Paul don't speak fluent English, so it means a lot to worship in their native language, said Kou Ly, who translated the priest's sermons into Hmong and coached him on pronunciation.

When Kou Ly and other parishioners arrived at church and found locked doors Sunday morning, they started worrying and praying.

About 10 p.m. Saturday, Wellisch died after his car hit a stray horse on U.S. 169 in LeSueur County, causing him to veer through the median and into a ditch, according to the State Patrol. Wellisch, 62, who was wearing a seat belt, died at the scene.

As one grieving Hmong elder told the Rev. Kevin McDonough through a translator Sunday, ''We are like a family that has lost its only parent.''

Besides appreciating his Hmong services, parishioners just plain liked the priest, who cared enough to show up at their children's birthday parties and other important social events in the Hmong community.

''He would do much more than a regular priest. . . . He was so good-hearted,'' said Kou Ly, adding that Hmong-speaking Catholic priests are a rarity.

It was Father Bob's good heart that took him to Mankato, MN, on Saturday to attend a pre-confirmation retreat with parish youth and their parents. And his good heart led him to drive back alone late Saturday so he could celebrate Mass the next morning with the rest of the flock. About 150 families belong to the church.

''It's a tragic loss at a number of levels,'' said McDonough, vicar general of the Archdiocese of St. Paul and Minneapolis. ''Father Bob Wellisch was one of those very gentle souls that his brother priests had a great deal of respect for. This is a real personal loss on the part of the priests and the people he served. In the last 15 years, he was in one way or another so critical to the development of the Hmong Catholic community.''

Wellisch, a St. Paul native, also was a full-time associate professor at the University of St. Thomas, where he was considered an expert in Victorian literature and where he taught in the Catholic studies department.

''He so loved the literature and the discipline and he was so kindly attentive to students that I have never heard a complaint about him,'' said Michael Mikolajczak, chairman of the English department. ''He was teaching a full load here and then ministering to the Hmong community, and he didn't stint on anything. He was just remarkably generous.''

St. Vincent de Paul Deacon Va Thai Lo had known Wellisch for 20 years. ''He was very nice, and he loved all the people very much. Any time our members called him, he would visit them at their homes if they wanted—even go to their birthday parties.''

Each morning, Wellisch would wake up at the St. Thomas faculty residence and head to St. Vincent de Paul to celebrate the daily Mass, Va Thai Lo said. Then he would return to campus to teach. On weekends, he gave services at the church in English and Hmong. In between, he tended to his parishioners' needs.

The deacon recalls Wellisch once confiding that he might be ''too old'' to learn the Hmong language.

Even so, Wellisch persevered—sometimes with amusing results, said Kou Ly, who worked with Wellisch on pronunciation.

''He would pronounce the words funny,'' Kou Ly said. ''When you mispronounce a word in Hmong it can mean a totally different thing—such as the word for stick. If you vary the tone a little it can mean blanket. We would just keep doing it, and he would laugh about it.''

After Wellisch underwent heart bypass surgery a few years ago, about 30 members of the Hmong community performed a healing ceremony.

As they tied strings around his wrist, they expressed wishes for good health and a long life for him. ''Culturally, we believe that whatever we say will stay in that string,'' Kou Ly said.

Though Hmong recommend that the strings remain in place for three days, Wellisch wore his for longer than that, friends recall.

Wellisch graduated from St. Paul's Cretin High School in 1958 and summa cum laude from St. Thomas in 1962 with a B.A. in English. He received a master's degree and a Ph.D. in English from the University of Minnesota. He was ordained by the archdiocese in 1969 and served at St. Mark's in St. Paul, the Cathedral of St. Paul, St. Paul's Priory and Holy Trinity Catholic Church in South St. Paul.

In 1984 he was appointed chaplain for the Twin Cities Hmong Catholic Community. He also was chaplain of the Hmong American National Catholic Association. He became pastor at St. Vincent de Paul last June.

Survivors include three cousins, Dale Bowen of Fridley, Alice Bowen of Sioux Falls and Gretchen Myers of Cedar Falls, Iowa.

Funeral services are pending.

[From the Pioneer Press, May 31, 2003]

HMONG HONOR LIFE OF LATE PRIEST

(By Stephen Scott)

As they followed the casket out the back of the sanctuary, it was clear the Hmong men and women could scarcely let go of their priest.

With the death of the Rev. Robert Wellisch, they felt as if they'd lost a parent.

''You can see by the pain in their eyes what a great priest he was,'' Archbishop Harry Flynn said after Wellisch's funeral Friday. ''There is such sadness in their faces. They just keep saying to me, 'Remember us. Remember us.' ''

Wellisch was the Roman Catholic chaplain to the Twin Cities Hmong community since 1985. He learned their language so he could say Mass for them. He attended their birthday parties, visited their sick, and confirmed and married their children.

Now there is much that a deeply grieving Hmong community cannot understand. Why now? Why a car accident? Why on a church youth trip? Why a horse?

''Right now, our people are very, very sad because of the way he died,'' said Va Thai Lo, deacon at St. Vincent de Paul Church in St. Paul, home to Hmong Catholics in the Twin Cities.

Wellisch, 62, died last Saturday night when his car hit a stray horse on U.S. 169 in LeSueur County. Wellisch was returning from a confirmation retreat for St. Vincent's Hmong youth in Mankato, Minn.

The Hmong Catholics share their grief with Wellisch's other ''families''—faculty at the University of St. Thomas, where he taught literature; the English-speaking Catholics who make up a fourth of St. Vincent's parish; and three cousins who survive him.

But in life, Wellisch made the Hmong community feel as if he was all theirs.

''His absence won't be just missed,'' said a letter from parishioners in the back of the church. ''We have lost our only parent. We are left as orphans who expect a parent that would never return.''

The funeral Mass at St. Vincent's reflected the life of a priest with a diverse calling.

One hundred priests and deacons processed to the hymn ''Los Peb Los Cav Txog Tswv Ntuj.'' They recessed to Amazing Grace.''

The youth choir sang Bryan Adams' ''I Will Always Return.'' They followed with ''Khoom Plig Zoo,'' with lyrics they adapted in memory of Wellisch. One phrase translates: ''When we think of you our tears come out.''

The Rev. James Reidy's homily focused on Wellisch's life as a professor. At his death, Wellisch worked full time at St. Thomas in addition to serving as the priest at St. Vincent's.

''He had a steady, tireless ministry to all he was called to serve,'' Reidy said.

The Hmong especially have been tireless in their mourning. Nearly 50 of them remained in the sanctuary all night after Thursday's visitation, just to be near Wellisch's body.

''We watch over him and look over him,'' said Ah Thao, whose daughter attended the retreat where Wellisch was last seen alive. ''We don't want to leave him alone. We guard him until he is buried.''

The community is anxious about what happens next.

''It is too big of a scope to say right now,'' said Kou Ly, a parishioner who helped Wellisch learn the Hmong language, ''He's not replaceable.''

Va Thai Lo will continue to serve St. Vincent's as a deacon, and various backup clergy will say Mass until an interim pastor or permanent priest is appointed.

''Whenever we needed him, he was there spiritually and morally,'' Khamsy Yang said in a eulogy. ''We will still have faith in God, who will bring us a new priest.''

The Archdiocese of St. Paul and Minneapolis also has ministries dedicated to Hispanics, Vietnamese, Koreans, Poles, Eritreans and American Indians.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate.

H.R. 1465. An act to designate the facility of the United States Postal Service located at 4832 East Highway 27 in Iron Station, North Carolina, as the ''General Charles Gabriel Post Office.''

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 172. Concurrent resolution supporting the 20th Annual National Tourism Week.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1465. An act to designate the facility of the United States Postal Service located at 4832 East Highway 27 in Iron Station, North Carolina, as the ''General Charles Gabriel Post Office''; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 172. Concurrent resolution supporting the 20th Annual National Tourism Week; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1162. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1174. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

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–2443. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled ''Flawed Processes and Ineffective Systems of Accountability Pertaining to DCPS' Special Education Program Have Resulted In Costly Legal Fees and Exorbitant Charges for Related Services and Nonpublic Tuition'' received on June 1, 2003; to the Committee on Governmental Affairs.

EC–2444. A communication from the Secretary of Labor, transmitting, pursuant to law, the Semiannual Report of the Inspector General of the U.S. Department of Labor for the period October 1, 2002, through March 31, 2003; to the Committee on Governmental Affairs.

EC–2445. A communication from the Special Counsel, Office of the Special Counsel, transmitting pursuant to law, the Annual Report from the Office of Special Counsel for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–2446. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Office of Inspector General (OIG) Semiannual Report for the period October 1, 2002, through March 31, 2003; to the Committee on Governmental Affairs.

EC–2447. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (REydon, Oklahoma) (MM Docket No. 01–227; RM–10255)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2448. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (O'Brien, Stamford, Panhandle, Shamrock, Colorado City, Texas; Taloga, Oklahoma) (MB Docket Nos. 02–296, 02–297, 02–298, 02–299, 02–300, 02–302)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2449. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Alamo and Milan, Georgia) (MM Docket No. 01–111)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2450. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations (Comache, Mullin and Mason, Texas) (MM Docket No. 01–159; RM–10164; 10395)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2451. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Buffalo, Oklahoma) (MB Docket No. 02–383; RM–10614)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2452. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Eldorado, Texas; Milan, New Mexico; Alpena, Michigan; Channing, Texas; Escobares, Texas; Ozone, Texas; Rotan, Texas; Wellington, Texas; Memphis, Texas; Matador, Texas; Arthur, Nebraska; Mclean, Texas; and Wheeler, Texas) (MM Docket Nos. 01–273; 02–43; MB Docket 02–17; 02–168; 02–170; 02–172; 02–173; 02–175; 02–176; 02–291; 02–292; and 02–293)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2453. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations (Douglas and Tombstone, Arizona, and Santa Clara, New Mexico) (MB Docket No. 02–374; RM–10598)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2454. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotment, FM Broadcast Stations (Junction, Texas) (MM Docket No. 01–132)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2455. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations, Minot, ND (MM Doc. No. 02–282, RM–10523)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2456. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations, Jackson, WY (MB Docket No. 02–375, RM–10605)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2457. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations, Great Falls, MT (MM Docket No. 00–246, RM–9859)'' received on June 1, 2003; to

the Committee on Commerce, Science, and Transportation.

EC–2458. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations, Derby, KS (MM Docket No. 01–44, RM–10022)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2459. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Opelousas, Louisiana) (MB Docket No. 02–322; RM–10584)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2460. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, TV Broadcast Stations, Hartford, CN (MM Doc. No. 01–306, RM–10152)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2461. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Blanco, TX (MB Docket No. 02–280, RM–10558)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2462. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Hibbing, MN (MB Doc. No. 01–116, RM–10069)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2463. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Trip Limit Adjustments; Pacific Halibut Fisheries; Correction (I.D. 042803E)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2464. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Reopening of the directed fishing for yellowfish sole by vessels using trawl gear in the Bering Sea and Aleution Islands management area (BSAI)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2465. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of Directed fishing for Pacific cod catcher vessels less than 60 feet length overall (LOA) using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management area'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2466. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Correction to Figure 6 to Part 679; Changes to Length Overall of a Vessel at Section 679.2 (0679)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2467. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure; prohibiting retention of Pacific cod by vessels catching Pacific cod for processing by the offshore component in the Western Regulatory Area of the Gulf of Alaska (GOA) (0679)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2468. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Requirement for Maintenance, Requalifications, Repair and Use of DOT Specification Cylinders; Correction of Compliance Dates (CORRECTION to Final Rule Compliance dates) (2137–AD58)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2469. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Transportation of Hazardous Materials; Unloading of Intermodal (IM) and UN Portable Tanks on Transport Vehicles (2137–AD44)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2470. A communication from the Assistant Chief Counsel, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regulated Transactions Involving Documented Vessels and Other Maritime Interests; Inflation Adjustment of Civil Monetary Penalties (2133–AB48)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2471. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Child Restraint Anchorage Systems; Final Rule; Interim Final Rule, Request for Comments (2127–AI49)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2472. A communication from the Deputy Assistant Administrator, Regulatory Programs, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Correction to the Final Rule Implementing Stellar Sea Lion Protection Measures for the BSAI and GOA Groundfish Fisheries (0679)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2473. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule amending the definitions of ''contracting activity'' and ''head of contracting activity'' consistent with realignment of program management responsibilities between NASA Headquarters and the field centers (RIN 2700–AC33)''; to the Committee on Commerce, Science, and Transportation.

EC–2474. A communication from the Acting Assistant Administrator for Procurement, National Aerospace and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Government Property—Instructions for Preparing NASA Form 1018 (48 CFR 1845)'' received on June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2475. A communication from the Director, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report entitled ''Status of Fisheries of the United States''; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 791. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes (Rept. No. 108–57).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 886. A bill to ratify otherwise legal appointments and promotions in the commissioned corps of the National Oceanic and Atmospheric Administration that failed to be submitted to the Senate for its advice and consent as required by law, and for other purposes (Rept. No. 108–58).

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. BINGAMAN:

S. 1168. A bill to amend title 23, United States Code, to establish a program to increase the use of recyclable material in the construction of Federal-aid highways; to the Committee on Environment and Public Works.

By Mr. SPECTER:

S. 1169. A bill to decrease the United States dependence on imported oil by the year 2015; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN:

S. 1170. A bill to designate certain conduct by sports agents relating to signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA:

S. 1171. A bill for the relief of Vichai Sae Tung (also known as Chai Chaowasaree); to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. BINGAMAN, Mr. DODD, Mr. DEWINE, Mrs. CLINTON, Mr. WARNER, Mrs. MURRAY, Mr. LUGAR, Ms. LANDRIEU, Mr. SESSIONS, and Mr. ALEXANDER):

S. 1172. A bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. FRIST, Mr. GRAHAM of South Carolina, Mr. ALEXANDER, and Mrs. HUTCHISON):

S. 1173. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit,

and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. FRIST, Mr. GRAHAM of South Carolina, Mr. ALEXANDER, and Mrs. HUTCHISON):

S. 1174. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes; read the first time.

By Ms. STABENOW (for herself, Mr. SMITH, and Mr. DAYTON):

S. 1175. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for the purchase of a principal residence by a first-time homebuyer; to the Committee on Finance.

By Mr. BYRD:

S. 1176. A bill to complete construction of the 13-State Appalachian development highway system, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself and Mr. KOHL):

S. 1177. A bill to ensure the collection of all cigarette taxes, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ALLEN (for himself and Mr. WARNER):

S. Res. 158. A resolution commending the University of Virginia Cavaliers men's lacrosse team for winning the 2003 NCAA Division I Men's Lacrosse Championship; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. KYL, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 13, a bill to provide financial security to family farm and small business owners while by ending the unfair practice of taxing someone at death.

S. 140

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 140, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 171

At the request of Mr. DAYTON, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 171, a bill to amend the 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. 184

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 184, a bill to amend section 401 (b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount.

S. 198

At the request of Mr. SMITH, the names of the Senator from Missouri (Mr. TALENT) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 198, 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. 300

At the request of Mr. KERRY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 310

At the request of Mr. THOMAS, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 310, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 322

At the request of Mr. INOUYE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 322, a bill to amend the Internal Revenue Code of 1986 to exempt certain sightseeing flights from taxes on air transportation.

S. 333

At the request of Mr. BREAUX, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 392

At the request of Mr. REID, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 392, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 448

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 448, a bill to leave no child behind.

S. 451

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 514

At the request of Mr. BUNNING, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 514, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 544

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 544, a bill to establish a SAFER Firefighter Grant Program.

S. 554

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 554, a bill to allow media coverage of court proceedings.

S. 576

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 576, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements.

S. 623

At the request of Mr. WARNER, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 636

At the request of Ms. COLLINS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 636, a bill to amend title XVIII of the Social Security Act to provide for a permanent increase in medicare payments for home health services that are furnished in rural areas.

S. 652

At the request of Mr. CHAFEE, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 652, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 684

At the request of Mr. BUNNING, his name was added as a cosponsor of S.

684, a bill to create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States Government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence.

S. 764

At the request of Mr. CAMPBELL, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 764, a bill to extend the authorization of the Bulletproof Vest Partnership Grant Program.

S. 846

At the request of Mr. SMITH, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 846, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes.

S. 875

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor 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. 899

At the request of Mrs. HUTCHISON, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Oregon (Mr. SMITH) and the Senator from Illinois (Mr. DURBIN) 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. 939

At the request of Mr. HAGEL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 939, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes.

S. 950

At the request of Mr. ENZI, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

S. 953

At the request of Ms. LANDRIEU, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 953, a bill to amend chapter 53 of title 5, United States Code, to provide special pay for board certified Federal Employees who are employed in health science positions, and for other purposes.

S. 976

At the request of Mr. WARNER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 982

At the request of Mrs. BOXER, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Connecticut (Mr. LIEBERMAN) 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. 983

At the request of Mr. CHAFEE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 985

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 987

At the request of Mr. DORGAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 987, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program and to make other rural health care improvements.

S. 1008

At the request of Mr. CAMPBELL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1008, a bill to provide for the establishment of summer health career introductory programs for middle and high school students.

S. 1011

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1011, a bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds $2,000 and to provide for a graduated implementation of such provision on amounts above such $2,000 amount.

S. 1015

At the request of Mr. GREGG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1015, a bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes.

S. 1046

At the request of Mr. HOLLINGS, the names of the Senator from Connecticut (Mr. DODD) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors 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 names of the Senator from Washington (Mrs. MURRAY) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1046, supra.

S. 1090

At the request of Mr. VOINOVICH, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1090, a bill to amend title 23, United States Code, to increase the minimum allocation provided to States for use in carrying out certain highway programs.

S. 1092

At the request of Mr. CAMPBELL, the names of the Senator from Virginia (Mr. ALLEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Carolina (Mr. GRAHAM) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1092, a bill to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans.

S. 1153

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1153, a bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes.

S. 1157

At the request of Mr. BROWNBACK, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Hawaii (Mr. INOUYE), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1157, a bill to establish within the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes.

S. 1162

At the request of Mrs. LINCOLN, the names of the Senator from New York (Mr. SCHUMER), the Senator from New Jersey (Mr . LAUTENBERG), the Senator from Massachusetts (Mr. KERRY), the Senator from Florida (Mr. GRAHAM), the Senator from Montana (Mr. BAUCUS), the Senator from Maryland (Mr. SARBANES), the Senator from Maryland (Ms. MIKULSKI), the Senator from Vermont (Mr. LEAHY), the Senator from Nebraska (Mr. NELSON), the Senator from Florida (Mr. NELSON), the Senator from Michigan (Mr. LEVIN), the Senator from Delaware (Mr. CARPER), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Delaware (Mr. BIDEN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Washington (Ms. CANTWELL), the Senator from South Dakota (Mr. DASCHLE), the Senator from Michigan (Ms. STABENOW), the Senator from Connecticut (Mr. DODD), the Senator from North Dakota (Mr. CONRAD), the Senator from Ohio (Mr. VOINOVICH), the Senator from Hawaii (Mr. AKAKA), the Senator from North Dakota (Mr. DORGAN), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Wisconsin (Mr. KOHL), the Senator from California (Mrs. FEINSTEIN), the Senator from California (Mrs. BOXER) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1162, a bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

S. 1162

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1162, supra.

S. CON. RES. 44

At the request of Mr. AKAKA, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Con. Res. 44, a concurrent resolution recognizing the contributions of Asian Pacific Americans to our Nation.

S. RES. 118

At the request of Mrs. BOXER, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. CORZINE), the Senator from Arkansas (Mr. PRYOR) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 118, a resolution supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II.

S. RES. 153

At the request of Mrs. MURRAY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 153, a resolution expressing the sense of the Senate that changes to athletics policies issued under title IX of the Education Amendments of 1972 would contradict the spirit of athletic equality and the intent to prohibit sex discrimination in education programs or activities receiving Federal financial assistance.

AMENDMENT NO. 539

At the request of Mr. BUNNING, his name was added as a cosponsor of amendment No. 539 proposed to S. 14, a bill to enhance the energy security of the United States, and for other purposes.

AMENDMENT NO. 841

At the request of Mr. DODD, his name was withdrawn as a cosponsor of amendment No. 841 proposed to S. 14, a bill to enhance the energy security of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1168. A bill to amend title 23, United States Code, to establish a program to increase the use of recyclable material in the construction of Federal-aid highway; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise to introduce legislation that I believe will provide the necessary incentives to improve State efforts in the use of recycled materials in highway construction and maintenance. The use of recycled materials in highways is an established process in certain parts of the United States, with some States using recycled materials on a regular basis. These materials include fly ash, bottom ash, rubber products from old tires, and reprocessed concrete and asphalt pavements. Less commonly used recycled commodities include glass and plastic. The American Association of State Highway and Transportation Officials has recently approved specifications for the use of biomass, including small diameter timber, providing an additional avenue for use of recycled material. The list of accomplishments is impressive, but its application is limited. Many States could do much more with the use of recycled materials in their highway systems.

Challenges faced by States in the use of recycled material in highways are attributed to several factors. Some State Departments of Transportation are unaware of the different types of recycled materials that are available in today's construction industry. Others do not have the technical expertise to take advantage of the broad range of recycled materials and techniques. Some may not have developed the necessary procurement infrastructure to include the use of recycled materials in highway construction.

To assist States in overcoming these obstacles and to provide necessary incentives for the expansion of this economically and environmentally viable practice, I am introducing the Recycled Roads Act of 2003. The purpose of this bill is to authorize the Secretary of Transportation to establish a recycled roads incentive grant program to encourage the use of recyclable material in the construction of Federal-aid highways by States and Indian tribes. The program will provide two types of grants. The first type, which is funded up to $125,000 per year, will be for a State or Indian tribe to use in employing a coordinator to promote the use of recyclable material in Federal-aid highway construction. The second type, which is funded up to $1,400,000 per year, will be for a State or Indian tribe to use to carry out projects and activities to promote the expanded use of recycled material in Federal-aid highway construction and maintenance. Total funding for both grants is $123,525,000 per year.

The case for expanded use of recycled materials in road construction is clear. Dr. T. Taylor Eighmy, Director of the University of New Hampshire Recycled Materials Resource Center, from an article entitled ''The Road to Reuse'' published in the professional journal Civil Engineering, states the case well: ''Why should we as a society continue to dispose of materials that may have inherent engineering value and suitable environmental properties and continue to rely on nonrenewable natural resources in constructing the U.S. infrastructure? Indeed, these materials may become increasingly deserving of consideration as we tackle deteriorating infrastructure problems in the United States. And the use of recycled materials in lieu of natural materials may provide additional environmental benefits through better performance and lower cost because there would be less need to mine, process, and transport traditional materials.

''Applications for recycled materials within the highway environment include both bound and unbound uses: asphalt pavements, portland cement concrete pavement, granular bases and subbases, stabilized bases, embankments, structural fills, flowable fills, soil cover and erosion control, and appurtenances. Materials such as reclaimed asphalt pavement, RAP, are widely recycled using both in-place and off-site recycling methods. More than 45 States use RAP. The National Asphalt Paving Association reported in April 2000 that RAP has one of the highest recycling rates in the United States—close to 80 percent. About 73 million tons are recycled each year, saving the taxpayers about $300 million annually.''

The example of RAP is one of our best success stories in the use of recycled materials in roads. However, there is much more that can be done. As Dr. Eighmy explains, ''. . . the number of states that use recycled materials varies significantly, as do the approaches states take in conducting beneficial use determinations, particularly on less traditional materials. There is a general sense that states with higher industrial activities use more of the resulting by-products. . . . There also appears to be a relation between a state's

commitment to recycling and the maturity of the beneficial use program in that state.''

The Federal Highway Administration produced a policy on recycled materials in February of 2002, which strongly encourages the use of existing recyclable materials in highway construction and maintenance. As stated in the policy, ''Recycling presents environmental opportunities and challenges, which, when appropriately addressed, can maximize the benefits of reuse. The use of most recycled materials poses no threat or danger to the air, soil, or water. Furthermore, careful design, engineering and application of recycled materials can reduce or eliminate the need to search for and extract new, virgin materials from the land.

''The engineering feasibility of using recycled materials has been demonstrated in research, field studies, experimental projects and long-term performance testing and analysis. Significant advances in technology over the past decade have increased the types of recycled materials in use and the range of their applications. When appropriately used, recycled materials can effectively and safely reduce cost, stave time, offer equal or in some cases, significant improvement to performance qualities, and provide long-term environmental benefits.''

The Federal Highway Administration policy is supported by both science and a common sense approach to the needs of building and maintaining our national highway system. This bill provides the necessary incentives to expand these beneficial recycling practices, and increase the associated environmental and engineering impacts.

In addition, this legislation was developed in consultation with several stakeholders from the Federal and state governments, and non-governmental organizations. The State of New Mexico, and the non-profit organizations Environmental Defense and the Surface Transportation Policy Project have provided letters expressing their support for this legislation.

I ask all Senators to support the Recycled Roads Act of 2003. I look forward to working with the Chairman of the Environment and Public Works Committee, Senator INHOFE, and Senator JEFFORDS, the ranking member, to incorporate his bill into the full 6-year reauthorization of the transportation bill. I would also like to thank Jeff Steinborn from my office in Las Cruces, New Mexico for his diligent work in developing the initial concept for this legislation.

I ask unanimous consent that the article from September 2001 professional society journal Civil Engineering entitled ''The Road to Reuse'' by Dr. T. Taylor Eighmy, the February 2002 Federal Highway Administration policy on recycled materials, and letters of support from the State of New Mexico, Environmental Defense, and the Surface Transportation Policy Project be printed in the RECORD. I also 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:

[From Civil Engineering, Sept. 2001]

THE ROAD TO REUSE

(By T. Taylor Eighmy and Bryan J. Magee)

Why should we as a society continue to dispose of materials that may have inherent engineering value and suitable environmental properties and continue to rely on nonrenewable natural resources in constructing the U.S. infrastructure? Shouldn't we be making a concerted effort to use recycled materials as substitutes for natural aggregates or materials in the construction of highway infrastructure? Indeed, these materials may become increasingly deserving of consideration as we tackle deteriorating infrastructure problems in the United States. And the use of recycled materials in lieu of naturals materials may provide additional environmental benefits through better performance and lower cost because there would be less need to mine, process, and transport traditional materials.

There are many types of wastes and by-product materials with potential uses in the highway environment. Ground recycled asphalt pavement, crushed reclaimed concrete, foundry sands, coal bottom ash, blast furnace slags, nonferrous slags, steel slags, quarry by-products, shredded tires, and glass cullet can all serve as aggregate substitutes. Cement kiln dusts, silica fume, ground-granulated blast furnace slag, class F coal fly ash, and class C coal fly ash can serve as alternative cementitious materials. Ground recycled asphalt pavement, roofing shingle scraps, and ground rubber can serve as sources of asphalt cement or asphalt modifiers. And coal combustion by-products, wood ash, sludge ash, composted biomass, and ground wood wastes can serve as soil amendments, soil cover, mulch, and erosion control materials.

Applications for recycled materials within the highway environment include both bound and unbound uses: asphalt pavement, portland cement concrete pavement, granular bases and subbases, stabilized bases, embankments, structural fills, flowable fills, soil cover and erosion control, and appurtenances. Materials such as reclaimed asphalt pavement (RAP) are widely recycled using both in-place and off-site recycling methods. More than 45 states use RAP. The National Asphalt Paving Association reported in April 2000 that RAP has one of the highest recycling rates in the United States—close to 80 percent. About 73 million tons (66 million Mg) are recycled each year, saving taxpayers almost $300 million annually.

A recent, but incomplete, compilation of materials recycled in the highway environment in the United States shows that other materials are recycled annually at reasonable rates. These annual usage and recycling rates are worth noting: blast furnace slag—24 million tons (12.6 million Mg), 90 percent recycling rate; coal fly ash—16 million tons (14.6 million Mg), 27 percent; coal bottom ash—4.8 million tons (4.4 milliono Mg), 30 percent; coal boiler slag—2.3 million tons (2.1 million Mg), 91 percent; current kiln dust and lime kiln dust—9.1 million tons (8.3 million Mg), 31 percent; and steel slag—8.3 million tons (7.5 million Mg), percentage unknown. However, the number of states that use recycled materials varies significantly, as do the approaches states take in conducting beneficial use determinations, particularly on less traditional materials. There is a general sense that states with higher industrial activity use more of the resulting by-products—foundry sands and slags, for example. There also appears to be a relation between a state's commitment to recycling and the maturity of the beneficial use program in that state.

A number of European countries have routinely used recycled materials since the 1970s with a high degree of success. What is remarkable about the European story is the recycling rate of materials used (material used/material produced) in the highway environment with rates of 100 percent frequently noted. The Netherlands, a populous country with more limited aggregate resources and a high degree of industrialization and interest in land reclamation, is the best example. The annual reported totals of metric tons used, together with the recycling rates, are as follows: steel slag—0.5 million, 100 percent; blast furnace slag—1.2 million, 100 percent; coal bottom ash—0.08 million, 100 percent; coal fly ash—0.85 million, 100 percent; construction and demolition aggregates—9.2 million, 100 percent; municipal solid waste combustion bottom ash—0.8 million, 100 percent; and RAP—10.7 million, 100 percent.

Data from a variety of sources suggest potential sources of recycled materials for use in the highway environment. In their paper ''Utilization of Waste Materials in Civil Engineering,'' R.J. Collins and S.K. Ciesielski cited four major sources of waste and by-product materials for highway use: agriculture (2,100 million tons [1,905 million Mg] per year), domestic (200 million tons [181 million Mg] per year) industrial (400 million tons [363 million Mg] per year), and mineral (1,800 million tons [1,633 million Mg] per year). Combined, these account for about 4.5 billion tons per year.

Recent data from the Federal Highway Administration (FHWA) indicate that in 1997 there were almost 4 million mi (6.4 million km) of roads in the United States—4 percent under federal jurisdiction, 21 percent under state jurisdiction, and 75 percent under local jurisdiction. Data from 1992 on material uses in the highway environment from the National Research Council show that the construction, rehabilitation, and maintenance of U.S. highways require about 350 million tons (318 million Mg) of natural and manufactured materials, including 20 million tons (18 million Mg) per year of asphalt, 10 million tons (9 million Mg) per year of portland cement, and 320 million tons (290 million Mg) per year of natural aggregates, paving mixtures, and synthetic surfacing and coating materials. It is interesting to contrast these numbers with the data presented on waste and by-product production. Undoubtedly, these numbers have increased.

ASCE's 2001 Report Card for America's Infrastructure indicates that one-third of the nation's roads are in poor or mediocre condition, costing American drivers an estimated $5.8 billion and contributing to as many as 13,800 highway fatalities each year. Additionally, the assessment quotes FHWA findings that 29 percent of the nation's bridges are structurally deficient or functionally obsolete and its estimate that elmininating all bridge deficiencies would cost $10.6 billion over the course of 20 years. There is a critical need for a significant investment of money and material to help alleviate these conditions and for changes in transportation behavior, transportation investment, and the application of innovative technologies. How much of this necessary rehabilitation can make appropriate use—both economically and from long-term engineering and environmental performance perspectives—of the materials already present in pavements, base courses, subbases, embankments, bridge decks, and bridge abutments? What other waste or by-product material might be used?

The 1991 Intermodal Surface Transportation Efficiency Act (ISTEA) gave high priority to research on recycling. Largely as a result of this focus, the FHWA and the National Cooperative Highway Research Program (NCHRP) sponsored several projects related to recycling, all of them national in scope. Other federal agencies have developed guidelines or programs that in some way relate to the use of recycled materials. For example, the publication User Guidelines for Waste and By-Product Materials in Pavement Construction was developed to assist those who have an interest in using or increasing their understanding of the types of waste and by-product materials that may be recovered and used in pavement construction applications. By documenting the potential use of 19 recycled materials in six construction applications, these guidelines, which were produced by the FHWA and published in 1997, are intended to describe the nature of each material, suggest sources for obtaining additional information, and outline the issues that need to be evaluated when considering the use of a particular material. The guidelines are also intended to provide general information on engineering evaluation requirements, environmental issues, and economic considerations in determining the suitability of particular recovered materials in pavement applications. (An electronic version of the guidelines is available at the Web site of the Recycled Materials Resource Center [www.rmrc.unh.edu/Partners/UserGuide/begin.htm].)

Funded by the NCHRP and completed in 1998, the Recycled Materials Information Database was created as a tool that can be used to review and store data on the properties and applications of recycled material and on testing procedures. Reference information is also included. With information on 21 materials, the database is divided into nine main categories and provides the user with both general and detailed engineering and environmental information on each material. Recommended laboratory engineering tests that can be used to assess the suitability of each waste and recycled material for transportation applications are included, along with recommendations for monitoring in-field trials. (Copies of the database may be downloaded from the Recycled Materials Resource Center Web site [www.rmrc.unh.edu/Resources/UsefulDocuments&Programs/NCHRP/NCHRP.asp].)

The Framework for Evaluating Use of Recycled Materials in the Highway Environment was recently published by the FHWA to establish a logical and hierarchical evaluation process that all states can use either to develop a beneficial use determination process or to refine an existing process of this type. The purpose of this document is to help reduce barriers to the use of recycled materials and to facilitate the migration of successful practices across state boundaries. Additionally, because the management and regulation of recycled materials use in the highway environment are jurisdictionally the responsibility of a state's department of transportation (DOT) and its environmental protection agency (EPA), a major goal was to work with state DOTs and EPAs to develop a consensus-based approach that would encourage the two agencies to work together in the evaluation process. The process uses a series of stages that can each lead to approval or a beneficial use application from both an engineering and an environmental perspective. It comprises issue definition, data evaluation, laboratory testing, and field tests. The project used an expert technical group to help develop the framework. DOTs and EPAs from Florida, Minnesota, New Hampshire, New Jersey, and New York were involved. (An electronic version of the guidelines is available on the Web site of the Recycled Materials Resource Center [www.rmrc.unh.edu/Partners/Framework/Start/start.html].)

The report Environmental Impact of Construction and Repair Materials on Surface and Ground Waters (NCHRP 25–9) was prepared by the NCHRP after determining whether commonly used construction and repair materials might affect—through the persistence of any toxic leachates—the quality of surface water or groundwater adjacent to highways. A number of widely used waste and by-product materials were included in this evaluation. By developing a model that can be applied to any medium through which the leachates might pass, the report provides users with a tool capable of predicting the potential environmental harm of various waste and by-product materials. (Copies of the report can be obtained from the Transportation Research Board's bookstore [http://national academies.org/trb/bookstore] by searching book code NR448.)

Established in 1998 in close coordination with the FHWA's Pavement Management Coordination Group, the Recycled Materials Resource Center (RMRC) works on the national level to promote the appropriate use of recycled materials in the highways environment. The RMRC forms part of the Environmental Research Group at the University of New Hampshire. It has a unique role in the growing application of recycled materials to highway construction—namely to serve as a catalyst to reduce barriers to the appropriate use of these materials. The center is a culmination of a number of diverse but integrated efforts on the part of the FHWA, other federal and state agencies, and academia to provide a cohesive approach to the complex engineering and environmental issues surrounding the use of recycled materials. The RMRC focuses on both research and outreach activities in carrying out its mission, and its principal clients are state DOTs and EPAs.

In terms of research, the RMRC channels approximately half of its overall budget to a diverse range of projects related to recycling. At present 2 projects have been completed and 11 are in progress nationwide at a number of academic institutions and consulting companies. In addition, with the request for proposals issued by the center in February, three are slated to commence in September. The projects address a range of engineering and environmental issues related to recycling, among them the mitigation of alkali silicate reactions in recycled concrete; environmental weathering of granular waste materials; concrete mixtures with inclusions to improve the sound-absorbing capacity of portland cement concrete pavements; and the development of a risk analysis framework for the beneficial use of secondary materials. Attention is also given to leaching from granular materials used in highway construction during intermittent wetting: the development and preparation of specifications for recycled materials in transportation applications; the determination of the number of revolutions needed for cold-in-place Superpave mixture design using the sequential gyratory compactor; the development of a rational and practical mix design system for full depth reclamation; the fatigue durability of stabilized recycled aggregate base course containing coal fly ash and waste-plastic strip reinforcement; and the development of lightweight synthetic aggregate from coal fly ash and waste plastics.

The RMRC orchestrates numerous activities, the principal and most accessible of which is its Web site (www.rmrc.unh.edu). The site provides a variety of tools, including a client registration feature; an information request feature; virtual demonstration sites; updates on all RMRC-funded research projects; numerous documents and programs; links to pertinent specifications, state DOT programs, literature search engines, and national and international entities; lists of scheduled events; information on funding opportunities; and access to libraries and databases. In addition the center sends out a quarterly electronic newsletter to its clients, keeping them abreast of ongoing and upcoming events related to recycling.

Of particular interest is the center's first specification to be adopted by the American Association of State Highway and Transportation Officials (AASHTO). In December 2000 AASHTO voted to adopt ''Glass Cullet Use for Soil Aggregate Base Course'' as a new national specification (M–318–01). While currently recognized as a national specification, the document will first appear in the 21st edition of the AASHTO specifications, which is slated for publication this year. This recycling specification was developed by Warren Chesner of Chesner Engineering, in Commack, New York, in conjunction with the AASHTO subcommittee on materials as part of a research project funded by the RMRC. The project is looking at the properties of selected recycled materials and is developing—with the assistance of a technical advisory group made up of representatives of 15 state DOTS—specifications in an AASHTO format for the use of these materials in highway construction.

An upcoming outreach event of note is the international conference Beneficial Use of Recycled Materials in Transportation Applications, which the center is helping to organize. All told, 163 abstracts have been submitted from engineers and researchers from 23 different countries. The event will be held in Washington, DC, November 13–15 (see [www.rmrc.unh.edu/2001Conf/overview.asp]).

In September 1999 an FHWA delegation visited Sweden, Denmark, Germany, the Netherlands, and France to review and document innovative policies, programs, and techniques that would help to reduce barriers to the use of recycled materials in U.S. highways. The delegation met with more than 100 representatives from transportation and environment ministries, research organizations, contractors, and material producers involved with recycled materials in those countries. The U.S. delegation discerned a number of factors that have played a role in the success of recycling on highways in Europe, particularly in the Netherlands. The factors fall under the general concept of sustainability within the highway environment. The major components of the sustainability initiatives are the three Es: economics, engineering, and environment. (The final report is available online at [www.international.fhwa.dot.gov/Pdfs/recycolor.pdf].)

As a follow—on to the European visit, a workshop—Partnerships for Sustainability: A New Approach to Highway Materials—was developed to share European advances in recycling in the highway environment with a targeted audience of state DOT materials engineers, state DOT environmental staff members, and state EPA staff members who work on beneficial use. Fifteen states were invited to send representatives to the workshop, and more than 100 people attended. The goals were to showcase recent developments, introduce the Dutch sustainability concept, and encourage state agency personnel to work together on all aspects of using recycled materials on highways. (The workshop is highlighted on the RMRC Web page [www.rmrc.unh.edu/partner.asp], and the final report can be accessed at [www.rmrc.unh.edu/Partners/finalreport.asp].)

The FHWA has established a team to provide leadership, direction, and technical guidance to the transportation community to promote the use of recycled materials in highway environments and to provide technical support and assistance. The team is preparing a white paper that will set forth priority initiatives for recycling, and it is forming partnerships with AASHTO's subcommittees on materials and construction, with the RMRC, and with industry. Members of the team—their FHWA division given in parentheses—include Jason Harrington and Michael Rafalowski (Infrastructure Core Business Unit), Connie Hill (Planning and Environment Core Business Unit), Terry Mitchell and Jack Youtcheff (Research and Development Support Business Unit), Michael Smith (Southern Resource Center), Walter Waidlich (New Hampshire Division), Bryan Cawley (North Dakota Division), and Jim Travis (Texas Division).

A number of state DOTs have established recycling coordinator positions. These positions frequently figure prominently in technology transfer, research coordination, and informational outreach. The DOTs of California, Massachusetts, North Carolina, Pennsylvania, and Texas all have active programs.

MASSHIGHWAY

Over the past few years, the Massachusetts DOT, MassHighway, has made significant progress on the recycling front. Steps have been taken throughout the department to increase the use of waste and recycled materials in construction projects and everyday activities; to focus on recycled, remanufactured, and environmentally beneficial materials in procurement decisions for offices, stockrooms, facilities, and construction sites; and to promote the recycling of various waste streams. Recycling and environmentally beneficial procurement are becoming part of the routine way of doing business at MassHighway. Although highway performance, safety, and cost are of primary importance, as long as recycled and environmentally beneficial materials and products can fill this bill, they will be considered comparable, if not superior, to virgin alternatives.

Recent projects in Massachusetts include the procurement of recycled antifreeze, refined oils, and safety vests manufactured from soft drink bottles that are fully recycled; the acceptance of specifications allowing for the use of recycled plastic offset blocks as a substitute for pressure-treated lumber blocks; and the commencement of a research project to investigate the use of tire shreds beneath a roadway embankment. In addition, there are plans to set up trial and demonstration projects involving bio-based lubricants, recycled street sweepings, and noise barriers made of recycled plastic.

In 1999 alone, MassHighway was able to recycle more than 10,000 tons (9,000 Mg) of waste, use more than 138,000 tons (125,000 Mg) of reclaimed or recycled materials in construction projects, and spend more than $33 million on materials and products that had a high recycled content or were environmentally beneficial. There is still much to be done. MassHighway will continue to evaluate its many procurement procedures and specifications to remove unnecessary barriers and find new applications for recycled materials and materials that are environmentally beneficial. It will also continue to examine its construction and maintenance operations to find areas where waste can be reduced. Additionally, it will continue to work in coordination with local, state, and national environmental and public works entities to share its experiences and to learn more about the use of recycled and environmentally beneficial materials in highway and roadway construction.

PENNSLYVANIA DOT

PennDOT has developed a strategic recycling program (SRP) as a tool for systematically identifying, evaluating, and implementing opportunities to sue recycled materials in transportation and civil engineering work throughout the state. The ultimate objective of the SRP is to realize economic savings and environmental benefits for both PennDOT and the state by recycling, limiting pollution, and continuing various other environmental initiatives.

Five key areas have been targeted by the state to help PennDOT achieve and sustain its mission to increase the use of recycled materials:

(1) Research: Continue to evaluate the existing uses of recycled materials and products and conduct research into new uses of recycled materials in transportation and civil engineering work.

(2) Specifications: Develop and approve material and use specifications, bidding specifications, and guidelines for the use of recycled materials that confer significant environmental, engineering, or economic benefits.

(3) Project development: Identify, promote, and plan projects that use recycled materials that conform to approved or provisional specifications.

(4) Communication: Provide information via various media to PennDOT, government agencies, and the public on the performance and applicability of recycled materials in transportation and civil engineering work.

(5) Contract bidding: Evaluate construction contract legal bidding requirements and develop innovative ways to enable PennDOT to specify the use of recycled materials in transportation construction and maintenance projects.

NORTH CAROLINA DOT

Last year NCDOT recycled 2.4 million lb (1.1 million kg) of metal, 1 million lb (450,000 kg) of paper products, and more than 30,000 lb (14,000 kg) of glass and plastic as part of their daily operations. In addition to these efforts, the department continues to seek applications for recycled products in highway construction. Since 1989 the NCDOT has used more than 7 million tires, 50,000 tons (45,000 kg) of glass beads, and 14,000 tons (13,000 kg) of asphalt shingles.

Lyndo Tippett, the state's secretary of transportation, has indicated he will expand the department's environmental efforts. ''As a native of rural North Carolina, I know firsthand the value of our state's natural resources,'' he said. ''We must be proactive about finding opportunities that not only protect our environment but also improve it.''

One such opportunity is the department's partnership with Habitat for Humanity of Wake County, which won an environmental excellence award from the FHWA this year. In this program, Habitat helps raze houses within the department's rights-of-way that are scheduled for demolition.

Prospective homeowners help demolish the houses, earning credit toward the construction of their new homes. Materials are then stored in Habitat's reuse center and sold to the general public at reduced prices. The department is currently working to develop partnerships with other Habitat chapters throughout the state.

Another initiative is a pilot project with Bion Technologies, of Clayton, North Carolina. Last year the company donated 900 lb (410 kg) of swine waste for use as an alternative to commercial fertilizer. NCDOT roadside environmental engineers are currently working with the company to monitor the effectiveness of this product in test plots of wildflower beds along U.S. 117 south of Goldsboro to see if more widespread use is warranted.

''Our partnerships with Habitat for Humanity and Bion Technologies demonstrate to the public the positive effect that recycling has on our culture as well as our environment,'' said Tippett. ''These efforts also prove that it is possible to have a quality transportation system and a beautiful environment at the same time.''

TEXAS DOT

TxDOT's road to recycling initiative represents a mammoth endeavor to use recycled materials in road construction and maintenance projects. The goal of this initiative is to increase the use of recycled materials in road construction when they confer environmental benefits and economic or engineering advantages.

Since 1995 TxDOT has coordinated more than $1 million worth of research to investigate the use of a broad array of recycled materials in road construction, including glass cullet, scrap tires, fly and bottom ash, crushed porcelain toilets, shredded brush, compost, roofing shingles, plastics, RAP, crushed concrete, and industrial wastes. The research has been equally broad in the scope of roadway construction applications studied and has examined road signs, roadway safety devices, embankments, asphalt and concrete pavements, soil erosion control, drainage, vertical moisture barriers, and road bases.

Information on the merits of recycled roadway materials has been disseminated around the world through information showcases, press releases, a video, a Web site, two conferences, and a yearlong publicity campaign.

Since the inception of its recycling program in 1994, TxDOT has spent more than $506 million on ''green'' products and diverted more than 13 million tons (12 million Mg) of materials from landfills—a diversion equivalent to more than 1,300 lb (590 kg) for every man, woman, and child in Texas. These staggering numbers are for the most part directly attributable to the use of recycled materials in road construction applications.

As part of its continuing efforts to promote the use of materials recovered from solid waste, the U.S. EPA has developed the Comprehensive Procurement Guideline (CPG) program. The institutional purchase of recycled products by government ensures that the materials collected in recycling programs will be used again in the manufacture of new products. Congress authorizes the CPG program under section 6002 of the Resource Conservation and Recovery Act (RCRA). The CPG process designates products that are or can be made with recycled materials. At present for construction products, coal fly ash and ground granulated blast furnace slag are listed for cement and concrete materials, and coal fly ash and foundry sands are listed for flowable fill. Materials are also listed for transportation and landscaping categories. (Additional information is available at [www.epa.gov/cpg/].)

OTHER INITIATIVES

Established in the 1990s by the U.S. Department of Energy (DOE), the Industries for the Future Program creates partnerships linking industry, government, and supporting laboratories and institutions to accelerate technology research, development, and deployment. The DOE's Office of Industrial Technologies is implementing the program for nine energy- and waste-intensive industries, namely agriculture, aluminum, chemicals, forest products, glass, metal casting, mining, petroleum, and steel. The program's goal of increasing competitiveness and reducing energy consumption waste involves recycling

by-products from these industries. A recent conference hosted by the DOE and the Civil Engineering Research Foundation explored recycling opportunities for these industries and in formulating plans for the future looked at perceived barriers, market needs, and collaborative relationships. (For additional information about the Industries for the Future Program, see [www.oit.doe.gov/industries.shtml].)

Life-cycle analysis (LCA) has become increasingly common in civil engineering construction applications. Indeed, its use is being widely encouraged in addressing America's infrastructure problems. An excellent example of this application is the model BridgeLCC, developed by the National Institute for Standards and Technology for use evaluating high-performance bridges. BridgeLCC (see [www.bfrl.nist.gov/bridgelccl] is geared toward helping design engineers estimate and compare the life-cycle costs of a new technology—for example, high-performance concrete or fiber-reinforced-polymer (FRP) composites—with those of a conventional technology made with conventional materials. The FHWA has instituted similar models for highway design (see [www.fhwa.dot.gov/resourcecenters/southern/msmith.htm]).

There is less experience here in the United States with the application of LCA in deciding whether to use recycled materials or traditional materials in highway work, and this is even more pronounced when environmental burdens or emissions are included in the model. Recent work by the Finnish National Road Administration has resulted in the development of a comprehensive LCA and inventory analysis program. In Finland the production and transport of materials produce the most significant environmental burdens; the activities that consume the most energy are the production of bituminous asphalt and cement and the crushing and transport of materials. The consumption of raw materials and the leaching behavior of recycled materials there were also regarded as being of great significance. A weighted environmental loading assessment for three scenarios (coal fly ash in subbase and stabilized subbase; crushed concrete in base and subbase; and blast furnace slags in base, subbase, and lower subbase) and a traditional construction scenario were conducted in the Finnish study. The use of blast furnace slag, crushed concrete, and coal fly ash in road bases was seen as imposing a lower total environmental loading than the use of coal fly ash in stabilized subbases or the use of traditional pavements using crushed rock.

Obviously, such analytical tools and case studies need to be developed and applied to scenarios here in the United States. However, the Finnish National Road Administration data suggest that in a broader sense there may be additional benefits to using recycled materials when life-cycle material costs are considered in conjunction with the harm to the environmental caused by energy production and the processing and transport of materials.

In refining their strategic plans, state DOT may find it advantageous to consider the role of recycling. In addition, as studies are carried out on proposed transportation projects under the auspices of the National Environmental Policy Act, is it possible that credit might be given for the use of recycled materials, particularly if LCA shows that the materials convey environmental benefits?

The Netherlands probably best typifies the concept of sustainability, and it offers a suitable model for certain states and metropolitan areas here in the United States. The recycling or reuse of secondary materials within the Dutch building industry is commonplace—more than 10 percent of all granular materials used in the building industry are recycled.

The Netherlands is an affluent country with high population densities and limited land resources. The public has elected not to set aside areas for landfills or aggregate mining. This has led to the practice of sustainable development within the building industry, as well as to a subset of that industry: the highway construction industry. The basic premise of the sustainability concept is that material cycles should be closed (recycling involving use, reuse, re-reuse, et cetera) so that there is less outright disposal and less consumption of non-renewable natural materials. A number of legislative initiatives, including the National Environmental Policy Plan, the Waste Materials Policy, the Soil Protection Policy, the Surface Minerals Policy, and the Construction Industry Policy Declaration, provide the underpinning for sustainable construction.

The Dutch have adopted a market philosophy that regards recycled materials as products rather than waste. This means that the product will exhibit a typical product life cycle in the marketplace. Recycled materials first undergo development before coming into widespread use and maturing. Government and private-sector publicity campaigns and policies support the market. This concept might prove applicable in the United States in states or geographic regions where population densities are high, natural aggregates are scarce, and sources of suitable recycled materials are plentiful.

The Dutch government provides clear and unequivocal engineering and environmental standards for all recycled materials. This is usually achieved through governmental research in support of the standards. Further, public or industry working groups (including contractors) work together to achieve these standards. The producers of recycled materials use certified quality assurance and quality control programs so that their goods can compete against natural materials. The policy is clear, as is the planning and implementation, which enables the producers and contractors to prepare for this new market. The government provides certain economic incentives, such as hefty landfill disposal taxes on materials that can be recycled and modest taxes on the use of natural aggregates. If these aspects are combined, then a mature recycling market can develop over time.

There is a clear need for partnerships linking the private sector, universities, research institutions, government bodies, environmental groups, and the public. This relates to the formulation and coordination of policy, the transfer of information, and making resources available for additional research and development (R&D).

The private sector can play a variety of roles. Those interested in having their by-products considered can make use of the document Framework for Evaluating Use of Recycled Materials in the Highway Environment so that they can work with state DOTs and EPAs to develop the necessary data for evaluation. Contractors can explore the use of recycled materials to help meet the requirements of performance bonds. Equipment manufacturers can also play a role by developing technologies that would make it possible to recycle materials on-site for pavements, bridges, and other civil infrastructure, thereby reducing transport costs and associated environmental burdens.

At the state level, it may be appropriate for the DOTs to consider recycling as standalone policy or as part and parcel of their strategic plans. PennDOT's SRP may be a starting point in efforts to systematically find, evaluate, and apply recycled materials in transportation and civil engineering work (see [www.dot.state.pa.us/penndot/bureaus/beq.nsf/srp?OpenPage]). State DOTs may wish to give credit to recycling strategies during the planning stage of transportation projects, as well as in analyzing alternatives and mitigation measures. In planning transportation projects states could develop checklists that ask questions about recycling choices or options for use, with the responses used in analyzing alternatives and evaluating secondary and cumulative effects. States could use information derived from LCAs as part of their benefits analysis and in information packages prepared for public hearings and for obtaining permits.

A more formal relationship between AASHTO and the Association of State and Territorial Solid Waste Management Officials is definitely worth exploring as this can help pave the way for relationships at the state level. State DOTs and EPAs might consider adopting beneficial use evaluation frameworks similar to successful ones already in place or to the generic one offered by the Framework for Evaluating Use of Recycled Materials in the Highway Environment.

A lowering of the barriers encountered in transferring technologies from one jurisdiction to another across state lines would be a great benefit. Fortunately, the Environmental Council of State (see [www.sso.org/ecos/]) has two programs related to reciprocity. The group called Interstate Technology Regulatory Cooperation (ITRC) is a state-led national coalition dedicated to achieving better environmental protection through the use of innovative technologies. The ITRC (www.itrcweb.org/) is exploring general reciprocity arrangements involving 37 state members. Six states (California, Illinois, Massachusetts, New Jersey, Pennsylvania, and Virginia), under the Environmental Technology Acceptance and Reciprocity Partnership (e.TARP) are exploring reciprocity arrangements of a more formal type, including one for beneficial use determinations.

One recommendation that was strongly emphasized in the final report on the workshop Partnerships for Sustainability: A New Approach to Highway Materials Partnerships for Sustainability is that state DOTs establish recycling coordinator positions for the purposes of technology transfer, research coordination, and outreach.

At the federal level, partnerships linking the private sector, the FHWA, the U.S. EPA, the DOE, and other competent agencies are encouraged. Two obvious examples might be coordinating the U.S. EPA's CPG program with the DOE's Industries for the Future Program. Funneling beneficial use applications and adopted specifications to the CPG program also makes sense. There may be an opportunity to establish a leadership council that could coordinate communication and policy and improve intergovernmental approaches. Shared funding should be considered for lowering barriers between jurisdictions, demonstrating the use of innovative materials, and applying ICA analysis. A recent report on the role to be played by the National Science Foundation in meeting environmental science and engineering needs in the 21st century named industrial ecology (including product and process ICA) as a program needing enhancement. This topic should include recycling for infrastructure improvement.

Congress is considering a number of bills that could serve as vehicles in promoting recycling. The reauthorization of the next highway bill in 2003 provides an excellent opportunity to further promote appropriate recycling, partnerships, technology transfer,

and R&D. Making funds available to allow two or more states to carry out joint demonstration projects would go a long way toward reducing barriers. Congress can also examine the information recently provided by the U.S. EPA's Science Advisory Board on overcoming barriers to waste utilization (see [www.epa.gov/science1/eeccm06.pdf]). One of the board's most important recommendations—interpreting key definitions so that wastes could be beneficially used and not be inappropriately labeled as hazardous—would help with the confusion at the federal level about the need for a third category of byproduct. Material that qualifies for inclusion in this category would not be labeled as solid waste or as hazardous waste; rather it would be suitable for beneficial reuse in an open market. The reauthorization of the RCRA may provide a suitable opportunity for this change.

FEDERAL HIGHWAY ADMINISTRATION
RECYCLED MATERIALS POLICY

ADMINISTRATOR'S MESSAGE

The National Highway System (NHS) is extensive, with over 160,000 miles of highway pavements and over 128,000 structures, built using large quantities of asphalt, concrete, steel, and aggregate, and smaller quantities of nonferrous metals, plastics, and other materials. Much of the system was constructed in the 1960's and 70's and is in need of major rehabilitation or total reconstruction; and much of the materials used to build that system can be recycled for use in the new construction. In order to carry out the mission of the FHWA, i.e., to ''improve the quality of the Nation's highway system,'' the NHS must be properly preserved, maintained, rehabilitated, and when necessary, reconstructed. Maintenance of highways and associated structures is critical to our ability to provide the safest, most efficient roadway system possible, while simultaneously providing the greatest level of protection to the human and natural environment.

The same materials used to build the original highway system can be re-used to repair, reconstruct, and maintain them. Where appropriate, recycling of aggregates and other highway construction materials makes sound economic, environmental, and engineering sense. The economic benefits from the re-use of nonrenewable highway materials can provide a great boost to the highway industry. Recycling highway construction materials can be a cost-saving measure, freeing funds for additional highway construction, rehabilitation, preservation or maintenance.

Recycling presents environmental opportunities and challenges, which, when appropriately addressed, can maximize the benefits of re-use. The use of most recycled materials poses no threat or danger to the air, soil, or water. Furthermore, careful design, engineering and application of recycled materials can reduce or eliminate the need to search for and extract new, virgin materials from the land. The engineering feasibility of using recycled materials has been demonstrated in research, field studies, experimental projects and long-term performance testing and analysis. Significant advances in technology over the past decade have increased the types of recycled materials in use and the range of their applications. When appropriately used, recycled materials can effectively and safely reduce cost, save time, offer equal or, in some cases, significant improvement to performance qualities, and provide long-term environmental benefits.

FHWA has established agency goals for enhancing the human and natural environment, increasing mobility, raising productivity, improving safety throughout the highway industry, and preserving national security. All of these goals are stated in our strategic plan, and we will ensure that the FHWA recycling policy and recycling programs are in alignment with those goals and underlying principles. This recycling policy statement is offered to advance the use of recycled materials in highway applications. It is intended to provide leadership, direction, and technical guidance to the transportation community for the use of recycling technology and materials in the highway environment. The FHWA policy is:

1. Recycling and reuse can offer engineering, economic and environmental benefits.
2. Recycled materials should get first consideration in materials selection.
3. Determination of the use of recycled materials should include an initial review of engineering and environmental suitability.
4. An assessment of economic benefits should follow in the selection process.
5. Restrictions that prohibit the use of recycled materials without technical basis should be removed from specifications.

FHWA has a longstanding position that any material used in highway or bridge construction, be it virgin or recycled, shall not adversely affect the performance, safety or the environment of the highway system. This remains a cornerstone in our policy statement. In order to foster innovation and future development we support research, field trials, and project demonstrations showcasing the findings.

We will do this with: People:

The FHWA Recycling Team.

Creation of a team of champions in our Division Offices that will be points of contact for recycling technology.

Partnering:

The Recycled Materials Resource Center.

Working with the AASHTO Subcommittee on Materials and Environment.

AASHTO Standing Committee on Highways recently passed a resolution on ''Use of Recycled Materials''. That document requests the establishment of a joint task force be created to provide the overall leadership for a coordinated national recycling program.

Coordination with State highway agency (SHA) Recycling Coordinators and state solid waste management regulators.

Interaction and coordination with industry partners.

Taking the lead for coordination of recycling activities and initiatives.

Promotion and Support:

Agency emphasis on recycling technology in the FHWA Strategic Plan.

Research, development, and technology transfer programs to further innovation.

Demonstration projects.

Increased training opportunities for FHWA and SHA staff.

Active promotion of recycling technology by providing needed specifications, best practices, design guidance, and material testing results to overcome barriers.

Assistance in review, evaluation, and advancement of emerging technology.

Promoting the concept of ''sustainable'' construction, i.e., construction designed for later recycling.

FREDERICK G. WRIGHT, Jr.,
Executive Director.

NEW MEXICO STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT,
Santa Fe, NM, May 6, 2003.

Attention: Eric Burman, Legislative Fellow.

Hon. JEFF BINGAMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: My staff and I have reviewed the proposed ''Recycled Roads Act of 2003'' legislation and support it for the following reasons:

The legislation supports on-going work that the NMSHTD Recycling Task Force has been doing. It will enable us to complete additional research on issues related to the use of recycled materials on our roadways. Two current issues we are pursuing are: (1) The feasibility of rubberized pavement in roadway construction, and (2) The use of compost and/or mulch as an alternative to reseeding upon the completion of construction related projects.

Another important aspect of this legislation is that through its reporting requirements, it will enhance communication and cooperation between the NMSHTD (NMDOT) and other groups who are interested in the use of recycled materials in transportation facility maintenance and construction (e.g., state and tribal Departments of Transportation).

This legislation can provide the Department an opportunity to expand and accelerate progress in areas we currently pursue with limited resources.

Sincerely,

RHONDA G. FAUGHT,
Cabinet Secretary.

ENVIRONMENTAL DEFENSE,
Washington, DC, May 22, 2003.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: Environmental Defense is pleased to endorse the Recycled Roads Act, which promotes the use of nontoxic recycled materials as road construction materials. Using these recycled materials not only diverts them from landfills and incinerators, but also reduces energy use and pollution associated with manufacturing virgin materials for road construction, thus benefiting the environment and human health. It also provides economic benefits by enhancing markets for recycling of materials like glass and tires that have traditionally had limited recycling markets or viability. Because some potentially recyclable materials have toxic constituents, the bill's provisions requiring evaluation of risk (in conjunction with the Administrator of the Environmental Protection Agency) are a key aspect of the bill. As always, our endorsement is specific to the text of the bill as it stands at this point.

Thank you for taking a leadership role on this important issue.

Sincerely,

KAREN FLORINI,
Senior Attorney.

SURFACE TRANSPORTATION
POLICY PROJECT,
Washington, DC, May 22, 2003.

Hon. JEFF BINGAMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the Surface Transportation Policy Project, I am writing to convey our support for your legislation, the ''Recycle Roads Act of 2003.''

The Surface Transportation Policy Project, among it goals, seeks improved energy use and environmental protection. We believe that our transportation investments, services and incentives should not only meet our travel needs, but also can further our efforts to protect and enhance the integrity of our natural resources and enhance resource efficiency and energy conservation goals.

We know that the use of recyclable materials in transportation projects conserves raw materials and reduces the quantities of waste deposited in landfills. We also see recyclable materials as part of a broader effort to extend the life cycle of our transportation facilities, an important value as we continue to look for ways to leverage available dollars.

Increased recycling can deliver engineering, economic and environmental benefits, including increased opportunities for rural economic development. The legislation would help create new markets and incentives for recycling in small communities and would provide additional savings for all levels of government. The legislation would also foster greater cooperation between transportation and environmental programs carried out by states or Indian tribes.

We applaud your leadership in developing this legislation and support your efforts to move it forward during this Congress.

Sincerely,

ANNE CANBY,
President.

S. 1168

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Recycled Roads Act of 2003''.

SEC. 2. FINDINGS.

Congress finds that—

(1) in 2000, there were more than 3,951,000 miles of highways in the United States;

(2) in the early 1990s, as much as 350,000,000 tons of raw and recyclable material were used annually for highway construction, rehabilitation, and maintenance;

(3) in 2002, the Federal Government provided $26,348,000,000, or more than 34 percent of funding, for highways in the United States;

(4) at least 45 States recycle a total of 73,000,000 tons of reclaimed asphalt pavement annually, the use of which results in an annual savings of approximately $300,000,000 as compared with the cost of using raw material;

(5) in 2002, the Federal Highway Administration issued a policy encouraging States to use recycled material in highway construction because recycling and reuse can offer engineering, economic, and environmental benefits;

(6) greater incorporation of recyclable material in highway construction would—

(A) provide a significant new national market for the use of recyclable material;

(B) create new markets and incentives for recycling in small communities;

(C) conserve raw material; and

(D) reduce the quantities of waste deposited in landfills in the United States (which would produce an additional savings for the Federal Government and State governments); and

(7) the increased use of recyclable material in highway construction could—

(A) provide additional opportunities for rural economic development; and

(B) encourage expanded use of biomass products.

SEC. 3. USE OF RECYCLABLE MATERIAL IN FEDERAL-AID HIGHWAY CONSTRUCTION.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after section 138 the following:

''§ 139. Use of recyclable material in Federal-aid highway construction

''(a) DEFINITION OF RECYCLABLE MATERIAL.—In this section:

''(1) IN GENERAL.—The term 'recyclable material' means any material described in paragraph (2) that is determined by the Secretary, in consultation with the Administrator of the Environmental Protection Agency—

''(A) to be recyclable and usable in construction of a Federal-aid highway; and

''(B) to have undergone a recycling process to prepare the material for further use.

''(2) MATERIALS.—The materials referred to in paragraph (1) are—

''(A) glass;

''(B) forest biomass;

''(C) a used tire or tire product;

''(D) reclaimed asphalt;

''(E) plastic; and

''(F) any other suitable material that does not contain a total concentration of any toxic constituent that poses a risk to human health or the environment—

''(i) during preconstruction activity, including storage, transportation, or preparation of the material for use in road construction;

''(ii) during the useful life of the road; or

''(iii) after the useful life of the road, including subsequent recycling, reuse, or disposal of components of or debris from the road.

''(b) PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a recycled roads incentive grant program to encourage the expanded use by States and Indian tribes of a diverse range of recyclable material in the construction of Federal-aid highways.

''(2) GRANTS.—In carrying out this section, the Secretary shall provide to each State or qualified (as determined by the Secretary) Indian tribe—

''(A) a grant, in an amount not to exceed $125,000 for a fiscal year, to be used by the State or Indian tribe in employing a coordinator to promote the use of a diverse range of recyclable material in Federal-aid highway construction; and

''(B) a grant, on a competitive basis, in an amount not to exceed $1,400,000 for a fiscal year, to be used by the State or Indian tribe in carrying out projects and activities to promote the expanded use of a diverse range of recyclable material in Federal-aid highway construction and maintenance, such as projects and activities to—

''(i) eliminate economic barriers;

''(ii) develop markets;

''(iii) provide outreach, training, or technical assistance; or

''(iv) collect program and performance data.

''(3) ADMINISTRATION.—

''(A) REDISTRIBUTION OF FUNDS.—If funds made available for use in providing grants under subparagraph (A) or (B) of paragraph (2) for a fiscal year remain after the Secretary has provided grants under the subparagraph for the fiscal year, the Secretary—

''(i) may use the remaining funds to provide additional grants under that paragraph for the fiscal year; but

''(ii) notwithstanding any other provision of this title, shall not use the funds to provide grants or assistance under any other program under this title.

''(B) TRANSPORTATION AND ENVIRONMENTAL COOPERATION.—In providing a grant to a State or Indian tribe under paragraph (2)(B), the Secretary shall encourage cooperation between transportation and environmental programs carried out by the State or Indian tribe.

''(C) EQUITABLE TREATMENT OF STATES AND INDIAN TRIBES.—To the maximum extent practicable, the Secretary shall treat an Indian tribe as a State for the purpose of a grant provided under paragraph (2).

''(4) STATE AND TRIBAL REPORTS.—For the fiscal year in which the program under this section is implemented and each fiscal year thereafter, each State and Indian tribe that receives a grant under paragraph (2) shall—

''(A) collect a sampling of data pertaining to the use by the State or Indian tribe, during the fiscal year covered by the report, of recyclable material in the projects for construction of Federal-aid highways in the State or on land under the jurisdiction of the Indian tribe that are carried out under this section or any other provision of this title using at least $1,000,000 in Federal funds, including a description of—

''(i) each type of recyclable material used;

''(ii) the quantity of each recyclable material used; and

''(iii) the proportion that—

''(I) the quantity of each recyclable material used; bears to

''(II) the quantity of all recyclable material and raw material used; and

''(B) submit to the Secretary a report describing those data.

''(5) QUALITY CONTROL.—The Secretary shall ensure, to the maximum extent practicable, that data provided by a State or Indian tribe under paragraph (4) is of a sufficient quality and range to permit the Secretary to assess national accomplishments involving the use of recyclable material.

''(c) REPORTS.—

''(1) INITIAL REPORT.—Not later than 180 days after the date of enactment of the Recycled Roads Act of 2003, the Secretary shall submit to the appropriate committees of Congress a report on the program to be carried out under this section that includes—

''(A) an overview of program requirements;

''(B) an analysis of any significant issues relating to the program; and

''(C) a proposed timeline for implementation of the program.

''(2) ANNUAL REPORTS.—Not later than 2 years after the date of enactment of the Recycled Roads Act of 2003, and annually thereafter on the date of issuance of the annual program performance report under section 1116 of title 31, United States Code, the Secretary shall submit to the appropriate committees of Congress a report on the program under this section, including, for each recyclable material used in the construction of a Federal-aid highway during the period covered by the report, the information described in subsection (b)(4).

''(d) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account)—

''(1) $10,125,000 for use in providing grants under subsection (b)(2)(A) for each fiscal year; and

''(2) $113,400,000 for use in providing grants under subsection (b)(2)(B) for each fiscal year.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 138 the following:

''139. Use of recyclable material in Federal-aid highway construction.''.

By Mr. SPECTER:

S. 1169. A bill to decrease the United States dependence on imported oil by the year 2015; to the Committee on Commerce, Science, and Transportation.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation that would reduce our Nation's dependence on imported oil. Last year, Senator CARPER and I introduced this legislation as an amendment to the energy bill and I offer it today to begin a debate and dialogue in the Senate about the merits of this goal.

During last year's energy bill consideration, I joined over 60 of my colleagues in voting for the Levin-Bond

amendment regarding the Corporate Average Fuel Economy standards for cars, SUV's, and light trucks. Given the instability in the Middle East and our Nation's reliance on foreign oil, Senator CARPER and I offered additional language to slow the growth of our dependency on oil in a measurable way on the energy bill.

I supported the Levin-Bond amendment because, among other things, it would have invested Federal dollars in research and development of advanced technology vehicles. It would have harnessed the power of government to purchase and commercialize hybrid and fuel cell-powered vehicles. I also supported the amendment's accompanying tax incentives, which would further encourage the production and purchase of advanced, fuel-efficient vehicles.

However, the Levin-Bond amendment fell short in one important area - it did not include a clear, measurable objective for oil savings. The issue is not just the Corporate Average Fuel Efficiency, CAFE, or Miles Per Gallon, MPG,—rather it is oil and our growing dependence on imports for 56 percent of what we use. The bill I am introducing today would implement the Levin-Bond requirement that the Secretary of Transportation issue new regulations setting forth increased average fuel economy standards and further require that the Secretary of Transportation issue regulations to reduce the amount of oil consumed in our passenger cars and light trucks in 2015 by 1,000,000 barrels per day compared to consumption without such regulations in place.

Federal research has identified promising fuel technologies, including fuels developed from biomass, coal waste, and other sources that could play a role in reducing our dependence on traditional, foreign crude oil and facilitate a transition to advanced fuels. For example, one important effort that is happening in Pennsylvania involves a recent $100 million U.S. Department of Energy grant to build the first U.S. coal-waste-to-clean-fuel plant. This $612 million plant is expected to produce 5,000 barrels of sulfur-free diesel or other types of transportation fuel daily. This will have the multiple benefits of removing coal waste, reducing acid mine drainage, producing fuels that will reduce air pollution, and using a domestic energy supply, thus reducing the need to import foreign oil. The bill I am introducing today tasks the Department of Energy to work with the Department of Transportation to develop and encourage such technologies.

America uses about 8 million barrels of oil daily to power the vehicles that we drive. The Department of Energy forecasts that this amount will climb to 10.6 million barrels per day by 2015, an increase of over 35 percent. I propose to limit that growth to 23 percent, or 9.6 million barrels.

America's national security is jeopardized by our growing dependence on foreign oil. Oil imports now account for a third of our nation's trade deficit, which exceeded $400 billion in 2001. I will continue to raise the issue of the untenable position the United States is in by relying on oil from the Middle East. This is highlighted by the fact that we continue to see suicide bombings in Israel and new attacks in other Middle Eastern nations such as Saudi Arabia and Morocco.

Additionally, the exhausts of our motor vehicles are the source of significant amounts of air pollution, including a quarter of the carbon dioxide emitted into our atmosphere, which is sited as a lead contributor to global climate change.

To address these concerns, Congress need not attempt to micro manage a solution by setting higher CAFE levels. We should, however, set a clear, measurable objective—reducing the growth in oil consumption by at least a million barrels per day by 2015. We should then delegate to NHTSA, as the energy bill would have accomplished last year under the Levin-Bond amendment and my legislation does, the responsibility for working with the auto industry to achieve that objective. That approach will encourage American ingenuity and foster a public-private partnership that recognizes the interests of consumers and auto makers, as well as furthering public policy that will help relieve the very significant and dangerous policy of relying on our economy's lifeblood of oil from unstable regions.

As this body considers energy legislation, I encourage my colleagues to consider the importance of taking appropriate steps to reduce our dependence on foreign sources of energy, particularly oil. I invite my colleagues to join me in this effort by cosponsoring this legislation.

By Mr. WYDEN:

S. 1170. A bill to designate certain conduct by sports agents relating to signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, summer is upon us. For many college athletes, that means leaving campus and heading back to a home in a different state. Some may take the opportunity to do some traveling, or even to attend sports camps in various parts of the country.

Unfortunately, this well-earned break can carry real risks for the athletes and their schools. Why? Because traveling student athletes may be big targets for opportunistic sports agents—and due to highly inconsistent state laws on the subject, the legal protections that an athlete might enjoy in the state where the college is located don't necessarily apply elsewhere.

Today I am reintroducing a bill to address this issue, the Sports Agent Responsibility and Trust Act. The purpose of the bill is simple: to set some basic, uniform nationwide rules to prevent unscrupulous behavior by sports agents who court student athletes. The universities in Oregon with top athletic programs—the University of Oregon, Oregon State University, and Portland State University—have all provided letters of endorsement for this legislation. So has the NCAA.

Too often, unscrupulous sports agents prey upon young student athletes who are inexperienced, naive, or simply don't know all of the collegiate athletic eligibility rules. The agent sees the student athlete as a potentially lucrative future client, and wants to get the biggest headstart possible on other agents. So the agent tries to contact and sign up the student athlete as early as possible, and does whatever takes to get the inside track.

In some cases, the agent may attempt to lure the student athlete with grand promises. In some cases, the agent may offer flashy gifts. To make the offer more enticing, the agent may withhold crucial information about the impact on the student's eligibility to compete in college sports.

A majority of States have enacted statutes to address unprincipled behavior by sports agents, but the standards vary from State to State and some states don't have any at all. The universities in my State of Oregon tell me that this creates a significant loophole. Specifically, Oregon has a State law, but it doesn't apply when, for example, a University of Oregon athlete goes home to another State for the summer and is contacted by an agent there. Every time that athlete crosses into another State a different set of rules apply. And if one State's laws on the subject are particularly weak, that is where shady sports agents will try to contact their targets.

That is why there ought to be a single, nationwide standard. The bill I am introducing today would establish a uniform baseline, enforceable by the Federal Trade Commission, that would supplement but not replace existing state laws. Specifically, the bill would make it an unfair and deceptive trade practice for a sports agent to entice a student athlete with false or misleading information or promises or with gifts to the student athlete or the athlete's friends or family. It would require a sports agent to provide the student athlete with a clear, standardized warning, in writing, that signing an agency contract could jeopardize the athlete's eligibility to participate in college sports. It would make it unlawful to pre-date or post-date agency contracts, and require both the agent and student athlete to promptly inform the athlete's university if they do enter into a contract.

Representative BART GORDON of Tennessee has spearheaded this legislation in the House, where the Energy and Commerce Committee and the Judiciary Committee have both considered and approved the bill this year. I'm told that consideration on the House

floor could occur this week. I applaud Congressman GORDON for his leadership on this issue, and I urge my Senate colleagues to join me in addressing this matter in the Senate.

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. 1170

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sports Agent Responsibility and Trust Act''.

SEC. 2. DEFINITIONS.

As used in this Act, the following definitions apply:

(1) AGENCY CONTRACT.—The term ''agency contract'' means an oral or written agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the student athlete a professional sports contract or an endorsement contract.

(2) ATHLETE AGENT.—The term ''athlete agent'' means an individual who enters into an agency contract with a student athlete, or directly or indirectly recruits or solicits a student athlete to enter into an agency contract, and does not include a spouse, parent, sibling, grandparent, or guardian of such student athlete, any legal counsel for purposes other than that of representative agency, or an individual acting solely on behalf of a professional sports team or professional sports organization.

(3) ATHLETIC DIRECTOR.—The term ''athletic director'' means an individual responsible for administering the athletic program of an educational institution or, in the case that such program is administered separately, the athletic program for male students or the athletic program for female students, as appropriate.

(4) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(5) ENDORSEMENT CONTRACT.—The term ''endorsement contract'' means an agreement under which a student athlete is employed or receives consideration for the use by the other party of that individual's person, name, image, or likeness in the promotion of any product, service, or event.

(6) INTERCOLLEGIATE SPORT.—The term ''intercollegiate sport'' means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association for the promotion or regulation of college athletics.

(7) PROFESSIONAL SPORTS CONTRACT.—The term ''professional sports contract'' means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization, or as a professional athlete.

(8) STATE.—The term ''State'' includes a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(9) STUDENT ATHLETE.—The term ''student athlete'' means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport. An individual who is permanently ineligible to participate in a particular intercollegiate sport is not a student athlete for purposes of that sport.

SEC. 3. REGULATION OF UNFAIR AND DECEPTIVE ACTS AND PRACTICES IN CONNECTION WITH THE CONTACT BETWEEN AN ATHLETE AGENT AND A STUDENT ATHLETE.

(a) CONDUCT PROHIBITED.—It is unlawful for an athlete agent to—

(1) directly or indirectly recruit or solicit a student athlete to enter into an agency contract, by—

(A) giving any false or misleading information or making a false promise or representation; or

(B) providing anything of value to a student athlete or anyone associated with the student athlete before the student athlete enters into an agency contract including any consideration in the form of a loan, or acting in the capacity of a guarantor or co-guarantor for any debt;

(2) enter into an agency contract with a student athlete without providing the student athlete with the disclosure document described in subsection (b); or

(3) predate or postdate an agency contract.

(b) REQUIRED DISCLOSURE BY ATHLETE AGENTS TO STUDENT ATHLETES.—

(1) IN GENERAL.— In conjunction with the entering into of an agency contract, an athlete agent shall provide to the student athlete, or, if the student athlete is under the age of 18 to such student athlete's parent or legal guardian, a disclosure document that meets the requirements of this subsection. Such disclosure document is separate from and in addition to any disclosure which may be required under State law.

(2) SIGNATURE OF STUDENT ATHLETE.—The disclosure document must be signed by the student athlete, or, if the student athlete is under the age of 18 by such student athlete's parent or legal guardian, prior to entering into the agency contract.

(3) REQUIRED LANGUAGE.—The disclosure document must contain, in close proximity to the signature of the student athlete, or, if the student athlete is under the age of 18, the signature of such student athlete's parent or legal guardian, a conspicuous notice in boldface type stating: ''Warning to Student Athlete: If you agree orally or in writing to be represented by an agent now or in the future you may lose your eligibility to compete as a student athlete in your sport. Within 72 hours after entering into this contract or before the next athletic event in which you are eligible to participate, whichever occurs first, both you and the agent by whom you are agreeing to be represented must notify the athletic director of the educational institution at which you are enrolled, or other individual responsible for athletic programs at such educational institution, that you have entered into an agency contract.''.

SEC. 4. ENFORCEMENT.

(a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of this Act shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) ACTIONS BY THE COMMISSION.—The Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

SEC. 5. ACTIONS BY STATES.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any athlete agent in a practice that violates section 3 of this Act, the State may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with this Act; or

(C) obtain damage, restitution, or other compensation on behalf of residents of the State.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Commission—

(i) written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXEMPTION.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general determines that it is not feasible to provide the notice described in that subparagraph before filing of the action. In such case, the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the same time as the attorney general files the action.

(b) INTERVENTION.—

(1) IN GENERAL.—On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(2) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subsection (a), it shall have the right—

(A) to be heard with respect to any matter that arises in that action; and

(B) to file a petition for appeal.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Commission for a violation of section 3, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action.

(e) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(f) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(1) is an inhabitant; or

(2) may be found.

SEC. 6. PROTECTION OF EDUCATIONAL INSTITUTION.

(a) NOTICE REQUIRED.—Within 72 hours after entering into an agency contract or before the next athletic event in which the student athlete may participate, whichever occurs first, the athlete agent and the student athlete shall each inform the athletic director of the educational institution at which the student athlete is enrolled, or other individual responsible for athletic programs at such educational institution, that the student athlete has entered into an agency contract, and the athlete agent shall provide the athletic director with notice in writing of such a contract.

(b) CIVIL REMEDY.—

(1) IN GENERAL.—An educational institution has a right of action against an athlete agent for damages caused by a violation of this Act.

(2) DAMAGES.—Damages of an educational institution may include amd are limited to

actual losses and expenses incurred because, as a result of the conduct of the athlete agent, the educational institution was injured by a violation of this Act or was penalized, disqualified, or suspended from participation in athletics by a national association for the promotion and regulation of athletics, by an athletic conference, or by reasonable self-imposed disciplinary action taken to mitigate actions likely to be imposed by such an association or conference.

(3) COSTS AND ATTORNEYS FEES.—In an action taken under this section, the court may award to the prevailing party costs and reasonable attorneys fees.

(4) EFFECT ON OTHER RIGHTS, REMEDIES AND DEFENSES.—This section does not restrict the rights, remedies, or defenses of any person under law or equity.

SEC. 7. LIMITATION.

Nothing in the Act shall be construed to prohibit an individual from seeking any remedies available under existing State law or equity.

SEC. 8. SENSE OF CONGRESS.

It is the sense of Congress that States should enact the Uniform Athlete Agents Act of 2000 drafted by the National Conference of Commissioners on Uniform State Laws, to protect student athletes and the integrity of amateur sports from unscrupulous sports agents. In particular, it is the sense of Congress that States should enact the provisions relating to the registration of sports agents, the required form of contract, the right of the student athlete to cancel an agency contract, the disclosure requirements relating to record maintenance, reporting, renewal, notice, warning, and security, and the provisions for reciprocity among the States.

By Mr. FRIST (for himself, Mr. BINGAMAN, Mr. DODD, Mr. DEWINE, Mrs. CLINTON, Mr. WARNER, Mrs. MURRAY, Mr. LUGAR, Ms. LANDRIEU, Mr. SESSIONS, and Mr. ALEXANDER):

S. 1172. A bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I rise today to discuss a particular public health problem—the growing rates of obesity. This epidemic has steadily increased to a level twice what it was thirty years ago. Obesity now affects over sixty percent of adults and thirteen percent of children and adolescents. Among young people, it is escalating at an alarming rate. This condition causes three hundred thousand deaths a year and is second only to smoking as the Nation's leading cause of preventable death. Overweight and obesity are associated with increased risk for heart disease, the leading cause of death, cancer, the second leading cause of death, diabetes, the seventh leading cause of death, and musculoskeletal disorders. Anyone with this condition has at least a 50 percent chance of a premature death.

As obesity continues to mount, the morbidity, mortality and health care costs associated with these disorders will skyrocket. Just this last month, a Health Affairs article estimated that nearly one-tenth of U.S. health care costs are attributable to conditions resulting from obesity or being overweight. In 2002 dollars, the authors of this article estimate that obesity and overweight-related conditions cost $92.6 billion. Of which, half is financed by Medicare and Medicaid.

Healthy People 2010 calls overweight and obesity one of the Nation's leading health problems and prioritizes efforts to increase the proportion of adults who are at a healthy weight, and reduce the levels of obesity and overweight among adults, children and adolescents. The Surgeon General's report ''A Call to Action'' lists the treatment and prevention of obesity as a top national priority.

Now, if this condition was linked to an infectious or bioterrorist agent, the public outcry would be deafening, and the action to control it swift. But it is not. Obesity and being overweight is often seen as an individual problem and a personal choice, and thus does not receive much attention. Most people do not choose to be overweight. Overweight and obesity result from daily lifestyle choices that gradually accumulate. Weight gain occurs slowly, often unnoticed. Today, many Americans struggle to control their weight, collectively spending billions of dollars each year on weight loss products and programs.

The good news is that, with healthy eating and regular physical activity, obesity is preventable and treatable. That is why I, along with Senator BINGAMAN, Senator DODD, and others, am reintroducing the ''Improved Nutrition and Physical Activity, IMPACT, Act.'' I am pleased that Representatives MARY BONO and KAY GRANGER, along with other co-sponsors, introduced companion legislation in the House of Representatives earlier this year. This bill will help Americans make healthy decisions about nutrition and physical activity. It emphasizes youth education so that healthy habits can begin early. Finally, it funds demonstration projects to find innovative ways of improving eating and exercise habits.

There is no single solution to the growing epidemic of obesity. That is why the IMPACT Act takes a multifaceted approach. It implements evidence-based programs, where available, and includes rigorous evaluation of demonstration projects so we can learn what works best. This important legislation has a modest price tag, reflecting the appropriate role of the Federal Government. Most importantly, the IMPACT Act does not attempt to mandate what Americans eat or drink or to transfer to the Federal Government decisions that are best made at local levels.

Let me be clear that I am not against people making choices. I am all for choice, informed choice. What has happened, though, is that we as a society and as individuals have made choices about eating and activity, gradually and incrementally, without understanding or considering the consequences. Finally, and most importantly, this bill does not intend to and should not be considered to stigmatize those who struggle to control their weight or to demonize any sector of the country by blaming them for this epidemic. The IMPACT Act represents a bipartisan agreement that the problem of obesity is important, and takes an approach that is supported by a broad spectrum of interested parties. With the Federal Government providing assistance, all sectors of society will need to work together to help produce a healthier nation.

I believe we have crafted a good first response to the growing rates of obesity. A number of public health and industry experts support the passage of this important legislation. I ask unanimous consent that a list of the organizations supporting the legislation and the text of the bill be printed in the RECORD.

I want to thank Senators BINGAMAN and DODD for their work on this bill. I also want to thank Senator GREGG for his assistance in ensuring that this legislation can become law. Senator GREGG has worked tirelessly with my staff to ensure that we craft legislation that can be quickly passed by the Senate, and I appreciate his efforts. I look forward to having this bill become law this year.

There being no objection, the list and the bill were ordered to be printed in the RECORD, as follows:

GROUPS SUPPORTING THE IMPACT ACT

The Advertising Council, Inc.;
Consortium for Citizens with Disabilities Prevention Task Force;
Council on State and Territorial Epidemiologists;
Endocrine Society;
FamilyCook Productions: Bringing Families Together Through Fresh Food;
Grocery Manufacturers of America;
National Alliance for Nutrition and Activity;
National Recreation and Parks Association;
Research against Inactivity-related Disorders (RID);
Samuels & Associates: Public Health Research, Evaluation, and Policy Consultants;
Society for Nutrition Education;
Structure House;
University of North Carolina at Chapel Hill, School of Public Health; and
YMCA.

S. 1172

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improved Nutrition and Physical Activity Act'' or the ''IMPACT Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) An estimated 61 percent of adults and 13 percent of children and adolescents in the Nation are overweight or obese.

(2) The prevalence of obesity and being overweight is increasing among all age groups. There are twice the number of overweight children and 3 times the number of overweight adolescents as there were 29 years ago.

(3) An estimated 300,000 deaths a year are associated with being overweight or obese.

(4) Obesity and being overweight are associated with an increased risk for heart disease (the leading cause of death), cancer (the second leading cause of death), diabetes (the 6th leading cause of death), and musculoskeletal disorders.

(5) Individuals who are obese have a 50 to 100 percent increased risk of premature death.

(6) The Healthy People 2010 goals identify obesity and being overweight as one of the Nation's leading health problems and include objectives of increasing the proportion of adults who are at a healthy weight, reducing the proportion of adults who are obese, and reducing the proportion of children and adolescents who are overweight or obese.

(7) Another goal of Healthy People 2010 is to eliminate health disparities among different segments of the population. Obesity is a health problem that disproportionally impacts medically underserved populations.

(8) The United States Surgeon General's report ''A Call To Action'' lists the treatment and prevention of obesity as a top national priority.

(9) The estimated direct and indirect annual cost of obesity in the United States is $117,000,000,000 (exceeding the cost of tobacco-related illnesses) and appears to be rising dramatically. This cost can potentially escalate markedly as obesity rates continue to rise and the medical complications of obesity are emerging at even younger ages. Therefore, the total disease burden will most likely increase, as well as the attendant health-related costs.

(10) Weight control programs should promote a healthy lifestyle including regular physical activity and healthy eating, as consistently discussed and identified in a variety of public and private consensus documents, including ''A Call To Action'' and other documents prepared by the Department of Health and Human Services and other agencies.

(11) Eating preferences and habits are established in childhood.

(12) Poor eating habits are a risk factor for the development of eating disorders and obesity.

(13) Simply urging overweight individuals to be thin has not reduced the prevalence of obesity and may result in other problems including body dissatisfaction, low self-esteem, and eating disorders.

(14) Effective interventions for promoting healthy eating behaviors should promote healthy lifestyle and not inadvertently promote unhealthy weight management techniques.

(15) Binge Eating is associated with obesity, heart disease, gall bladder disease, and diabetes.

(16) Anorexia Nervosa, an eating disorder from which 0.5 to 3.7 percent of American women will suffer in their lifetime, is associated with serious health consequences including heart failure, kidney failure, osteoporosis, and death. In fact, Anorexia Nervosa has the highest mortality rate of all psychiatric disorders, placing a young woman with Anorexia at 18 times the risk of death of other women her age.

(17) Anorexia Nervosa and Bulimia Nervosa usually appears in adolescence.

(18) Bulimia Nervosa, an eating disorder from which an estimated 1.1 to 4.2 percent of American women will suffer in their lifetime, is associated with cardiac, gastrointestinal, and dental problems, including irregular heartbeats, gastric ruptures, peptic ulcers, and tooth decay.

(19) On the 1999 Youth Risk Behavior Survey, 7.5 percent of high school girls reported recent use of laxatives or vomiting to control their weight.

(20) Binge Eating Disorder is characterized by frequent episodes of uncontrolled overeating, with an estimated 2 to 5 percent of Americans experiencing this disorder in a 6-month period.

(21) Eating disorders are commonly associated with substantial psychological problems, including depression, substance abuse, and suicide.

(22) Eating disorders of all types are more common in women than men.

TITLE I—TRAINING GRANTS

SEC. 101. GRANTS TO PROVIDE TRAINING FOR HEALTH PROFESSION STUDENTS.

Section 747(c)(3) of title VII of the Public Health Service Act (42 U.S.C. 293k(c)(3)) is amended by striking ''and victims of domestic violence'' and inserting ''victims of domestic violence, individuals (including children) who are overweight or obese (as such terms are defined in section 399W(j)) and at risk for related serious and chronic medical conditions, and individuals who suffer from eating disorders''.

SEC. 102. GRANTS TO PROVIDE TRAINING FOR HEALTH PROFESSIONALS.

Section 399Z of the Public Health Service Act (42 U.S.C. 280h–3) is amended—

(1) in subsection (b), by striking ''2005'' and inserting ''2007'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) GRANTS.—

''(1) IN GENERAL.—The Secretary may award grants to eligible entities to train primary care physicians and other licensed or certified health professionals on how to identify, treat, and prevent obesity or eating disorders and aid individuals who are overweight, obese, or who suffer from eating disorders.

''(2) APPLICATION.—An entity that desires a grant under this subsection shall submit an application at such time, in such manner, and containing such information as the Secretary may require, including a plan for the use of funds that may be awarded and an evaluation of the training that will be provided.

''(3) USE OF FUNDS.—An entity that receives a grant under this subsection shall use the funds made available through such grant to—

''(A) use evidence-based findings or recommendations that pertain to the prevention and treatment of obesity, being overweight, and eating disorders to conduct educational conferences, including Internet-based courses and teleconferences, on—

''(i) how to treat or prevent obesity, being overweight, and eating disorders;

''(ii) the link between obesity and being overweight and related serious and chronic medical conditions;

''(iii) how to discuss varied strategies with patients from at-risk and diverse populations to promote positive behavior change and healthy lifestyles to avoid obesity, being overweight, and eating disorders;

''(iv) how to identify overweight and obese patients and those who are at risk for obesity and being overweight or suffer from eating disorders and, therefore, at risk for related serious and chronic medical conditions;

''(v) how to conduct a comprehensive assessment of individual and familial health risk factors; and

''(B) evaluate the effectiveness of the training provided by such entity in increasing knowledge and changing attitudes and behaviors of trainees.''.

TITLE II—COMMUNITY-BASED SOLUTIONS TO INCREASE PHYSICAL ACTIVITY AND IMPROVE NUTRITION

SEC. 201. GRANTS TO INCREASE PHYSICAL ACTIVITY AND IMPROVE NUTRITION.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by striking section 399W and inserting the following:

''SEC. 399W. GRANTS TO INCREASE PHYSICAL ACTIVITY AND IMPROVE NUTRITION.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in coordination with the Administrator of the Health Resources and Services Administration, the Director of the Indian Health Service, the Secretary of Education, the Secretary of Agriculture, the Secretary of the Interior, the Director of the National Institutes of Health, the Director of the Office of Women's Health, and the heads of other appropriate agencies, shall award competitive grants to eligible entities to plan and implement programs that promote healthy eating behaviors and physical activity to prevent eating disorders, obesity, being overweight, and related serious and chronic medical conditions. Such grants may be awarded to target at-risk populations including youth, adolescent girls, racial and ethnic minorities, and the underserved.

''(2) TERM.—The Secretary shall award grants under this subsection for a period not to exceed 4 years.

''(b) AWARD OF GRANTS.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a plan describing a comprehensive program of approaches to encourage healthy eating behaviors and healthy levels of physical activity;

''(2) the manner in which the eligible entity will coordinate with appropriate State and local authorities, including—

''(A) State and local educational agencies;

''(B) departments of health;

''(C) chronic disease directors;

''(D) State directors of programs under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

''(E) 5-a-day coordinators;

''(F) governors' councils for physical activity and good nutrition; and

''(G) State and local parks and recreation departments; and

''(3) the manner in which the applicant will evaluate the effectiveness of the program carried out under this section.

''(c) COORDINATION.—In awarding grants under this section, the Secretary shall ensure that the proposed programs are coordinated in substance and format with programs currently funded through other Federal agencies and operating within the community including the Physical Education Program (PEP) of the Department of Education.

''(d) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a city, county, tribe, territory, or State;

''(2) a State educational agency;

''(3) a tribal educational agency;

''(4) a local educational agency;

''(5) a federally qualified health center (as defined in section 1861(aa)(4) of the Social Security Act (42 U.S.C. 1395x(aa)(4));

''(6) a rural health clinic;

''(7) a health department;

''(8) an Indian Health Service hospital or clinic;

''(9) an Indian tribal health facility;

''(10) an urban Indian facility;

''(11) any health care service provider;

''(12) an accredited university or college; or

''(13) any other entity determined appropriate by the Secretary.

''(e) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the funds made available through the grant to—

''(1) carry out community-based activities including—

''(A) planning and implementing environmental changes that promote physical activity;

''(B) forming partnerships and activities with businesses and other entities to increase physical activity levels and promote healthy eating behaviors at the workplace and while traveling to and from the workplace;

''(C) forming partnerships with entities, including schools, faith-based entities, and other facilities providing recreational services, to establish programs that use their facilities for after school and weekend community activities;

''(D) establishing incentives for retail food stores, farmer's markets, food coops, grocery stores, and other retail food outlets that offer nutritious foods to encourage such stores and outlets to locate in economically depressed areas;

''(E) forming partnerships with senior centers and nursing homes to establish programs for older people to foster physical activity and healthy eating behaviors;

''(F) forming partnerships with day care facilities to establish programs that promote healthy eating behaviors and physical activity; and

''(G) providing community educational activities targeting good nutrition;

''(2) carry out age-appropriate school-based activities including—

''(A) developing and testing educational curricula and intervention programs designed to promote healthy eating behaviors and habits in youth, which may include—

''(i) after hours physical activity programs;

''(ii) increasing opportunities for students to make informed choices regarding healthy eating behaviors; and

''(iii) science-based interventions with multiple components to prevent eating disorders including nutritional content, understanding and responding to hunger and satiety, positive body image development, positive self-esteem development, and learning life skills (such as stress management, communication skills, problem-solving and decisionmaking skills), as well as consideration of cultural and developmental issues, and the role of family, school, and community;

''(B) providing education and training to educational professionals regarding a healthy lifestyle and a healthy school environment;

''(C) planning and implementing a healthy lifestyle curriculum or program with an emphasis on healthy eating behaviors and physical activity; and

''(D) planning and implementing healthy lifestyle classes or programs for parents or guardians, with an emphasis on healthy eating behaviors and physical activity;

''(3) carry out activities through the local health care delivery systems including—

''(A) promoting healthy eating behaviors and physical activity services to treat or prevent eating disorders, being overweight, and obesity;

''(B) providing patient education and counseling to increase physical activity and promote healthy eating behaviors; and

''(C) providing community education on good nutrition and physical activity to develop a better understanding of the relationship between diet, physical activity, and eating disorders, obesity, or being overweight; or

''(4) other activities determined appropriate by the Secretary.

''(f) MATCHING FUNDS.—In awarding grants under subsection (a), the Secretary may give priority to eligible entities who provide matching contributions. Such non-Federal contributions may be cash or in kind, fairly evaluated, including plant, equipment, or services.

''(g) TECHNICAL ASSISTANCE.—The Secretary may set aside an amount not to exceed 10 percent of the total amount appropriated for a fiscal year under subsection (k) to permit the Director of the Centers for Disease Control and Prevention to provide grantees with technical support in the development, implementation, and evaluation of programs under this section and to disseminate information about effective strategies and interventions in preventing and treating obesity and eating disorders through the promotion of healthy eating behaviors and physical activity.

''(h) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible entity awarded a grant under this section may not use more than 10 percent of funds awarded under such grant for administrative expenses.

''(i) REPORT.—Not later than 6 years after the date of enactment of the Improved Nutrition and Physical Activity Act, the Director of the Centers for Disease Control and Prevention shall review the results of the grants awarded under this section and other related research and identify programs that have demonstrated effectiveness in healthy eating behaviors and physical activity in youth.

''(j) DEFINITIONS.—In this section:

''(1) ANOREXIA NERVOSA.—The term 'Anorexia Nervosa' means an eating disorder characterized by self-starvation and excessive weight loss.

''(2) BINGE EATING DISORDER.—The term 'binge eating disorder' means a disorder characterized by frequent episodes of uncontrolled eating.

''(3) BULIMIA NERVOSA.—The term 'Bulimia Nervosa' means an eating disorder characterized by excessive food consumption, followed by inappropriate compensatory behaviors, such as self-induced vomiting, misuse of laxatives, fasting, or excessive exercise.

''(4) EATING DISORDERS.—The term 'eating disorders' means disorders of eating, including Anorexia Nervosa, Bulimia Nervosa, and binge eating disorder.

''(5) HEALTHY EATING BEHAVIORS.—The term 'healthy eating behaviors' means—

''(A) eating in quantities adequate to meet, but not in excess of, daily energy needs;

''(B) choosing foods to promote health and prevent disease;

''(C) eating comfortably in social environments that promote healthy relationships with family, peers, and community; and

''(D) eating in a manner to acknowledge internal signals of hunger and satiety.

''(6) OBESE.—The term 'obese' means an adult with a Body Mass Index (BMI) of 30 kg/m2 or greater.

''(7) OVERWEIGHT.—The term 'overweight' means an adult with a Body Mass Index (BMI) of 25 to 29.9 kg/m2 and a child or adolescent with a BMI at or above the 95th percentile on the revised Centers for Disease Control and Prevention growth charts or another appropriate childhood definition, as defined by the Secretary.

''(8) YOUTH.—The term 'youth' means individuals not more than 18 years old.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $60,000,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008. Of the funds appropriated pursuant to this subsection, the following amounts shall be set aside for activities related to eating disorders:

''(1) $5,000,000 for fiscal year 2004.

''(2) $5,500,000 for fiscal year 2005.

''(3) $6,000,000 for fiscal year 2006.

''(4) $6,500,000 for fiscal year 2007.

''(5) $1,000,000 for fiscal year 2008.

SEC. 202. NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306 of the Public Health Service Act (42 U.S.C. 242k) is amended by striking subsection (n) and inserting the following:

''(n)(1) The Secretary, acting through the Center, may provide for the—

''(A) collection of data for determining the fitness levels and energy expenditure of children and youth; and

''(B) analysis of data collected as part of the National Health and Nutrition Examination Survey and other data sources.

''(2) In carrying out paragraph (1), the Secretary, acting through the Center, may make grants to States, public entities, and nonprofit entities.

''(3) The Secretary, acting through the Center, may provide technical assistance, standards, and methodologies to grantees supported by this subsection in order to maximize the data quality and comparability with other studies.''.

SEC. 203. STUDY OF THE FOOD SUPPLEMENT AND NUTRITION PROGRAMS OF THE DEPARTMENT OF AGRICULTURE.

(a) IN GENERAL.—The Secretary of Agriculture shall request that the Institute of Medicine conduct, or contract with another entity to conduct, a study on the food and nutrition assistance programs run by the Department of Agriculture.

(b) CONTENT.—Such study shall—

(1) investigate whether the nutrition programs and nutrition recommendations are based on the latest scientific evidence;

(2) investigate whether the food assistance programs contribute to either preventing or enhancing obesity and being overweight in children, adolescents, and adults;

(3) investigate whether the food assistance programs can be improved or altered to contribute to the prevention of obesity and becoming overweight; and

(4) identify obstacles that prevent or hinder the programs from achieving their objectives.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture shall submit to the appropriate committees of Congress a report containing the results of the Institute of Medicine study authorized under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $750,000 for fiscal years 2003 and 2004.

SEC. 204. HEALTH DISPARITIES REPORT.

Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Director of the Agency for Healthcare Research and Quality shall review all research that results from the activities outlined in this Act and determine if particular information may be important to the report on health disparities required by section 903(c)(3) of the Public Health Service Act (42 U.S.C. 299a–1(c)(3)).

SEC. 205. PREVENTIVE HEALTH SERVICES BLOCK GRANT.

Section 1904(a)(1) of the Public Health Service Act (42 U.S.C. 300w–3(a)(1)) is amended by adding at the end the following:

''(H) Activities and community education programs designed to address and prevent overweight, obesity, and eating disorders through effective programs to promote healthy eating, and exercise habits and behaviors.''.

SEC. 206. REPORT ON OBESITY RESEARCH.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on research conducted on causes and health implications of obesity and being overweight.

(b) CONTENT.—The report described in subsection (a) shall contain—

(1) descriptions on the status of relevant, current, ongoing research being conducted in the Department of Health and Human Services including research at the National Institutes of Health, the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, the Health Resources and Services Administration, and other offices and agencies;

(2) information about what these studies have shown regarding the causes of, prevention of, and treatment of, overweight and obesity; and

(3) recommendations on further research that is needed, including research among diverse populations, the department's plan for conducting such research, and how current knowledge can be disseminated.

SEC. 207. REPORT ON A NATIONAL CAMPAIGN TO CHANGE CHILDREN'S HEALTH BEHAVIORS AND REDUCE OBESITY.

Section 399Y of the Public Health Service Act (42 U.S.C. 280h–2) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) REPORT.—The Secretary shall evaluate the effectiveness of the campaign described in subsection (a) in changing children's behaviors and reducing obesity and shall report such results to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.''.

Mr. BINGAMAN. Mr. President, I rise today in support of the Improved Nutrition and Physical Activity or IMPACT Bill that Senator FRIST has introduced with myself and Senators DODD, DEWINE, CLINTON, WARNER, MURRAY, LUGAR, LANDRIEU, and SESSIONS. This is a bill that is critical in this era of chronic disease, as it addresses the mounting public health concerns of obesity, overweight, eating disorders, and their related diseases such as diabetes and cardiovascular disease.

Approximately 61 percent of adults and 13 percent of children and adolescents in our Nation today are overweight or obese. These individuals have a significantly greater risk of diseases such as diabetes, heart disease, and stroke than their healthy weight peers. Another 5 to 10 percent of Americans are suffering from eating disorders that can also manifest themselves in a number of physical and psychological illnesses including heart disease, osteoporosis, kidney failure, depression, anxiety, and suicide. Unfortunately, these rates of overweight, obesity, and eating disorders are rising in both adult and child populations. Since obesity is a health problem that disproportionately impacts medically underserved populations, it is rapidly increasing the medical burden on these already overburdened populations.

The economic implications of the obesity epidemic are equally disturbing. The estimated direct and indirect annual cost of obesity in the United States is now 117 billion dollars—exceeding the cost of tobacco-related illnesses. These costs will only continue to climb unless we make a concerted effort to stem this dangerous tide by initiating primary and secondary prevention programs.

It is this conclusion that led the United States Surgeon General to issue a Call to Action listing the treatment and prevention of obesity as a top national priority. It is this conclusion that has led Secretary Thompson to implement the Steps to a Healthier US initiative. And it is this reality that makes passing the IMPACT bill a critical step towards improving our nation's future health and well-being.

Obesity and eating disorders are complex diseases and as such require comprehensive multidisciplinary solutions. IMPACT aims to move us toward those solutions by addressing these diseases on a number of levels. First, it aims to prepare the health care community to deal with obesity from prevention to diagnosis to intervention by adding obesity, overweight, and eating disorders to the list of priority conditions to be addressed in the health professions Title VII training grants.

Second, IMPACT supports community-based solutions to increase physical activity and improve nutrition on a number of levels. It provides funding for demonstration projects in communities, schools, health care organizations, and other qualified entities that promote fitness or healthy nutrition. It authorizes the CDC to collect fitness and energy expenditure information from children. It directs AHRQ to review any new information relating to obesity trends among various sub-populations and include such information in its health disparities report. It allows states to use their Preventive Services Block Grant money for community education on nutrition and increased physical activity. It instructs the Secretary to report on what research has been done in the area of obesity, what has been learned from this research, and what future research should be conducted. And finally, it asks the secretary to report on the effectiveness of the Youth Media Campaign in changing children's behaviors and reducing obesity.

IMPACT is supported by a wide variety of public and private organizations. The National Alliance for Nutrition and Activity or NANA, an organization including more than 250 national, state, and local organizations and the single largest coalition in the U.S. dedicated to promoting healthy eating and physical activity and reducing obesity states, ''NANA strongly supports your efforts to reduce obesity and improve eating and activity habits in the U.S. through the IMPACT bill.'' Other organizations that have stated their support include the American Heart Association, the American Cancer Society, the Council for States and Territorial Epidemiologists, the Society for Nutrition Education, and the American Dietetic Association.

This legislation is an excellent first step in the fight for improved health, but it is not the only step we must take. We need to assist our schools in providing healthy nutrition options and expanding physical activity programs. We need to grow the workforce so that people have access to the healthcare professionals they need to prevent, diagnose, and treat obesity and eating disorders. We need to look at Medicare and Medicaid and insure that they provide the services necessary to help people prevent and treat obesity and its complications so that we reduce the burden of these diseases in these vulnerable populations. And we need to promote research in the areas of obesity prevention and treatment so that we can offer people better and more effective interventions in the future. These are not small goals but they are critical to our nation's health. I will continue to work on additional legislation that will take the next steps toward addressing these and other related concerns.

For today, I would like to ask all of my colleagues to join me in taking this very important first step toward reducing obesity and eating disorders by supporting this important legislation. By passing this bill we can truly IMPACT the health of our nation.

Mrs. CLINTON. Mr. President, I rise today to speak about a frightening epidemic in our Nation. A staggering 61 percent of adults and 13 percent of children and adolescents in our Nation are overweight or obese. The number of overweight children has doubled and the number of overweight adolescents has tripled since 1980, according to the Surgeon General. The estimated direct and indirect annual cost of obesity in the United States is $117,000,000,000, exceeding even smoking-related illnesses.

That is why I am pleased to join Senators FRIST, BINGAMAN, DODD and others in introducing the Improved Nutrition and Physical Activity Act of 2003. This bill takes important steps to fund programs that ensure healthy eating behaviors and improved physical activity. Funding this program will save Americans vastly more in lower health care costs. The bill also takes critical steps to educate health professionals to help us fight this epidemic. With smoking, we learned that a simple recommendation from a health professional to stop could have a dramatic impact in reducing smoking. It is just as important to make sure our health care providers are equipped to help mold healthy behaviors in our fight against obesity.

I also appreciate Senator FRIST's willingness to incorporate important provisions from my Promoting Healthy Eating Behaviors in Youth Act of 2002. While it is so important to fight the obesity epidemic, we should not inadvertently send the wrong message by

telling our children and adults simply to eat less and exercise. Unfortunately, many adolescents misinterpret this as a message that they should eat to achieve the body of a runway model. Anorexia and bulimia are increasingingly common among our Nation's youth. Recent data from the 1999 Youth Risk Behavior Survey indicated that 7 percent of young women who were very thin (body mass index less than 15 percentile) reported taking laxatives or vomiting to lose weight or to avoid gaining weight. An even larger percentage 9 percent of these very thin young women reported using diet pills.

While it is important to prevent diabetes and heart disease that may result from obesity, eating disorders also have their own very serious consequences. Anorexia nervosa, which will affect 3.7 percent of American women sometime in their lifetime, leads to heart failure, kidney failure, and osteoporosis. In fact, a young woman is 12 times more likely to die than other women her age without anorexia.

Poor eating habits have also led to a ''calcium crisis'' among American youth. Very few adolescent girls (14 percent get the recommended daily amount of calcium, placing them at serious risk for osteoporosis and other bone diseases. Because nearly 90 percent of adult bone mass is established by the end of adolescent growth period, the Nation's youth's insufficient calcium intake is truly a calcium crisis. The consequence of this crisis will be seen years later, when we are likely to face an unprecedented incidence of osteoporosis in women.

That is why I am especially grateful to see the use of a balanced ''healthy eating behavior'' definition in the bill, and to see that a portion of the grants in the bill are set aside for eating disorders education programs. While we certainly need to focus on exercise and appropriate nutritional behavior, it is certainly just as important to teach our children and adults how to engage in regular physical exercise and lose weight in a healthy way.

I am proud to join Senators FRIST, BINGAMAN, DODD, WARNER, DEWINE, MURRAY, LUGAR, and LANDRIEU in this important legislative initiative, and eagerly anticipate its progress as we fight a significant public health epidemic.

By Mr. GRASSLEY (for himself, Mr. FRIST, Mr. GRAHAM of South Carolina, Mr. ALEXANDER, and Mrs. HUTCHISON):

S. 1173. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I want to speak briefly about low-income families and the recently passed tax bill. There has been much heat and very little light about what we have done in this bill. Most of the heat has been focused on the conference decision not to retain the Senate position regarding acceleration from 10 percent to 15 percent as part of the refundable child credit—a change already scheduled to take place in 2005.

Before I discuss this matter in detail, let me start by saying that I agree with my colleagues that we should seek to reconsider this provision. I am introducing legislation today that will do that, and will also, of equal, and perhaps greater importance, provide a uniform definition of a child and make the $1,000 child credit permanent. Finally, my bill will eliminate the marriage penalty that is contained in the child credit. This bill is an encompassing effort to help low-income and middle-income families.

The uniform definition of a child will help hundreds of thousands of families receive tax benefits for which they are not currently eligible. As important, it will bring simplification and clarity for millions of families, ensuring that they are not subject to IRS audit and collection efforts.

The bill also makes permanent the $1,000 child credit. Otherwise, in 2005 working families with two eligible children will receive a $600 tax increase as the tax credit drops to $700. In addition, the bill accelerates the refundable calculation from 10 percent to 15 percent.

Finally, the bill addresses the marriage penalty contained in the child credit. Currently, the child credit phases out at $75,000 for a single mother and a $110,000 for a married couple. My bill would eliminate the marriage penalty by having the credit phase out at $150,000. In addition, it adjusts the phase-out level for inflation.

I do not need to wait for comments from my colleagues or from the media to take this action. Many from the media who attended my press conference the day of final passage of the conference report will recall that I stated then that I would quickly seek to revisit the child tax credit issues and seek Senate action on permanency of the child credit.

Let me turn now to the acceleration issue. The media and some members of Congress seem to have a willful blindness as they discuss this matter. What are they blind to? The Earned Income Credit, EIC, program provides great assistance to the very population that is of concern.

Let me give you an example: A family of four making $11,000 will be eligible for $50 under the refundable child credit. By accelerating it, as proposed by my bill and by others, they will now be eligible for $75. What does this family get under EIC? In 2002 they will get a check for $4,140. That means that family is paying no income tax and payroll tax of $842 and is getting a payment from the federal government of almost $3,300 in excess of the payroll tax they pay.

You would never know this from the media accounts and the press releases. And even if there is a mention of the EIC, I have seen no mention of the dollar amount—the $4,00-plus check for families with two children and $2,500 for families with one child. Why is that? Because the chicken littles are too busy running around. I would hope that the concept of ''context'' would not be something of which the media has to be reminded. You would think from reading speeches and media accounts that the whole tax relief provided in the tax code to a family making $11,000 is the refundable child credit. The child credit for these families at this income level is a thimble compared to the enormous benefits of EIC.

Let me remind my colleagues of the purpose of the child credit: It was designed to address the perceived penalty for working families as the EIC began to phase out. In fact, the original proposal of the refundable child credit that I drafted with Senator BAUCUS in 2001 would not have begun to take effect until the point where the EIC begins to phase-out—at approximately $13,500 for a head of household and $14,500 for married couples.

The Finance Committee heard testimony, and it was the repeated view of academics, that Congress needed to address the phase-out of the EIC. There was no testimony to the Senate Finance Committee and I can find very little in respectable academic discussions that advocated an increase in the check for EIC recipients—that the EIC top amount of $4,000 plus for two children or $2,500 for one child was insufficiently generous.

So that is what was the genesis of the Finance Committee's support for a child credit—addressing somewhat the EIC phase-out as families begin to make more money. However, the beginning point of the phase-in was shifted at the request of some Senators to $10,000. That does not negate that the underlying purpose was and is to deal with the EIC phase-out.

This concern about the phase-out is reflected in the actions we took in conference. By raising the child credit to $1,000 we helped put more money in the pocket of a single mom with one child making $17,000 to $20,000.

That single mom making $20,000 will now get a $1,000 check instead of a $600 check under previous law.

What if we were to only do as some propose and do acceleration to 15 percent but not increase the child credit in 2005 to $1,000?

Yes, it will mean a bit more for those families already receiving a $4,000-plus check under EIC—and I recognize that every penny counts to these families. But this proposal will also mean a tax increase on that single mom making $18,000, that single dad making $19,000 and that married couple with one child making $20,000. Why? Because they benefit more from the increase in the child credit to $1,000. The acceleration will not benefit them; they will quickly meet the maximum child credit. It is the increase to $1,000 that is the real

benefit for these families that do not receive the maximum benefits under EIC.

That is why I urge my colleagues to support my legislation that helps millions of working families, and doesn't impose a tax on families that are working hard and getting themselves a little bit better paying job.

And let me close with one other note. My colleagues should remember that it still takes 3 million taxpayers off the rolls completely. They will no longer have to pay tax under this legislation. Much of that is due to the increase in the child credit to $1,000.

Finally, for those who want to talk about income tax relief for low-income individuals, I would encourage them to remember this is many ways a bill that is in concert with the 2001 tax relief that created the 10 percent bracket and provided great income tax relief to singles. Again, a bigger picture that provides greater context of our work will show that we are providing broad-based relief to millions of taxpayers.

I urge my colleagues to work with me in passing this full relief for families. I also think it is important that we pass legislation that can be passed into law by working with the House and the White House. We have already passed legislation that deals with just the 10 percent to 15 percent—the Finance Committee passed it and the Senate passed it. The Senate is on record on this matter already. Now is the time to bring real relief and permanent relief to all working families.

By Ms. STABENOW (for herself, Mr. SMITH, and Mr. DAYTON):

S. 1175. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for the purchase of a principal residence by a first-time homebuyer; to the Committee on Finance.

Ms. STABENOW. Mr. President, I believe ''home'' is one of the warmest words in the English language. At the end of a long day, I think the favorite phrase of every hardworking working man and woman in this country is: ''Well, I'll see you tomorrow. I'm going home now.''

That is why I rise today to introduce the First Time Homebuyers' Tax Credit Act of 2003.

The bill I am introducing will spread that warmth by opening the door to homeownership to millions of hardworking families, helping them cover the initial down payment and closing costs.

This initiative is in keeping with our longstanding national policy of encouraging homeownership.

Owning a home has always been a fundamental part of the American dream.

We, in Congress, have long recognized the social and economic value in high rates of homeownership through laws that we have enacted, such as the mortgage interest tax deduction and the capital gains exclusion on the sale of a home.

Over the life of a loan, the mortgage interest tax deduction can save homeowners thousands of dollars that they could use for other necessary family expenses such as education or health care.

These benefits, however, are only available to individuals who own their own home.

It is important also to note that owning a home is a principle and reliable source of savings as homeowners build equity over the years and their homes appreciate.

For many people, it is home equity—not stocks—that help them through the retirement years.

In addition, owning a home insulates people from spikes in housing costs.

Indeed, while rents may go up, the costs of a monthly mortgage payment, in relative terms, will go down over the course of the mortgage.

In my own State of Michigan, the homeownership rate of 74 percent is the third highest in the Nation and well above the national rate of 66 percent.

In Oregon, the home State of my bill's lead Republican sponsor, Senator GORDON SMITH, the homeownership rate is 64.3 percent—about 2 percent below the national average.

However, as impressive as these numbers may initially sound, not everyone enjoys the benefits of homeownership.

For example, homeownership in Michigan among whites is 78 percent; Native Americans 60 percent; Hispanics 55 percent; African Americans 51 percent; and Asians 50 percent.

A national study by the Fannie Mae Foundation found that in the top third of income levels, 44 percent of people under the age of 31 owned their own home.

But, for the lowest third on the income scale, only 15.6 percent owned their own home—a 28 percent gap!

Why do we face these disparities? Clearly, one of the biggest barriers to homeownership for working families is the cost of a down payment and the costs associated with closing a mortgage.

According to the Mortgage Bankers Association, typical closing costs on an average sized loan of $175,000 can approach approximately $4,000.

Even with relatively recent mortgage products that allow a downpayment of as little as 3 percent of the value of a home, total costs can quickly approach over $9,000.

This is an impossible amount to save for those who are scraping by, working hard to make ends meet.

To address this problem, I am introducing the First Time Homebuyers' Tax Credit Act of 2003.

My bill authorizes a one-time tax credit of up to $3,000 for individuals and $6,000 for married couples.

This credit is similar to the existing mortgage interest tax deduction in that it creates incentives for people to buy a home.

To be eligible for the credit, taxpayers must be first-time homebuyers who were within the 27 percent tax bracket or lower in the year before they purchase their home. That is $67,700 for single filers, $96,700 for heads of household, $112,850 for joint returns. There is a dollar-for-dollar phase-out beyond the cap.

Normally, tax credits like this are an after-the-fact benefit. They do little to get people actually into a home.

What is particularly innovative and beneficial about the tax credit in this bill, however, is that, for the first time, the taxpayer can either claim the credit in the year after he or she buys a first home or the taxpayer can transfer the credit directly to a lender at closing.

The transferred credit would go toward helping with the down payment or closing costs. This is cash at the table.

As mandated in the bill, the eligible homebuyer would have the money for the lender from the Treasury within 30 days of application.

I am happy to say that this legislation already has strong support. Among those who have already written to me in support of this concept are:

The American Bankers Association; America's Community Bankers; the Housing Partnership Network; the National Housing Conference; the National Congress for Community Economic Development; the National Council of La Raza; the National Association of Affordable Housing Lenders; the Manufactured Housing Institute; Fannie Mae; Freddie Mac; National Community Reinvestment Coalition; Standard Federal Bank; Habitat for Humanity, and, the National American Indian Housing Council.

I ask unanimous consent that copies of their letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD.

HABITAT FOR HUMANITY INTERNATIONAL,
Washington, DC, May 12, 2003.

Hon. DEBBIE STABENOW,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR STABENOW: On behalf of Habitat for Humanity International, I want to commend you for your leadership on issues of affordable housing and for putting forth legislation—the First-Time Homebuyers Tax Credit Act—that will enable low-income families with little or no savings to overcome the two largest obstacles faced on the path to homeownership; downpayments and closing costs.

As you know, Habitat for Humanity has witnessed, through the sale of over 135,000 homes worldwide to Habitat homeowner families, that homeownership is one of the most important personal and financial investments for individuals, families, and communities. By expanding first-time homeownership opportunities to thousands of low-income families via a one-time tax credit, the First-Time Homebuyers Tax Credit Act will help close the homeownership gap and provide new wealth-building opportunities for thousands who would perhaps in no other way experience the American Dream.

Habitat for Humanity affiliates across the country address the issue of daunting financial barriers posed by downpayments and

closing costs by charging only a minimal amount or by enabling potential homeower families to forgo the requirement altogether, relying on a homeowner's ''sweat equity'' in the construction of their home as sufficient deposit. While this legislation may not directly affect the work of our Habitat affiliates, HFHI is pleased to offer our support to you as we work together to provide new homeownership opportunities to strengthen families, revitalize neighborhoods, and close the homeownership gap among racial groups.

Again, we applaud your commitment to affordable housing issues and for sponsoring legislation that reflects your conviction that all Americans should have a decent, safe, and affordable place in which to live. If we can be of any assistance, please do not hestitate to contact me or Amy Randel, Director of Government Relations, at 202/628–9171.

Gratefully yours,

TOM JONES,
Vice President, HFHI/Managing Director.

STANDARD FEDERAL BANK,
Troy, MI, March 27, 2003.

Hon. DEBBIE A. STABENOW,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STABENOW: Standard Federal Bank National Association (''SFB'') appreciates the opportunity to comment on the proposed First-Time Homebuyers' Tax Credit Act of 2003. This letter is written on behalf of SFB and all of its LaSalle Bank Corporation (''LBC'') affiliates.

LBC is a subsidiary of ABN AMRO Bank N.V. (''Bank'') which is headquartered in Amsterdam, the Netherlands. The Bank has over $519 billion in assets, approximately 111,000 employees, and a network of approximately 3,500 offices in over 70 countries and territories. The Bank maintains several branches, agencies and offices in the United States. In addition, ABN AMRO Incorporated, a full-service investment banking, advisory, and brokerage firm, headquartered in New York, New York, is also a subsidiary of the Bank.

LBC is the financial holding company for the U.S. domestic banking operations of the Bank and is headquartered in Chicago. LBC is among the largest foreign financial holding companies in North America with $90 billion in assets. The U.S. operations of the Bank include LaSalle Bank National Association, located in Chicago, Illinois, and Standard Federal Bank National Association, located in Troy, Michigan. These banks maintain over 400 offices in Illinois, Michigan, and Indiana.

The advantages of home ownership are both obvious and clearly instrumental in providing a secure lifestyle to our citizens. Owning one's own home is the primary source of wealth building for most Americans. While rents and other living expenses increase with inflation, the monthly mortgage payment can remain constant, and in relative terms will become an even smaller portion of the family's financial obligations over time.

An additional benefit to home ownership is the mortgage interest tax deduction. Home owners can use the money they save on taxes to meet other family expense, such as education and health care, benefits which are not available to renters.

We want to express our strong support for the concept of expanding homeownership opportunities contained in the proposed First-Time Homebuyers' Tax Credit Act of 2003, which you have been instrumental in brining up for Congressional approval. This legislation has the potential to provide a significant opportunity for home ownership to many families and individuals who are not able to meet the financial burden of down payment and closing costs. The First Time Homebuyers' Tax Credit, perhaps used in conjunction with other available federal, state, and local homebuyers' incentive programs, will bring the dream of owning one's own home well within the grasp of many additional people.

We understand that some details of the program, particularly as it relates to the transfer of the tax credit to a lender, remain to be worked out. However, we are supportive of the concept of the tax credit and of income limits for participation.

We appreciate the opportunity to comment on this important legislation and congratulate you for providing leadership to this effort. We hope that our comments and our support will assist in bringing the tax credit program to fruition for the benefit of first time homebuyers.

Sincerely,

MARY M. FOWLIE,
Group Senior Vice President.

NATIONAL COMMUNITY
REINVESTMENT COALITION,
Washington, DC, March 18, 2003.

Hon. DEBBIE A. STABENOW,
Senate Hart Building,
U.S. Senate, Washington DC.

DEAR SENATOR STABENOW: On behalf of the National Community Reinvestment Coalition (NCRC) and our over 600 member organizations, we would like to express our most sincere gratitude for taking time out of your busy schedule to participate in our Congressional Luncheon held on Thursday, March 13, 2003 at the Senate Hart Building.

Our National Community Reinvestment Coalition (NCRC) membership and staff truly enjoyed your encouraging and well-stated remarks. In addition, we are truly grateful to you regarding your leadership in authoring ''The First Time Homebuyers Tax Credit Act of 2003'', and we applaud you as a champion for this cause. We would like for you to know that we stand willing and anxious to assist you in the introduction of this bill in the 108th Congress.

Again, thank you for your pioneering spirit and continued support in assisting those who have encountered economic injustices. If NCRC can further assist you in eradicating these causes, please do not hesitate to contact me directly or our Director of Legislative and Regulatory Affairs, Crystal Ford, at (202) 628–8866.

Sincerely,

JOHN TAYLOR,
President and CEO.

NATIONAL CONGRESS FOR
COMMUNITY ECONOMIC DEVELOPMENT,
Washington, DC, April 25, 2003.

Hon. DEBBIE STABENOW,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR STABENOW: The National Congress for Community Economic Development (NCCED), on behalf of its more than 700 member community development corporations (CDCs) nationwide, supports the proposed Homeownership Tax Credit bill to be introduced by Senator Gordon Smith and you.

The proposed legislation is innovative because it provides homebuyers with the ability to transfer their tax credit to the lender at closing in order to offset downpayment and closing costs. Downpayment and closing costs have consistently been one of the greatest barriers to homeownership for low and moderate-income families.

NCCED is the national trade association representing more than 3,600 CDCs nationwide. We were founded in 1970 and since have advocated for the community economic development industry, whose work creates wealth, builds healthy and sustainable communities, and achieves lasting economic viability. NCCED fulfills its mission of service to its members working in disinvested urban and rural communities through education, resource development, advocacy, networking, training, technology assistance, policy initiatives, and strategic partnerships.

NCCED's annual conference will be held this year in Detroit, Michigan on October 9 and 10, 2003. We would welcome the opportunity for you to share your thoughts with the expected 500 conference attendees who will be there to learn from the successes of Detroit's community development corporations.

Please contact me at (202) 289–9020 if you would like more information. We look forward to working with you on policy issues related to community revitalization.

Sincerely,

ROY O. PRIEST,
President and CEO.

THE HOUSING PARTNERSHIP
NETWORK,
Boston, MA, May 12, 2003.

Senator DEBORAH STABENOW,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STABENOW: On behalf of the Housing Partnership Network, I would like to extend our support for your proposed Homeownership Tax Credit Act of 2002. This legislation would authorize a one-time tax credit of up to $3,000 for individuals and $6,000 for married couples to help pay downpayment and closing costs for eligible first-time homebuyers.

The lack of funds for downpayment and closing costs is a significant barrier for many lower income families who wish to purchase a home in communities throughout the country. The proposed homeownership credit is a particularly innovative solution to help families overcome this obstacle because of the transferability feature. By allowing buyers to transfer the credit to their mortgage lender at closing, the credit can provide an immediate infusion of cash to help the family finance the home purchase.

Founded in 1990, the Housing Partnership Network is a national membership intermediary for regional nonprofit housing partnerships. The Network currently has 77 members operating in 37 states. (The full membership list is attached.) The Network and our members sponsor a range of programs to provide counseling, mortgage finance, and downpayment assistance to promote affordable homeownerships opportunities for low and moderate income families. The Network's members have provided homeownership counseling to over 225,000 families and have developed or rehabilitated 200,000 homes.

The Network is a national funding intermediary for the HUD Housing Counseling Program, and has provided $8 million to support the counseling programs of 35 organizations over the last eight years. Focused primarily on homebuyer education, the program underwrites a range of services, including post-purchase, foreclosure prevention, and reverse equity mortgage counseling. There are also homeless assistance and renter counseling components.

Our member that operates in the Washington, DC area, the Community Development and Preservation Corporation, is familiar with the federally authorized homeownership tax credit in the District of Columbia. This program has been quite successful and your bill would extend this benefit to many other communities. The innovative

transferability feature which you have included in the legislation will make this resource even more useful to first time homebuyers.

The proposed credit is a creative approach to use the tax system to facilitate homeownership for lower income families. As this bill makes its way through the legislative process, we would recommend that the income eligibility for the credit be more narrowly drawn to ensure the public resource is more efficiently targeted to lower income beneficaries.

We appreciate the leadership you have provide in helping address the nation's affordable housing crisis, and look forward to working with you and your staff on this and other issues.

Sincerely,

THOMAS BLEDSOE,
President.

NATIONAL COUNCIL OF LA RAZA,
Washington, DC, May 21, 2003.

Hon. DEBORAH STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: On behalf of the National Council of La Raza (NCLR), I write in support of the First-Time Homebuyers' Tax Credit Act of 2003. NCLR is the nation's largest Hispanic constituency-based organization, representing more than 37 million Latinos nationwide. The opportunity to become a homeowner is essential to NCLR's mission to promote economic mobility and financial stability within the Hispanic community.

As you may know, Latino representation within the homebuying market is increasing, accounting for 16.3% of all new homebuyers from 1995 to 2000. That said, we remain concerned that the rate of Hispanic homeownership, 48% continues to lag behind the national average of 68%.

Homeownership is often the largest and single most important asset for a family, building wealth and improving community stability. Further initiatives that facilitate homeownership opportunities are essential for improving Hispanic and low-income neighborhoods. Too many working Latino families are unable to save enough money for closing costs and downpayments, and are barred from attaining the American dream of homeownership. Legislation such as yours will break down barriers to homeownership, of which affordability is a major component.

NCLR looks forward to working with you on this and other innovative affordable housing efforts. Please contact Janis Bowdler, Housing Policy Analyst, (202) 776–1748, to discuss further ways in which we can work together on these important issues.

Sincerely,

RAUL YZAGUIRRE,
President/CEO.

NATIONAL ASSOCIATION OF
AFFORDABLE HOUSING LENDERS,
March 12, 2003.

Hon. DEBBIE A. STABENOW,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STABENOW: The National Association of Affordable Housing Lenders (NAAHL), which represent America's leaders in community lending and investment, strongly supports the proposed First-Time Homebuyers' Tax Credit Act of 2003, to help working families buy their first home through a tax credit to help cover the downpayment and closing costs.

NAAHL is the only association devoted to increasing private capital investment in low- and moderate-income communities. NAAHL represents 200 organizations that are leaders in lending and investing, including more than 70 insured depository institutions, 45 non-profit providers and 800 individuals. Members include the who's who of private sector lenders and investors in affordable housing and community development: banks, thrifts, insurance companies, community development corporations, mortgage companies, loan consortia, financial intermediaries, pension funds, foundations, local and national nonprofits, and public agencies.

As you well know, the number of working families with critical housing needs has continued to grow in recent years, and working families have identified the lack of affordable housing as one of their biggest problems. The First-Time Homebuyers' Tax Credit Act would make it significantly easier for many households to realize the American dream of homeownership by providing them with a valuable resource for overcoming one of the biggest barriers to homeownership—the cost of a downpayment and closing costs.

The proposed legislation evolves from longstanding public policy to create incentives to homeownership because of the inherent benefits of homeownership for both individuals and society. Your bill effectively complements the existing mortgage interest tax deduction—which saves families thousands of dollars for other necessary expenditures after a home has been acquired—by providing a tax credit that facilitates the first-time purchase of a home for working families. The legislation also addresses another key concern, narrowing the homeownership gap between the lowest and highest income groups, and among different races.

NAAHL and our member companies look forward to working closely with you to enact this legislation. We share your goal of expanding homeownership opportunities, and sincerely appreciate your commitment to helping make housing more affordable.

Sincerely,

JUDY KENNEDY,
President.

MANUFACTURED HOUSING INSTITUTE,
March 18, 2003.

Hon. DEBBIE A. STABENOW,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR STABENOW: The Manufactured Housing Institute (MHI) supports the ''First-Time Homebuyers' Tax Credit Act of 2003,'' which we understand you will be introducing in the near future.

This legislation would permit a one-time tax-credit to first-time homebuyers which can be used for down payment and closing costs in connection with the purchase of a principal residence. This will help credit-worthy homebuyers overcome the biggest impediment to purchasing a first home today—the accumulation of sufficient funds to finance the down payment and closing costs required at loan settlement.

If structured properly, this program will help credit-worthy low- and moderate-income homebuyers to purchase and remain in manufactured homes for many years to come.

Sincerely,

CHRIS STINEBERT,
President, Manufactured Housing Institute.

FANNIE MAE,
May 13, 2003.

Hon. DEBBIE STABENOW,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR STABENOW: I understand that you will be introducing a bill shortly that would provide for a one-time tax credit for first time homebuyers in America's lowest tax brackets.

Your legislation, The Homeownership Tax Credit Act of 2003, providing a tax credit of up to $3,000 for moderate-income individuals, is the kind of assistance low and moderate income families can harness to better afford the American Dream of homeownership.

As you know, the availability of funds for a downpayment is a key barrier to homeownership. Our National Housing Survey found that 32 percent of Americans say they would have difficulty making a downpayment for the purchase of a home. We at Fannie Mae support the use of tax credits to promote homeownership and appreciate your work in this regard.

We look forward to continuing our work with you to increase the opportunity for more Americans to own homes of their own.

Sincerely,

WILLIAM R. DALEY.

Washington, DC, May 12, 2003

Hon. DEBBIE A. STABENOW,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STABENOW: I am writing to commend your efforts in introducing the ''FIRST-TIME HOMEBUYERS' TAX CREDIT ACT OF 2003''. Your legislation providing a tax credit to assist first-time homebuyers with closing costs or down payment assistance is very important

Becasue of innovative products and services offered by the banking industry, the United States has achieved the highest homeownership rate in our nation's history. Nevertheless, as you have recognized, millions still face barriers to homeownership because of difficulty in accumulating an adequate down-payment or because of costs associated with the loan transaction. By providing assistance in the form of a Federal tax rebate, paid before a borrower closes on a loan, your legislation can make homeownership a reality for many more Americans.

Thank you for your leadership on this issue.

Sincerely,

FLOYD E. STONER,
EXECUTIVE DIRECTOR,
CONGRESSIONAL
RELATIONS AND PUBLIC POLICY,
American Bankers Association.

FREDDIE MAC,
Washington, DC, May 5, 2003.

Hon. DEBBIE STABENOW,
U.S. Senate, Senate Hart Office Building,
Washington, DC.

DEAR SENATOR STABENOW: Freddie Mac is pleased to support your legislation, The Homeownership Tax Credit Act of 2003. We appreciate your extraordinary leadership in broadening homeownership opportunities for America's working families and look forward to continuing to work with you to achieve this common goal.

The Homeownership Tax Credit Act addresses one of the primary barriers that many working families and other Americans face in trying to buy a home, the cost of a down payment and the closing costs involved in the purchase of a home. Your legislation takes an innovative approach to knocking down this barrier to homeownership by providing a tax credit that the taxpayer can either claim in the year after he or she buys a first home or the taxpayer can transfer the credit directly to a lender at closing.

At Freddie Mac, we work to help America's families realize the dream of homeownership, by making low-cost mortgage financing available to families every day. Freddie Mac has made mortgage financing available for more than 27 million homes. We are strongly committed to improving the quality of life for homeowners and renters by making decent, accessible housing a reality for America's families.

As a member of the Senate Committee on Banking, Housing and Urban Affairs, you have consistently demonstrated your outstanding support for increasing homeownership in America, and we look forward to working with you to help America's families realize the American Dream of homeownership.

Sincerely,

DWIGHT FETTIG,
Director, Congressional Relations.

NATIONAL AMERICAN INDIAN HOUSING COUNCIL, OFFICE OF GOVERNMENTAL AFFAIRS,
Washington, DC, May 8, 2003

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: I write today to let you know that you have the support of the National American Indian Housing Council for your Homeownership Tax Credit bill. We will be watching for when the bill is introduced so we can be sure to inform our members.

The National American Indian Housing Council is a national membership organization representing over 400 of the 564 federally-recognized tribes and their tribally designated housing entities on low-income housing, mortgage lending, finance and economic development issues. We currently have ten member tribes from your home state of Michigan.

Although much of our effort goes to helping tribal housing agencies build and finance homes for tribal members where the real estate market is nearly non-existent, we are always looking to help those tribal members that are ready and able for homeownership, but are driven away by high down-payments and closing costs associated with buying a home. Your idea to offer a transferable tax credit to first-time homebuyers would be very helpful. We believe in the benefits of homeownership and support your effort for making it less cumbersome for lower income Americans.

Please do not hesitate to contact me for further information or for any assistance you might need in the passage of this legislation.

Sincerely,

RUSSELL SOSSAMON,
Chairman.

JUNE 3, 2003.

Hon. DEBBIE STABENOW,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STABENOW: I want to take this opportunity to express America's Community Bankers' support for your initiative to provide Americans the opportunity to own their own home. The First Time Homebuyers' Tax Credit Act of 2003 is greatly needed to address the current affordable housing crisis in this country.

Homeownership is an important goal for ACB. Our members originate more than 25 percent of all U.S. mortgages. This legislation will assist first-time homebuyers and lenders by converting federal income tax credits into cash for down payments and closing fees. We support giving qualified first-time buyers the option of either handing over their credit to their lenders or using it later to reduce their own personal income taxes.

Over the years, ACB members have helped people with owning a home. Your initiative will create additional opportunities for our members to continue assisting first-time homebuyers in securing a mortgage.

ACB urges your colleagues in the House of Representatives to support this legislation and increase the number of new American homeowners. We applaud your efforts in offering a solution to a problem many Americans face.

Thank you for your leadership on this issue.

Sincerely,

ROBERT R. DAVIS,
Executive Vice President and Managing Director, Government Relations.

Earlier today, at a press conference, Senator SMITH and I were also joined by the Mortgage Bankers Association of America and we have received positive comments from the National Association of Homebuilders about my legislation.

Clearly, the breadth and diversity of support is strong for this legislation.

This is a bold and aggressive effort to reach out to a large number of working families to help them get into this first home.

The Joint Committee on Taxation has estimated that up to 16.8 million working people would get into their first home over the next seven years because of this new tax credit.

People like Christine Nelson, with whom I met this morning. Christine is a working mom. She works as an administrative assistant for a national association. She is carefully saving up to buy her first home.

In addition to supporting her daughter, however, Christine has student loans that she is paying for.

These multiple obligations make it difficult for her to come up with that $9,000 I mentioned earlier.

The $3,000 tax credit she is eligible for would make a tremendous difference in her life. It would get her and her daughter into that first home much faster.

We are working to send a message to Christine and other people all over the country that if you are working hard to save up enough to get into that first home, the Federal Government will make a strategic investment in your family—it will offer a hand up.

This is not unlike what we already do through the mortgage interest tax deduction for millions of people who are fortunate enough already to own their own home.

We certainly won't do all the hard work for you. You must be frugal and save and do most of the work yourself, but we, in Congress, understand that it is good for America to enhance homeownership.

We also understand that this sort of investment in working families stimulates the economy.

No one can deny that when the First Time Homebuyers' Tax Credit is enacted and used by millions of people, every single time the credit is used, it will be stimulative.

Why?

Because it means someone bought a house. And that generates economic activity for multiple small business people. Realtors. Lenders. House appraisers. Inspectors. Title insurers. And so on. And there is a ripple of economic activity by the new homeowners as they fix up their new homes and get settled in.

Housing has been such a bright light in the sluggish economy we've faced for the last few years. My bill is designed to ensure that the housing sector remains a strong component of our economy.

Finally, let me close by emphasizing how happy and proud I am that this tax legislation is bipartisan. In a closely divided Senate, and a closely divided Congress, it is so important to work across the aisle and Senator SMITH, who is a real champion for good housing policy, is someone I want to work closely with on this bill and other important housing legislation. He understands how housing tax benefits help build strong communities and provide economic security for millions of families.

I am committed to seeing this legislation passed. And, I welcome the chance to work with all of my colleagues to see the dream of homeownership expanded to all people.

Home. Sentimentally, it is one of the warmest words in the English language. Economically, it is the key word in bringing millions of families in from the cold and letting them begin building wealth for themselves and their family.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1175

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''First-Time Homebuyers' Tax Credit Act of 2003''.

SEC. 2. REFUNDABLE CREDIT FOR FIRST-TIME HOMEBUYERS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

''SEC. 36. PURCHASE OF PRINCIPAL RESIDENCE BY FIRST-TIME HOMEBUYER.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual who is a first-time homebuyer of a principal residence in the United States during any taxable year, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 10 percent of the purchase price of the residence.

''(b) LIMITATIONS.—

''(1) MAXIMUM DOLLAR AMOUNT.—

''(A) IN GENERAL.—The credit allowed under subsection (a) shall not exceed the excess (if any) of—

''(i) $3,000 ($6,000 in the case of a joint return), over

''(ii) the credit transfer amount determined under subsection (c) with respect to the purchase to which subsection (a) applies.

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after December 31, 2003—

''(i) the $3,000 amount under subparagraph (A) shall be increased by an amount equal to $3,000, multiplied by the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins by substituting '2002' for '1992' in subparagraph (B) thereof, and

''(ii) the $6,000 amount under subparagraph (A) shall be increased to twice the $3,000 amount, as adjusted under clause (i) for the taxable year.

If the $3,000 amount as adjusted under clause (i) is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10.

''(2) TAXABLE INCOME LIMITATION.—

''(A) IN GENERAL.—If the taxable income of the taxpayer for any taxable year exceeds the maximum taxable income in the table under subsection (a), (b), (c), or (d) of section 1, whichever is applicable, to which the 25 percent rate applies, the dollar amounts in effect under paragraph (1)(A)(i) for such taxpayer for the following taxable year shall be reduced (but not below zero) by the amount of the excess.

''(B) CHANGE IN RETURN STATUS.—In the case of married individuals filing a joint return for any taxable year who did not file such a joint return for the preceding taxable year, subparagraph (A) shall be applied by reference to the highest taxable income of either such individual for the preceding taxable year.

''(c) TRANSFER OF CREDIT.—

''(1) IN GENERAL.—A taxpayer may transfer all or a portion of the credit allowable under subsection (a) to 1 or more persons as payment of any liability of the taxpayer arising out of—

''(A) the downpayment of any portion of the purchase price of the principal residence, and

''(B) closing costs in connection with the purchase (including any points or other fees incurred in financing the purchase).

''(2) CREDIT TRANSFER MECHANISM.—

''(A) IN GENERAL.—Not less than 180 days after the date of the enactment of this Act, the Secretary shall establish and implement a credit transfer mechanism for purposes of paragraph (1). Such mechanism shall require the Secretary to—

''(i) certify that the taxpayer is eligible to receive the credit provided by this section with respect to the purchase of a principal residence and that the transferee is eligible to receive the credit transfer,

''(ii) certify that the taxpayer has not received the credit provided by this section with respect to the purchase of any other principal residence,

''(iii) certify the credit transfer amount which will be paid to the transferee, and

''(iv) require any transferee that directly receives the credit transfer amount from the Secretary to notify the taxpayer within 14 days of the receipt of such amount.

Any check, certificate, or voucher issued by the Secretary pursuant to this paragraph shall include the taxpayer identification number of the taxpayer and the address of the principal residence being purchased.

''(B) TIMELY RECEIPT.—The Secretary shall issue the credit transfer amount not less than 30 days after the date of the receipt of an application for a credit transfer.

''(3) PAYMENT OF INTEREST.—

''(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary shall pay interest on any amount which is not paid to a person during the 30-day period described in paragraph (2)(B).

''(B) AMOUNT OF INTEREST.—Interest under subparagraph (A) shall be allowed and paid—

''(i) from the day after the 30-day period described in paragraph (2)(B) to the date payment is made, and

''(ii) at the overpayment rate established under section 6621.

''(C) EXCEPTION.—This paragraph shall not apply to failures to make payments as a result of any natural disaster or other circumstance beyond the control of the Secretary.

''(4) EFFECT ON LEGAL RIGHTS AND OBLIGATIONS.—Nothing in this subsection shall be construed to—

''(A) require a lender to complete a loan transaction before the credit transfer amount has been transferred to the lender, or

''(B) prevent a lender from altering the terms of a loan (including the rate, points, fees, and other costs) due to changes in market conditions or other factors during the period of time between the application by the taxpayer for a credit transfer and the receipt by the lender of the credit transfer amount.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) FIRST-TIME HOMEBUYER.—

''(A) IN GENERAL.—The term 'first-time homebuyer' has the same meaning as when used in section 72(t)(8)(D)(i).

''(B) ONE-TIME ONLY.—If an individual is treated as a first-time homebuyer with respect to any principal residence, such individual may not be treated as a first-time homebuyer with respect to any other principal residence.

''(C) MARRIED INDIVIDUALS FILING JOINTLY.—In the case of married individuals who file a joint return, the credit under this section is allowable only if both individuals are first-time homebuyers.

''(D) OTHER TAXPAYERS.—If 2 or more individuals who are not married purchase a principal residence—

''(i) the credit under this section is allowable only if each of the individuals is a first-time homebuyer, and

''(ii) the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed the amount in effect under subsection (b)(1)(A) for individuals filing joint returns.

''(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121. Except as provided in regulations, an interest in a partnership, S corporation, or trust which owns an interest in a residence shall not be treated as an interest in a residence for purposes of this paragraph.

''(3) PURCHASE.—

''(A) IN GENERAL.—The term 'purchase' means any acquisition, but only if—

''(i) the property is not acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under section 267 or 707(b) (but, in applying section 267 (b) and (c) for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only the individual's spouse, ancestors, and lineal descendants), and

''(ii) the basis of the property in the hands of the person acquiring it is not determined—

''(I) in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

''(II) under section 1014(a) (relating to property acquired from a decedent).

''(B) CONSTRUCTION.—A residence which is constructed by the taxpayer shall be treated as purchased by the taxpayer.

''(4) PURCHASE PRICE.—The term 'purchase price' means the adjusted basis of the principal residence on the date of acquisition (within the meaning of section 72(t)(8)(D)(iii)).

''(e) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under subsection (a) for any expense for which a deduction or credit is allowed under any other provision of this chapter.

''(f) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.

''(g) PROPERTY TO WHICH SECTION APPLIES.—

''(1) IN GENERAL.—The provisions of this section apply to a principal residence if—

''(A) the taxpayer purchases the residence on or after January 1, 2003, and before January 1, 2010, or

''(B) the taxpayer enters into, on or after January 1, 2003, and before January 1, 2010, a binding contract to purchase the residence, and purchases and occupies the residence before July 1, 2011.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016 of the Internal Revenue Code of 1986 (relating to general rule for adjustments to basis) is amended by striking ''and'' at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting '', and'', and by adding at the end the following new paragraph:

''(29) in the case of a residence with respect to which a credit was allowed under section 36, to the extent provided in section 36(f).''.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by striking ''or'' before ''enacted'' and by inserting before the period at the end '', or from section 36 of such Code''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 36 and inserting the following new items:

''Sec. 36. Purchase of principal residence by first-time homebuyer.''.

''Sec. 37. Overpayments of tax.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

By Mr. BYRD:

S. 1176. A bill to complete construction of the 13-State Appalachian development highway system, and for other purposes; to the Committee on Environment and Public Works.

Mr. BYRD. Mr. President, today I am introducing legislation designed to fulfill an important promise made by the Federal Government to the people of my State and my region some 38 years ago. I am speaking of the promise to build and complete a network of highways through the Appalachian region known today as the Appalachian Development Highway System or ADHS. I look forward to working with my fellow Senators to have my legislation included in the measure to reauthorize the Federal-aid Highway Program, one of the most important, if not the most important, pieces of legislation which will be considered during this Congress. The Federal-aid Highway Program is at the very core of the Federal infrastructure investment exercise.

On September 30 of last year, our very capable Federal Highway Administrator, Ms. Mary Peters, testified before the Committee on Environment and Public Works on the condition and performance of our National Highway System. The Administration's Conditions and Performance Report has

again reminded us that a great deal more needs to be invested in our infrastructure if we are not to fall further and further behind in stemming the deterioration of our nation's highways and bridges and alleviating congestion on our nation's roads.

At the September 30 hearing, Administrator Peters testified that, even in the wake of the historic funding increase accomplished through TEA–21, congestion on our roads continues to worsen. An investment in our highway infrastructure by all levels of government will have to increase by more than 65 percent or $42.2 billion per year to actually improve the condition of our nation's highways. A funding increase of more than 17 percent or $11.3 billion will be necessary simply to maintain the current inadequate conditions of our highway network, where more than one in four of our nation's bridges are classified as deficient.

Having served as both Chairman and Ranking Member of the Senate Appropriations Committee, I have sought to do my part by championing the highest level of Federal highway investment for all fifty States that is possible under our budget constraints. Earlier this year, I am pleased to report that the Senate prevailed in the conference with the House on the Omnibus Appropriations Bill for Fiscal Year 2003 and rejected every penny of the $8.6 billion cut in highway funding proposed by President Bush. And just last month, I was pleased to join with Senators BOND and REID, the respective Chairman and Ranking Member of the Surface Transportation Subcommittee, in sponsoring a bipartisan amendment to the Budget Resolution for Fiscal Year 2004 that boosted funding for our Federal-aid Highway Program by several billion dollars. That amendment commanded 79 votes on the Senate floor.

While serving in the other body, I had the great privilege of casting my vote in favor of establishing the Interstate highway System back in 1958. However, in 1964, it was recognized by the first Appalachian Regional Commission that while the Interstate Highway System was slated to provide historic economic benefits to most of our Nation, the system was designed to bypass the Appalachian Region due to the extremely high cost associated with building Highways through Appalachia's rugged topography. As a result, the construction of the interstates would have had the detrimental effect of drawing passengers and freight, and the accompanying economic benefits, away from the Appalachian Region.

In 1965, the Congress adopted the Appalachian Regional Development Act that promised a network of modern highways to connect the Appalachian Region to the rest of the Nation's highway network and, even more importantly, the rest of the Nation's economy. Absent the Appalachian Development Highway System, my region of the country would have been left solely with a transportation infrastructure of dangerous, narrow, winding roads which follow the path of river valleys and stream beds between mountains. These roads are still, more often than not, two-lane roads that are squeezed into very limited rights-of-way. They are characterized by low travel speeds and long travel distances and are often built to inadequate design standards.

One of the observations contained in Administrator Peters' testimony back in September that especially caught my eye was her statement that ''the condition of higher-order roads, such as interstates, has improved considerably since 1993 while the condition on many lower-order roads has deteriorated.'' It appears that the pattern of road conditions is beginning to mirror the distribution of wealth in our country, whereby the rich are getting richer while the poor get poorer. That observation is most pertinent when you consider the challenge of completing the Appalachian Development Highway System.

We have virtually completed the construction of the Interstate Highway System and have moved on to many other important transportation goals. However, the people of my region are still waiting for the Federal Government to live up to its promise, made some 38 years ago, to complete the ADHS. The system is still less than 80 percent complete and I regret to observe that my home State of West Virginia is below the average for the entire Appalachian Region with only 72 percent of its mileage complete and open to traffic.

The rationale behind the completion of the Appalachian Development Highway System is no less sound today than it was in 1964. Unfortunately, there are still children in Appalachia who lack decent transportation routes to school; and there are still pregnant mothers, elderly citizens and others who lack timely road access to area hospitals. There are thousands upon thousands of people who cannot obtain sustainable well-paying jobs because of poor road access to major employment centers. The entire status of the Appalachian Development Highway System is laid out in great detail in the Cost to Complete Report for 2002 recently completed by the Appalachian Regional Commission. This is the most comprehensive report on the status of the Appalachian Development Highway System to date and I commend the staff of the Appalachian Regional Commission for their hard work on this report. The last report was completed in 1997 just prior to Congressional consideration of TEA–21.

The enactment of TEA–21 signaled a new day in the advancement of the Appalachian Development Highway System. Through the work of the Committee on Environment and Public Works, the House Transportation and Infrastructure Committee, and the Administration, we took a great leap forward by authorizing direct contract authority from the Highway Trust Fund to the States for the construction of the ADHS. Up until that point, funding for the Appalachian Development Highway System had been limited to uncertain and inconsistent general fund appropriations. By provding the States of the Appalachian Region with a consistent and predictable source of funds to move forward on its uncompleted ADHS segments, TEA–21 served to reinvigorate our efforts to honor the promise made to the people of the Appalachian Region.

As is made clear in the Cost to Complete Report, this initiative has been a great success. States are making greater progress toward the completion of the system than they have in any five-year segment in recent memory. Since the last Cost to Complete Report, 183 miles of the system have been opened to traffic and we have successfully brought down the cost to complete the system by roughly $1.7 billion in Federal funds.

Back when we were debating TEA–21, some questions were asked as to how committed the States would be to completing the unfinished segments to the Appalachian Development Highway System. I am pleased to report that the 13 States, to date, have succeeded in obligating just under 90 percent of the obligation authority that has been granted to them for the completion of the system. A 90-percent obligation rate compares quite favorably to some of the other transportation programs through which the States were granted multiple years to obligate their funds.

According to the ARC's Cost to Complete Report, the remaining Federal funds needed to complete the ADHS are now estimated to be $4.467 billion. When adjusted for inflation over the life of the next highway bill, using the standard inflation calculation for highway projects, a total of $5.04 billion will need to be authorized to complete the system. That is a lot of money and I believe that figure deserves some explanation.

The considerable cost of completing the last 20 percent of the ADHS is explained by the fact that the easiest segments of the system to build have already been built. Much of the costs associated with completing the most difficult unfinished segments are driven by the requirement to comply with other Federal laws, especially the laws requiring environmental mitigation measures when building new highways through rural areas. While the $5.04 billion figure may seem large to some of my colleagues, I would remind them the last highway bill authorized more than $218 billion in federal infrastructure investment over six years. It is my sincere hope and expectation that the next highway bill will authorize an even greater amount.

Of critical importance to this debate is the fact that the unfinished segments of the ADHS represent some of most dangerous and most deficient roadways in our entire Nation. Often lost in our debate over the necessity to

invest in our highways is the issue of safety. The Federal Highway Administration has published reports indicating that substandard road conditions are a factor in 30 percent of all fatal highway accidents. I am quite certain that the percentage is a great deal higher in the Appalachian Region.

The Federal Highway Administration found that upgrading two-lane roads to four-lane divided highways decreased fatal car accidents by 71 percent and that the widening of traffic lanes has served to reduce fatalities by 21 percent. These are precisely the kind of road improvements that are funded through the ADHS. In my state, the largest segment of unfinished Appalachian Highway, if completed, will replace the second most dangerous segment of roadway in West Virginia. So, even those who would question the wisdom of completing these highways in the name of economic development should take a hard look at the fact that the people of rural Appalachia are taking their lives in their hands every day as they drive on dangerous roads.

It is time for this Congress, in concert with the Administration, to take the last great leap forward and authorize sufficient contract authority to finally complete the Appalachian Development Highway System. If we enact another six-year highway bill with sufficient funds to complete the system, we will finally pay the full costs of the ADHS almost 45 years after the system was first promised to the people of my region. The legislation I am introducing today, the ''Appalachian Development Highway System Completion Act,'' will provide sufficient contract authority to complete the system. Importantly, it will guarantee that the states of the Appalachian Region do not pay a penalty, either through the distribution of minimum allocation funds, or the distribution of obligation limitation, for receiving sufficient funds to complete the Appalachian system.

I am very pleased that this Administration has taken on the goal of completing the ADHS. In her letter accompanying the Cost to Complete Report, Administrator Peters said ''the completion of the ADHS is an important part of the mission of the Federal Highway Administration. We consider the accessibility, mobility and economic stimulation provided by the ADHS to be entirely consistent with the goals of our agency.'' Ms. Peters further stated that the Appalachian Regional Commission's 2002 Cost to Complete Report, ''provides a sound basis for apportioning future funding to complete the system.'' I thank Mary Peters and the entire Federal Highway Administration for their leadership on this issue and I look forward to working with Ms. Peters and her agency to ensure that this commitment is borne out in the transportation reauthorization legislation that is developed by the Congress.

Completion of a new highway bill will be a mammoth task for this Congress. As I look back over the many years of my public career, one of the accomplishments of which I am most proud was my amendment providing an additional $8 billion in funding to break the logjam during the debate on the Intermodal Surface Transportation Efficiency Act in 1991. Another was my sponsorship of the Byrd-Gramm-Baucus-Warner Amendment during the Senate debate of TEA–21 in 1998. That effort resulted in some $26 billion in funding being added to that bill and put us on a path to historic funding increases for our nation's highway infrastructure. I look forward again to working with my fellow Senators on completion of a bill that makes the necessary investments in our nation's highways, not just in the Appalachian Region, but across our entire country.

By Mr. HATCH (for himself and Mr. KOHL):

S. 1177. A bill to ensure the collection of all cigarette taxes, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today, with my colleague Senator Kohl, to introduce S. 1177, the Prevent All Cigarette Trafficking, PACT Act of 2003. I do so because of my concern that contraband cigarettes contribute heavily to the profits of organized crime syndicates, specifically global terrorist organizations. Furthermore, illegal cigarette trafficking has had a damaging impact on the economies of numerous States.

Organized crime syndicates typically purchase cigarettes in States with low taxes and transport the product into states wit high taxes to illegally sell to small retailers below market costs. The Internet has exacerbated this problem. Frequently, these syndicates produce counterfeit State and city tax stamps in order to make it less risky for these small retailers to sell them to consumers. For example, Virginia has a per pack tax of 2.5 cents, while New York City has a per pack tax of $3. Organized crime syndicates, such as those affiliated with the Lebanon-based terrorist organization, Hezbollah, have been known to purchase and transport cigarettes in tractor-trailers up Interstate 95 from Virginia to New York for resale. As one can easily see, a State such as New York is losing millions of dollars in revenue each year because of unpaid taxes on these contraband cigarettes, while terrorist organizations are making millions in profits.

Recent articles in the Washington Post and New York Post revealed that a cigarette-smuggling ring, which allegedly purchased over 70,000 cartons from undercover Federal agents in a sting operation last fall, does in fact have ties to Hezbollah. If this group had been successful in its racketeering scheme, it would have amounted to a loss of nearly $2.4 million in tax revenue for New York and millions in profits for Hezbollah, allowing this organization to finance their terrorist activities.

Members of an organized crime syndicate arrested in Charlotte, NC last year for smuggling contraband cigarettes from North Carolina to Michigan were also using their illegal profits to aid Hezbollah, according to the Charlotte Observer. The Buffalo News reported that one of the members of the Charlotte syndicate, Mohamad Hammoud, allegedly has ties to a recently arrested Detroit-area syndicate, which includes two women from the Seneca Nation of Indians' Cattaraugus reservation. Because the syndicate transported the cigarettes from North Carolina to Michigan for resale, Michigan lost $12.50 per carton in sales and excise taxes. These examples illustrate that cigarette smuggling is not only a lucrative business for organized crime but also detrimental to the budgets of many states.

The PACT Act attacks the problem of illegal cigarette trafficking by these organized crime syndicates through its strengthening of the Jenkins Act of 1949, 15 U.S.C. §§ 375–378, 2003. In its current form, the Jenkins Act requires tobacco vendors to register with each State tax administrator in which they sell cigarettes, as well as file a monthly report that provides shipment information within each State. Failure to do so is a misdemeanor. Compliance with this statute enables States to collect cigarette excise, sales and use taxes from consumers. This legislation, which the distinguished Senator from Wisconsin and I are introducing, strengthens the Act by increasing the reporting requirements first established under Jenkins, expressly including cigarette orders placed through the Internet, lowering the threshold for cigarettes to be treated as contraband from 60,000 to 10,000, increasing the criminal penalty for violating the Act to a felony and creating a substantial civil penalty.

The PACT Act will also provide State attorneys general with the option to bring actions in federal court, which is a tool desired by many states. According to a GAO report from last year on Internet cigarette sales, online cigarette sellers simply do not comply with the Jenkins Act requirements—in fact most of them defiantly state that they do not comply with the Jenkins Act. Many State attorneys general realize that this practice is unfair not only to their individual States, but also to the brick and mortar retailers located in their state, placing these businesses at an unfair commercial disadvantage. Providing these state attorneys general with the ability to bring actions against these out-of-state Internet vendors for lost revenue is crucial in leveling the playing field and collecting the rightful revenue for states like Washington, California, New York, Wisconsin, Michigan and Rhode Island.

I ask my colleagues to join Senator KOHL and me in our efforts to help stop the funding of global terrorist organizations and ensure that States are able

to recover lost revenue by co-sponsoring and supporting the PACT Act of 2003.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 158—COMMENDING THE UNIVERSITY OF VIRGINIA CAVALIERS MEN'S LACROSSE TEAM FOR WINNING THE 2003 NCAA DIVISION I MEN'S LACROSSE CHAMPIONSHIP

Mr. ALLEN (for himself, and Mr. WARNER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 158

Whereas the students, alumni, faculty, and supporters of the University of Virginia are to be congratulated for their commitment and pride in their National Champion men's lacrosse team;

Whereas in 2003, the University of Virginia claimed its second National Championship in 5 years, with an overall season of 15 and 2;

Whereas the Cavaliers won the NCAA first round 19 to 8 against Mount St. Mary's, beat Georgetown 12 to 7 in the Quarterfinals, and Maryland 14 to 4 in the Semifinals;

Whereas the University of Virginia Cavaliers won the championship game by defeating the Johns Hopkins Blue Jays 9 to 7;

Whereas the University of Virginia team was led by A.J. Shannon with 4 goals, John Christmas with 2 goals, and received outstanding effort and support from Chris Rotelli and Billy Glading, while goalie Tillman Johnson had 13 saves and was selected Most Outstanding Player of the championship game;

Whereas every player on the Cavalier team contributed to their success in this championship season and they are Mike Abbott, Andrew Agoliati, Jimmy Barter, Ryan Binder, Ned Bowen, Doug Brody, Patrick Buchanan, David Burman, Michael Culver, Jack deVilliers, Kyle Dixon, Andrew Faraone, Jon Focht, Newton Gentry, Foster Gilbert, Brendan Gill, Charlie Glazer, Zach Heffner, Brett Hughes, Hunter Kass, Nathan Kenney, Ted Lamade, Jared Little, Kevin McGrath, J.J. Morrissey, Justin Mullen, Chris Ourisman, Matt Paquet, Matt Poskay, Derrick Preuss, Hatcher Snead, Calvin Sullivan, Ryan Thompson, Matt Ward, Trey Whitty, Joe Yevoli, trainer Katie Serenelli, the team doctor, Dan Mistry, and manager Kristin Madl.

Whereas Head Coach Dom Starsia has coached the University of Virginia men's lacrosse team for 11 years, and has led the University of Virginia men's lacrosse team to the NCAA Tournament for a university-record 11th consecutive time;

Whereas Coach Starsia has led the team to a school record 15 wins this season;

Whereas Coach Starsia is 1 of only 3 coaches in college lacrosse history to win 100 games at 2 different colleges: the University of Virginia and Brown University; and

Whereas Coach Starsia and his coaching staff, including Assistant Coaches David Curry, Marc Van Arsdale, and Hannon Wright deserve much credit for the outstanding determination and accomplishments of their young team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Virginia men's lacrosse team for winning the 2003 NCAA Division I Men's Lacrosse National Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff, and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the achievements of the University of Virginia men's lacrosse team and invite them to the White House for an appropriate ceremony honoring a National Champion team; and

(4) directs the Secretary of the Senate to—

(A) make available enrolled copies of this resolution to the University of Virginia for appropriate display; and

(B) transmit an enrolled copy of this resolution to each coach and member of the 2003 NCAA Division I men's lacrosse national championship team.

Mr. ALLEN. Mr. President, today I congratulate the University of Virginia Men's Lacrosse team for their victory in the NCAA Division 1 men's lacrosse championship with a 9 to 7 victory over the previously top-ranked Johns Hopkins University and submit a resolution expressing the congratulations of the United States Senate to these young men.

The University of Virginia Cavaliers Lacrosse Team captured their second National Championship title in five years, finishing the 2003 season with a record of 15 wins and 2 losses, a university record. Head Coach Don Starsia has coached the men's lacrosse team for the past 11 years and each year has led the team to the NCAA tournament; also a university record.

As a Cavalier myself, I want to express the pride felt by all students, faculty and alumni of the University of Virginia at this tremendous accomplishment by the men's lacrosse team. Coach Starsia and his coaching staff; Marc Van Arsdale, David Curry and Hannon Wright, deserve much of the credit for the accomplishment of these student athletes and should also be commended.

The members of the University of Virginia 2003 Men's Lacrosse team have indeed made their university proud and should be applauded for their leadership, both on and off the playing field. I congratulate Mike Abbott, Andrew Agoliati, Jimmy Barter, Ryan Binder, Ned Bowen, Dough Brody, Patrick Buchanan, David Burman, John Christmas, Michael Culver, Jack deVilliers, Kyle Dixon, Andrew Faraone, Jon Focht, Newton Gentry, Foster Gilbert, Brendan Gill, Billy Glading, Charlie Glazer, Zach Heffner, Brett Hughes, Tilman Johnson, Hunter Kass, Nathan Kenney, Ted Lamade, Jared Little, Kevin McGrath, J.J. Morrissey, Justin Mullen, Chris Ourisman, Matt Paquet, Matt Poskay, Derrick Preuss, Chris Rotelli, A.J. Shannon, Hatcher Snead, Calvin Sullivan, Ryan Thompson, Matt Ward, Trey Whitty, Joe Yevoli, trainer Katie Serenelli, the team doctor, Dan Mistry, and manager Kristin Madl for their accomplishments.

I hope my colleagues will join with Senator WARNER and me to pass this Resolution recognizing the National Champion University of Virginia Men's Lacrosse team.

Mr. WARNER. Mr. President, it is with great pride that I, along with my colleague from Virginia, Mr. ALLEN, come before you today. I come in support of a resolution submitted by Mr. ALLEN and myself commemorating the University of Virginia Men's Lacrosse Team, who defeated Johns Hopkins University for the 2003 NCAA National Championship last Monday. I would like to congratulate the head coach, Mr. Dom Starsia, his staff and the 41 young men on the UVA lacrosse team for a job well-done. The Cavaliers finished the season with an impressive record of 15 wins and 2 losses and had 8 players receive All-American Honors. Goalie, Tillman Johnson, received Most Outstanding Player honors for leading Virginia to victories over the University of Maryland and Johns Hopkins University during the NCAA tournament. These student-athletes deserve this chamber's recognition for their commitment to excellence through their dedication to the UVA lacrosse team and the academic rigors of the University of Virginia during this successful season. The people of Virginia take great pride in their state colleges and universities, and the success of the University of Virginia lacrosse team is a testament to the great accomplishments, both in the classroom and on the athletic field, made by Virginia schools during the past year.

The players follow: Mike Abbott, Andrew Agoliati, Jimmy Barter, Ryan Binder, Ned Bowen, Doug Brody, Patrick Buchanan, David Burman, John Christmas, Michael Culver, Jack deVilliers, Kyl Dixon, Andrew Faraone, Jon Focht, Newton Gentry, Foster Gilbert, Brendan Gill, Billy Glading, Charlie Glazer, Zach Heffner, Brett Hughes, Tillman Johnson, Hunter Kass, Nathan Kenney, Ted Lamade, Jared Little, Kevin McGrath, J.J. Morissey, Justin Mullen, Chris Ourisman, Matt Paquet, Matt Poskey, Derrick Preuss, Chris Rotelli, A.J. Shannon, Hatcher Snead, Calvin Sullivan, Ryan Thompson, Matt Ward, Trey Whitty, Joe Yevoli.

The coaches follow: Dom Starsia, David Curry, Marc Van Arsdale, Hannon Wright.

AMENDMENTS SUBMITTED & PROPOSED

SA 843. Mrs. FEINSTEIN proposed an amendment to amendment SA 539 proposed by Mr. FRIST (for himself, Mr. DASCHLE, Mr. INHOFE, Mr. DORGAN, Mr. LUGAR, Mr. JOHNSON, Mr. GRASSLEY, Mr. HARKIN, Mr. HAGEL, Mr. DURBIN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mr. TALENT, Mr. DAYTON, Mr. COLEMAN, Mr. EDWARDS, Mr. CRAPO, Mr. CONRAD, Mr. DEWINE, and Mr. BAUCUS) to the bill S. 14, to enhance the energy security of the United States, and for other purposes.

SA 844. Mrs. FEINSTEIN (for herself, Mr. NICKLES, Mr. MCCAIN, Mr. KYL, Mr. GREGG, Mr. WYDEN, Mr. LEAHY, Mr. SCHUMER, Mr. SUNUNU, and Mr. REED) proposed an amendment to amendment SA 539 proposed by Mr. FRIST (for himself, Mr. DASCHLE, Mr. INHOFE, Mr. DORGAN, Mr. LUGAR, Mr. JOHNSON, Mr. GRASSLEY, Mr. HARKIN, Mr. HAGEL, Mr. DURBIN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mr. TALENT, Mr. DAYTON, Mr. COLEMAN, Mr. EDWARDS, Mr. CRAPO, Mr. CONRAD, Mr. DEWINE, and Mr. BAUCUS) to the bill S. 14, supra.

SA 845. Mr. BINGAMAN (for Mrs. LINCOLN) proposed an amendment to amendment SA 539 proposed by Mr. FRIST (for himself, Mr. DASCHLE, Mr. INHOFE, Mr. DORGAN, Mr. LUGAR, Mr. JOHNSON, Mr. GRASSLEY, Mr. HARKIN, Mr. HAGEL, Mr. DURBIN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mr. TALENT, Mr. DAYTON, Mr. COLEMAN, Mr. EDWARDS, Mr. CRAPO, Mr. CONRAD, Mr. DEWINE, and Mr. BAUCUS) to the bill S. 14, supra.

SA 846. Mr. FITZGERALD (for Mr. GREGG) proposed an amendment to the bill S. 313, to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs.

TEXT OF AMENDMENTS—May 22, 2003

SA 813. Mr. WARNER (for Mr. SPECTER) 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 appropriate place, insert the following new section:

SEC. ___. AIR FARES FOR MEMBERS OF ARMED FORCES.

It is the sense of the Senate that each United States air carrier should—

(1) make every effort to allow active duty members of the armed forces to purchase tickets, on a space-available basis, for the lowest fares offered for the flights desired, without regard to advance purchase requirements and other restrictions; and

(2) offer flexible terms that allow members of the armed forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, or penalties.

SA 814. Mr. WARNER (for Mr. CHAMBLISS) 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 B of title II, add the following:

SEC. 213. MODIFICATION OF PROGRAM ELEMENT OF SHORT RANGE AIR DEFENSE RADAR PROGRAM OF THE ARMY.

The program element of the short range air defense radar program of the Army may be modified from Program Element 602303A (Missile Technology) to Program Element 603772A (Advanced Tactical Computer Science and Sensor Technology).

SA 815. Mr. LEVIN (for Ms. MIKULSKI) 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 169, between lines 5 and 6, insert the following:

(d) INTEGRATED HEALING CARE PRACTICES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs may, acting through the Department of Veterans Affairs–Department of Defense Joint Executive Committee, conduct a program to develop and evaluate integrated healing care practices for members of the Armed Forces and veterans.

(2) Amounts authorized to be appropriated by section 301(21) for the Defense Health Program may be available for the program under paragraph (1).

SA 830. Mr. WARNER (for Mrs. HUTCHISON) 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 71, strike lines 12 through 21, and insert the following:

(d) AVAILABILITY OF FUNDS FOR LOCAL EDUCATIONAL AGENCIES AFFECTED BY THE BROOKS AIR FORCE BASE DEMONSTRATION PROJECT.—(1) Up to $500k of the funds made available under subsection (a) may (notwithstanding the limitation in such subsection) also be used for making basic support payments for fiscal year 2004 to a local educational agency that received a basic support payment for fiscal year 2003, but whose payment for fiscal year 2004 would be reduced because of the conversion of Federal property to non-Federal ownership under the Department of Defense infrastructure demonstration project at Brooks Air Force Base, Texas, and the amounts of such basic support payments for fiscal year 2004 shall be computed as if the converted property were Federal property for purposes of receiving the basic support payments for the period in which the demonstration project is ongoing, as documented by the local educational agency to the satisfaction of the Secretary.

(2) If funds are used as authorized under paragraph (1), the Secretary shall reduce the amount of any basic support payment for fiscal year 2004 for a local educational agency described in paragraph (1) by the amount of any revenue that the agency received during fiscal year 2002 from the Brooks Development Authority as a result of the demonstration project described in paragraph (1).

(e) DEFINITIONS.—In this section:

(1) The term ''educational agencies assistance'' means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(3) The term ''basic support payment'' means a payment authorized under section 8003(b(1)) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(1)).

SA 831. Mr. WARNER (for Mr. DOMENICI (for himself, Mr. MCCAIN, Mr. NELSON of Florida, and Mr. CORNYN)) 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 X, add the following:

SEC. 1039. SENSE OF SENATE ON RECONSIDERATION OF DECISION TO TERMINATE BORDER SEAPORT INSPECTION DUTIES OF NATIONAL GUARD UNDER NATIONAL GUARD DRUG INTERDICTION AND COUNTER-DRUG MISSION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The counter-drug inspection mission of the National Guard is highly important to preventing the infiltration of illegal narcotics across United States borders.

(2) The expertise of members of the National Guard in vehicle inspections at United States borders have made invaluable contributions to the identification and seizure of illegal narcotics being smuggled across United States borders.

(3) The support provided by the National Guard to the Customs Service and the Border Patrol has greatly enhanced the capability of the Customs Service and the Border Patrol to perform counter-terrorism surveillance and other border protection duties.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of Defense should reconsider the decision of the Department of Defense to terminate the border inspection and seaport inspection duties of the National Guard as part of the drug interdiction and counter-drug mission of the National Guard.

TEXT OF AMENDMENTS—June 3, 2003

SA 843. Mrs. FEINSTEIN proposed an amendment to amendment SA 539 proposed by Mr. FRIST (for himself, Mr. DASCHLE, Mr. INHOFE, Mr. DORGAN, Mr. LUGAR, Mr. JOHNSON, Mr. GRASSLEY, Mr. HARKIN, Mr. HAGEL, Mr. DURBIN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mr. TALENT, Mr. DAYTON, Mr. COLEMAN, Mr. EDWARDS, Mr. CRAPO, Mr. CONRAD, Mr. DEWINE, and Mr. BAUCUS) to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 12, strike lines 19 through 24 and insert the following:

''(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the renewable fuel requirement—

''(I) is not needed for the State or region to comply with this Act because the State or region can comply in ways other than adding renewable fuel; or

''(II) would harm the economy or environment of a State, a region, or the United States; or''.

SA 844. Mrs. FEINSTEIN (for herself, Mr. NICKLES, Mr. MCCAIN, Mr. KYL, Mr. GREGG, Mr. WYDEN, Mr. LEAHY, Mr. SCHUMER, Mr. SUNUNU, and Mr. REED) proposed an amendment to amendment SA 539 proposed by Mr. FRIST (for himself, Mr. DASCHLE, Mr. INHOFE, Mr. DORGAN, Mr. LUGAR, Mr. JOHNSON, Mr. GRASSLEY, Mr. HARKIN, Mr. HAGEL, Mr. DURBIN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mr. TALENT, Mr. DAYTON, Mr. COLEMAN, Mr. EDWARDS, Mr. CRAPO, Mr. CONRAD, Mr. DEWINE, and Mr. BAUCUS) to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 6, between lines 17 and 18, insert the following:

''(C) ELECTION BY STATES.—The renewable fuel program shall apply to a State only if

the Governor of the State notifies the Administrator that the State elects to participate in the renewable fuel program.

SA 845. Mr. BINGAMAN (for Mrs. LINCOLN) proposed an amendment to amendment SA 539 proposed by Mr. FRIST (for himself, Mr. DASCHLE, Mr. INHOFE, Mr. DORGAN, Mr. LUGAR, Mr. JOHNSON, Mr. GRASSLEY, Mr. HARKIN, Mr. HAGEL, Mr. DURBIN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mr. TALENT, Mr. DAYTON, Mr. COLEMAN, Mr. EDWARDS, Mr. CRAPO, Mr. CONRAD, Mr. DEWINE, and Mr. BAUCUS) to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

At the end of the amendment, insert the following:

SEC. ___. ACCELERATION OF INCREASE IN REFUNDABILITY OF THE CHILD TAX CREDIT.

(a) ACCELERATION OF REFUNDABILITY.—

(1) IN GENERAL.—Section 24(d)(1)(B)(i) of the Internal Revenue Code of 1986 (relating to portion of credit refundable) is amended by striking ''(10 percent in the case of taxable years beginning before January 1, 2005)''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2002.

(b) ADVANCE PAYMENT.—

(1) IN GENERAL.—Subsection (b) of section 6429 of the Internal Revenue Code of 1986 (relating to advance payment of portion of increased child credit for 2003) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) section 24(d)(1)(B)(i) applied without regard to the parenthetical therein.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendments made by section 101(b) of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. ___. LIMITATION ON TRANSFER OR IMPORTATION OF BUILT-IN LOSSES.

(a) IN GENERAL.—Section 362 of the Internal Revenue Code of 1986 (relating to basis to corporations) is amended by adding at the end the following new subsection:

''(e) LIMITATIONS ON BUILT-IN LOSSES.—

''(1) LIMITATION ON IMPORTATION OF BUILT-IN LOSSES.—

''(A) IN GENERAL.—If in any transaction described in subsection (a) or (b) there would (but for this subsection) be an importation of a net built-in loss, the basis of each property described in subparagraph (B) which is acquired in such transaction shall (notwithstanding subsections (a) and (b)) be its fair market value immediately after such transaction.

''(B) PROPERTY DESCRIBED.—For purposes of subparagraph (A), property is described in this subparagraph if—

''(i) gain or loss with respect to such property is not subject to tax under this subtitle in the hands of the transferor immediately before the transfer, and

''(ii) gain or loss with respect to such property is subject to such tax in the hands of the transferee immediately after such transfer.

In any case in which the transferor is a partnership, the preceding sentence shall be applied by treating each partner in such partnership as holding such partner's proportionate share of the property of such partnership.

''(C) IMPORTATION OF NET BUILT-IN LOSS.—For purposes of subparagraph (A), there is an importation of a net built-in loss in a transaction if the transferee's aggregate adjusted bases of property described in subparagraph (B) which is transferred in such transaction would (but for this paragraph) exceed the fair market value of such property immediately after such transaction.''.

''(2) LIMITATION ON TRANSFER OF BUILT-IN LOSSES IN SECTION 351 TRANSACTIONS.—

''(A) IN GENERAL.—If—

''(i) property is transferred by a transferor in any transaction which is described in subsection (a) and which is not described in paragraph (1) of this subsection, and

''(ii) the transferee's aggregate adjusted bases of such property so transferred would (but for this paragraph) exceed the fair market value of such property immediately after such transaction,

then, notwithstanding subsection (a), the transferee's aggregate adjusted bases of the property so transferred shall not exceed the fair market value of such property immediately after such transaction.

''(B) ALLOCATION OF BASIS REDUCTION.—The aggregate reduction in basis by reason of subparagraph (A) shall be allocated among the property so transferred in proportion to their respective built-in losses immediately before the transaction.

''(C) EXCEPTION FOR TRANSFERS WITHIN AFFILIATED GROUP.—Subparagraph (A) shall not apply to any transaction if the transferor owns stock in the transferee meeting the requirements of section 1504(a)(2). In the case of property to which subparagraph (A) does not apply by reason of the preceding sentence, the transferor's basis in the stock received for such property shall not exceed its fair market value immediately after the transfer.''.

(b) COMPARABLE TREATMENT WHERE LIQUIDATION.—Paragraph (1) of section 334(b) of the Internal Revenue Code of 1986 (relating to liquidation of subsidiary) is amended to read as follows:

''(1) IN GENERAL.—If property is received by a corporate distributee in a distribution in a complete liquidation to which section 332 applies (or in a transfer described in section 337(b)(1)), the basis of such property in the hands of such distributee shall be the same as it would be in the hands of the transferor; except that the basis of such property in the hands of such distributee shall be the fair market value of the property at the time of the distribution—

''(A) in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, or

''(B) in any case in which the liquidating corporation is a foreign corporation, the corporate distributee is a domestic corporation, and the corporate distributee's aggregate adjusted bases of property described in section 362(e)(1)(B) which is distributed in such liquidation would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after February 13, 2003.

SEC. ___. NO REDUCTION OF BASIS UNDER SECTION 734 IN STOCK HELD BY PARTNERSHIP IN CORPORATE PARTNER.

(a) IN GENERAL.—Section 755 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(c) NO ALLOCATION OF BASIS DECREASE TO STOCK OF CORPORATE PARTNER.—In making an allocation under subsection (a) of any decrease in the adjusted basis of partnership property under section 734(b)—

''(1) no allocation may be made to stock in a corporation (or any person which is related (within the meaning of section 267(b) or 707(b)(1)) to such corporation) which is a partner in the partnership, and

''(2) any amount not allocable to stock by reason of paragraph (1) shall be allocated under subsection (a) to other partnership property.

Gain shall be recognized to the partnership to the extent that the amount required to be allocated under paragraph (2) to other partnership property exceeds the aggregate adjusted basis of such other property immediately before the allocation required by paragraph (2).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after February 13, 2003.

SEC. ___. REPEAL OF SPECIAL RULES FOR FASITS.

(a) IN GENERAL.—Part V of subchapter M of chapter 1 of the Internal Revenue Code of 1986 (relating to financial asset securitization investment trusts) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (6) of section 56(g) of the Internal Revenue Code of 1986 is amended by striking ''REMIC, or FASIT'' and inserting ''or REMIC''.

(2) Clause (ii) of section 382(l)(4)(B) of such Code is amended by striking ''a REMIC to which part IV of subchapter M applies, or a FASIT to which part V of subchapter M applies,'' and inserting ''or a REMIC to which part IV of subchapter M applies,''.

(3) Paragraph (1) of section 582(c) of such Code is amended by striking '', and any regular interest in a FASIT,''.

(4) Subparagraph (E) of section 856(c)(5) of such Code is amended by striking the last sentence.

(5) Paragraph (5) of section 860G(a) of such Code is amended by adding ''and'' at the end of subparagraph (B), by striking '', and'' at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(6) Subparagraph (C) of section 1202(e)(4) of such Code is amended by striking ''REMIC, or FASIT'' and inserting ''or REMIC''.

(7) Subparagraph (C) of section 7701(a)(19) of such Code is amended by adding ''and'' at the end of clause (ix), by striking '', and'' at the end of clause (x) and inserting a period, and by striking clause (xi).

(8) The table of parts for subchapter M of chapter 1 of such Code is amended by striking the item relating to part V.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on February 14, 2003.

(2) EXCEPTION FOR EXISTING FASITS.—The amendments made by this section shall not apply to any FASIT in existence on the date of the enactment of this Act to the extent that regular interests issued by the FASIT before such date continue to remain outstanding in accordance with the original terms of issuance of such interests.

SEC. ___. EXPANDED DISALLOWANCE OF DEDUCTION FOR INTEREST ON CONVERTIBLE DEBT.

(a) IN GENERAL.—Paragraph (2) of section 163(l) of the Internal Revenue Code of 1986 is amended by striking ''or a related party'' and inserting ''or equity held by the issuer (or any related party) in any other person''.

(b) EXCEPTION FOR CERTAIN INSTRUMENTS ISSUED BY DEALERS IN SECURITIES.—Section 163(l) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) and by inserting after paragraph (3) the following new paragraph:

''(4) EXCEPTION FOR CERTAIN INSTRUMENTS ISSUED BY DEALERS IN SECURITIES.—For purposes of this subsection, the term 'disqualified debt instrument' does not include indebtedness issued by a dealer in securities (or a related party) which is payable in, or

by reference to, equity (other than equity of the issuer or a related party) held by such dealer in its capacity as a dealer in securities. For purposes of this paragraph, the term 'dealer in securities' has the meaning given such term by section 475.''.

(c) CONFORMING AMENDMENT.—Paragraph (3) of section 163(l) of the Internal Revenue Code of 1986 is amended by striking ''or a related party'' in the material preceding subparagraph (A) and inserting ''or any other person''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued after February 13, 2003.

SEC. ___. EXPANDED AUTHORITY TO DISALLOW TAX BENEFITS UNDER SECTION 269.

(a) IN GENERAL.—Subsection (a) of section 269 of the Internal Revenue Code of 1986 (relating to acquisitions made to evade or avoid income tax) is amended to read as follows:

''(a) IN GENERAL.—If—

''(1)(A) any person acquires stock in a corporation, or

''(B) any corporation acquires, directly or indirectly, property of another corporation and the basis of such property, in the hands of the acquiring corporation, is determined by reference to the basis in the hands of the transferor corporation, and

''(2) the principal purpose for which such acquisition was made is evasion or avoidance of Federal income tax by securing the benefit of a deduction, credit, or other allowance,

then the Secretary may disallow such deduction, credit, or other allowance.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to stock and property acquired after February 13, 2003.

SEC. ___. MODIFICATIONS OF CERTAIN RULES RELATING TO CONTROLLED FOREIGN CORPORATIONS.

(a) LIMITATION ON EXCEPTION FROM PFIC RULES FOR UNITED STATES SHAREHOLDERS OF CONTROLLED FOREIGN CORPORATIONS.—Paragraph (2) of section 1297(e) of the Internal Revenue Code of 1986 (relating to passive investment company) is amended by adding at the end the following flush sentence:

''Such term shall not include any period if there is only a remote likelihood of an inclusion in gross income under section 951(a)(1)(A)(i) of subpart F income of such corporation for such period.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years on controlled foreign corporation beginning after February 13, 2003, and to taxable years of United States shareholder in which or with which such taxable years of controlled foreign corporations end.

SEC. ___. CONTROLLED ENTITIES INELIGIBLE FOR REIT STATUS.

(a) IN GENERAL.—Subsection (a) of section 856 of the Internal Revenue Code of 1986 (relating to definition of real estate investment trust) is amended by striking ''and'' at the end of paragraph (6), by redesignating paragraph (7) as paragraph (8), and by inserting after paragraph (6) the following new paragraph:

''(7) which is not a controlled entity (as defined in subsection (l)); and''.

(b) CONTROLLED ENTITY.—Section 856 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(l) CONTROLLED ENTITY.—

''(1) IN GENERAL.—For purposes of subsection (a)(7), an entity is a controlled entity if, at any time during the taxable year, one person (other than a qualified entity)—

''(A) in the case of a corporation, owns stock—

''(i) possessing at least 50 percent of the total voting power of the stock of such corporation, or

''(ii) having a value equal to at least 50 percent of the total value of the stock of such corporation, or

''(B) in the case of a trust, owns beneficial interests in the trust which would meet the requirements of subparagraph (A) if such interests were stock.

''(2) QUALIFIED ENTITY.—For purposes of paragraph (1), the term 'qualified entity' means—

''(A) any real estate investment trust, and

''(B) any partnership in which one real estate investment trust owns at least 50 percent of the capital and profits interests in the partnership.

''(3) ATTRIBUTION RULES.—For purposes of this paragraphs (1) and (2)—

''(A) IN GENERAL.—Rules similar to the rules of subsections (d)(5) and (h)(3) shall apply; except that section 318(a)(3)(C) shall not be applied under such rules to treat stock owned by a qualified entity as being owned by a person which is not a qualified entity.

''(B) STAPLED ENTITIES.—A group of entities which are stapled entities (as defined in section 269B(c)(2)) shall be treated as one person.

''(4) EXCEPTION FOR CERTAIN NEW REITS.—

''(A) IN GENERAL.—The term 'controlled entity' shall not include an incubator REIT.

''(B) INCUBATOR REIT.—A corporation shall be treated as an incubator REIT for any taxable year during the eligibility period if it meets all the following requirements for such year:

''(i) The corporation elects to be treated as an incubator REIT.

''(ii) The corporation has only voting common stock outstanding.

''(iii) Not more than 50 percent of the corporation's real estate assets consist of mortgages.

''(iv) From not later than the beginning of the last half of the second taxable year, at least 10 percent of the corporation's capital is provided by lenders or equity investors who are unrelated to the corporation's largest shareholder.

''(v) The corporation annually increases the value of its real estate assets by at least 10 percent.

''(vi) The directors of the corporation adopt a resolution setting forth an intent to engage in a going public transaction.

No election may be made with respect to any REIT if an election under this subsection was in effect for any predecessor of such REIT.

''(C) ELIGIBILITY PERIOD.—

''(i) IN GENERAL.—The eligibility period (for which an incubator REIT election can be made) begins with the REIT's second taxable year and ends at the close of the REIT's third taxable year, except that the REIT may, subject to clauses (ii), (iii), and (iv), elect to extend such period for an additional 2 taxable years.

''(ii) GOING PUBLIC TRANSACTION.—A REIT may not elect to extend the eligibility period under clause (i) unless it enters into an agreement with the Secretary that if it does not engage in a going public transaction by the end of the extended eligibility period, it shall pay Federal income taxes for the 2 years of the extended eligibility period as if it had not made an incubator REIT election and had ceased to qualify as a REIT for those 2 taxable years.

''(iii) RETURNS, INTEREST, AND NOTICE.—

''(I) RETURNS.—In the event the corporation ceases to be treated as a REIT by operation of clause (ii), the corporation shall file any appropriate amended returns reflecting the change in status within 3 months of the close of the extended eligibility period.

''(II) INTEREST.—Interest shall be payable on any tax imposed by reason of clause (ii) for any taxable year but, unless there was a finding under subparagraph (D), no substantial underpayment penalties shall be imposed.

''(III) NOTICE.—The corporation shall, at the same time it files its returns under subclause (I), notify its shareholders and any other persons whose tax position is, or may reasonably be expected to be, affected by the change in status so they also may file any appropriate amended returns to conform their tax treatment consistent with the corporation's loss of REIT status.

''(IV) REGULATIONS.—The Secretary shall provide appropriate regulations setting forth transferee liability and other provisions to ensure collection of tax and the proper administration of this provision.

''(iv) Clauses (ii) and (iii) shall not apply if the corporation allows its incubator REIT status to lapse at the end of the initial 2-year eligibility period without engaging in a going public transaction if the corporation is not a controlled entity as of the beginning of its fourth taxable year. In such a case, the corporation's directors may still be liable for the penalties described in subparagraph (D) during the eligibility period.

''(D) SPECIAL PENALTIES.—If the Secretary determines that an incubator REIT election was filed for a principal purpose other than as part of a reasonable plan to undertake a going public transaction, an excise tax of $20,000 shall be imposed on each of the corporation's directors for each taxable year for which an election was in effect.

''(E) GOING PUBLIC TRANSACTION.—For purposes of this paragraph, a going public transaction means—

''(i) a public offering of shares of the stock of the incubator REIT;

''(ii) a transaction, or series of transactions, that results in the stock of the incubator REIT being regularly traded on an established securities market and that results in at least 50 percent of such stock being held by shareholders who are unrelated to persons who held such stock before it began to be so regularly traded; or

''(iii) any transaction resulting in ownership of the REIT by 200 or more persons (excluding the largest single shareholder) who in the aggregate own at least 50 percent of the stock of the REIT.

For the purposes of this subparagraph, the rules of paragraph (3) shall apply in determining the ownership of stock.

''(F) DEFINITIONS.—The term 'established securities market' shall have the meaning set forth in the regulations under section 897.''.

(c) CONFORMING AMENDMENT.—Paragraph (2) of section 856(h) of the Internal Revenue Code of 1986 is amended by striking ''and (6)'' each place it appears and inserting '', (6), and (7)''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after May 8, 2003.

(2) EXCEPTION FOR EXISTING CONTROLLED ENTITIES.—The amendments made by this section shall not apply to any entity which is a controlled entity (as defined in section 856(l) of the Internal Revenue Code of 1986, as added by this section) as of May 8, 2003, which is a real estate investment trust for the taxable year which includes such date, and which has significant business assets or activities as of such date. For purposes of the preceding sentence, an entity shall be treated as such a controlled entity on May 8, 2003, if it becomes such an entity after such date in a transaction—

(A) made pursuant to a written agreement which was binding on such date and at all times thereafter, or

(B) described on or before such date in a filing with the Securities and Exchange Commission required solely by reason of the transaction.

SEC. ___. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7528. INTERNAL REVENUE SERVICE USER FEES.

''(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

''(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

''(2) other similar requests.

''(b) PROGRAM CRITERIA.—

''(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

''(A) shall vary according to categories (or subcategories) established by the Secretary,

''(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

''(C) shall be payable in advance.

''(2) EXEMPTIONS, ETC.—

''(A) IN GENERAL.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

''(B) EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS.—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

''(i) made after the later of—

''(I) the fifth plan year the pension benefit plan is in existence, or

''(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

''(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

''(C) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (B)—

''(i) PENSION BENEFIT PLAN.—The term 'pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

''(ii) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

''(iii) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

''(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

"Category	Average Fee
Employee plan ruling and opinion ..	$250
Exempt organization ruling	$350
Employee plan determination	$300
Exempt organization determination.	$275
Chief counsel ruling	$200.

''(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2013.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 7528. Internal Revenue Service user fees.''.

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS.—Notwithstanding any other provision of law, any fees collected pursuant to section 7528 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SA 846. Mr. FITZGERALD (for Mr. GREGG) proposed an amendment to the bill S. 313, to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Animal Drug User Fee Act of 2003''.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Prompt approval of safe and effective new animal drugs is critical to the improvement of animal health and the public health.

(2) Animal health and the public health will be served by making additional funds available for the purpose of augmenting the resources of the Food and Drug Administration that are devoted to the process for review of new animal drug applications.

(3) The fees authorized by this title will be dedicated toward expediting the animal drug development process and the review of new and supplemental animal drug applications and investigational animal drug submissions as set forth in the goals identified, for purposes of part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the Congressional Record.

SEC. 3. FEES RELATING TO ANIMAL DRUGS.

Subchapter C of chapter VII of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 379f et seq.) is amended by adding at the end the following part:

"PART 4—FEES RELATING TO ANIMAL DRUGS

"SEC. 739. AUTHORITY TO ASSESS AND USE ANIMAL DRUG FEES.

''(a) DEFINITIONS.—For purposes of this subchapter:

''(1) The term 'animal drug application' means an application for approval of any new animal drug submitted under section 512(b)(1). Such term does not include either a new animal drug application submitted under section 512(b)(2) or a supplemental animal drug application.

''(2) The term 'supplemental animal drug application' means—

''(A) a request to the Secretary to approve a change in an animal drug application which has been approved; or

''(B) a request to the Secretary to approve a change to an application approved under section 512(c)(2) for which data with respect to safety or effectiveness are required.

''(3) The term 'animal drug product' means each specific strength or potency of a particular active ingredient or ingredients in final dosage form marketed by a particular manufacturer or distributor, which is uniquely identified by the labeler code and product code portions of the national drug code, and for which an animal drug application or a supplemental animal drug application has been approved.

''(4) The term 'animal drug establishment' means a foreign or domestic place of business which is at one general physical location consisting of one or more buildings all of which are within 5 miles of each other, at which one or more animal drug products are manufactured in final dosage form.

''(5) The term 'investigational animal drug submission' means—

''(A) the filing of a claim for an investigational exemption under section 512(j) for a new animal drug intended to be the subject of an animal drug application or a supplemental animal drug application, or

''(B) the submission of information for the purpose of enabling the Secretary to evaluate the safety or effectiveness of an animal drug application or supplemental animal drug application in the event of their filing.

''(6) The term 'animal drug sponsor' means either an applicant named in an animal drug application, except for an approved application for which all subject products have been removed from listing under section 510, or a person who has submitted an investigational animal drug submission that has not been terminated or otherwise rendered inactive by the Secretary.

''(7) The term 'final dosage form' means, with respect to an animal drug product, a finished dosage form which is approved for administration to an animal without substantial further manufacturing. Such term includes animal drug products intended for mixing in animal feeds.

''(8) The term 'process for the review of animal drug applications' means the following activities of the Secretary with respect to the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions:

''(A) The activities necessary for the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(B) The issuance of action letters which approve animal drug applications or supplemental animal drug applications or which set forth in detail the specific deficiencies in animal drug applications, supplemental animal drug applications, or investigational animal drug submissions and, where appropriate, the actions necessary to place such applications, supplements or submissions in condition for approval.

''(C) The inspection of animal drug establishments and other facilities undertaken as part of the Secretary's review of pending animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(D) Monitoring of research conducted in connection with the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(E) The development of regulations and policy related to the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(F) Development of standards for products subject to review.

''(G) Meetings between the agency and the animal drug sponsor.

''(H) Review of advertising and labeling prior to approval of an animal drug application or supplemental animal drug application, but not such activities after an animal drug has been approved.

''(9) The term 'costs of resources allocated for the process for the review of animal drug applications' means the expenses incurred in connection with the process for the review of animal drug applications for—

''(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees consulted with respect to the review of specific animal drug applications, supplemental animal drug applications, or investigational animal drug submissions, and costs related to such officers, employees, committees, and contractors, including costs for travel, education, and recruitment and other personnel activities,

''(B) management of information, and the acquisition, maintenance, and repair of computer resources,

''(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies, and

''(D) collecting fees under this section and accounting for resources allocated for the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(10) The term 'adjustment factor' applicable to a fiscal year refers to the formula set forth in section 735(8) with the base or comparator year being 2003.

''(11) The term 'affiliate' refers to the definition set forth in section 735(9).

''(b) TYPES OF FEES.—Beginning in fiscal year 2004, the Secretary shall assess and collect fees in accordance with this section as follows:

''(1) ANIMAL DRUG APPLICATION AND SUPPLEMENT FEE.—

''(A) IN GENERAL.—Each person that submits, on or after September 1, 2003, an animal drug application or a supplemental animal drug application shall be subject to a fee as follows:

''(i) A fee established in subsection (c) for an animal drug application; and

''(ii) A fee established in subsection (c) for a supplemental animal drug application for which safety or effectiveness data are required, in an amount that is equal to 50 percent of the amount of the fee under clause (i).

''(B) PAYMENT.—The fee required by subparagraph (A) shall be due upon submission of the animal drug application or supplemental animal drug application.

''(C) EXCEPTION FOR PREVIOUSLY FILED APPLICATION OR SUPPLEMENT.—If an animal drug application or a supplemental animal drug application was submitted by a person that paid the fee for such application or supplement, was accepted for filing, and was not approved or was withdrawn (without a waiver or refund), the submission of an animal drug application or a supplemental animal drug application for the same product by the same person (or the person's licensee, assignee, or successor) shall not be subject to a fee under subparagraph (A).

''(D) REFUND OF FEE IF APPLICATION REFUSED FOR FILING.—The Secretary shall refund 75 percent of the fee paid under subparagraph (B) for any animal drug application or supplemental animal drug application which is refused for filing.

''(E) REFUND OF FEE IF APPLICATION WITHDRAWN.—If an animal drug application or a supplemental animal drug application is withdrawn after the application or supplement was filed, the Secretary may refund the fee or portion of the fee paid under subparagraph (B) if no substantial work was performed on the application or supplement after the application or supplement was filed. The Secretary shall have the sole discretion to refund the fee under this paragraph. A determination by the Secretary concerning a refund under this paragraph shall not be reviewable.

''(2) ANIMAL DRUG PRODUCT FEE.—Each person—

''(A) who is named as the applicant in an animal drug application or supplemental animal drug application for an animal drug product which has been submitted for listing under section 510, and

''(B) who, after September 1, 2003, had pending before the Secretary an animal drug application or supplemental animal drug application;

shall pay for each such animal drug product the annual fee established in subsection (c). Such fee shall be payable for the fiscal year in which the animal drug product is first submitted for listing under section 510, or is submitted for relisting under section 510 if the animal drug product has been withdrawn from listing and relisted. After such fee is paid for that fiscal year, such fee shall be payable on or before January 31 of each year. Such fee shall be paid only once for each animal drug product for a fiscal year in which the fee is payable.

''(3) ANIMAL DRUG ESTABLISHMENT FEE.—Each person—

''(A) who owns or operates, directly or through an affiliate, an animal drug establishment, and

''(B) who is named as the applicant in an animal drug application or supplemental animal drug application for an animal drug product which has been submitted for listing under section 510, and

''(C) who, after September 1, 2003, had pending before the Secretary an animal drug application or supplemental animal drug application,

shall be assessed an annual fee established in subsection (c) for each animal drug establishment listed in its approved animal drug application as an establishment that manufactures the animal drug product named in the application. The annual establishment fee shall be assessed in each fiscal year in which the animal drug product named in the application is assessed a fee under paragraph (2) unless the animal drug establishment listed in the application does not engage in the manufacture of the animal drug product during the fiscal year. The fee shall be paid on or before January 31 of each year. The establishment shall be assessed only one fee per fiscal year under this section, provided, however, that where a single establishment manufactures both animal drug products and prescription drug products, as defined in section 735(3), such establishment shall be assessed both the animal drug establishment fee and the prescription drug establishment fee, as set forth in section 736(a)(2), within a single fiscal year.

''(4) ANIMAL DRUG SPONSOR FEE.—Each person—

''(A) who meets the definition of an animal drug sponsor within a fiscal year; and

''(B) who, after September 1, 2003, had pending before the Secretary an animal drug application, a supplemental animal drug application, or an investigational animal drug submission,

shall be assessed an annual fee established under subsection (c). The fee shall be paid on or before January 31 of each year. Each animal drug sponsor shall pay only one such fee each fiscal year.

''(c) FEE AMOUNTS.—Except as provided in subsection (b)(1) and subsections (d), (e), (g), and (h), the fees required under subsection (b) shall be established to generate fee revenue amounts as follows:

''(1) TOTAL FEE REVENUES FOR APPLICATION AND SUPPLEMENT FEES.—The total fee revenues to be collected in animal drug application fees under subsection (b)(1)(A)(i) and supplemental animal drug application fees under subsection (b)(1)(A)(ii) shall be $1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

''(2) TOTAL FEE REVENUES FOR PRODUCT FEES.—The total fee revenues to be collected in product fees under subsection (b)(2) shall be $1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

''(3) TOTAL FEE REVENUES FOR ESTABLISHMENT FEES.—The total fee revenues to be collected in establishment fees under subsection (b)(3) shall be $1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

''(4) TOTAL FEE REVENUES FOR SPONSOR FEES.—The total fee revenues to be collected in sponsor fees under subsection (b)(4) shall be $1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

''(d) ADJUSTMENTS.—

''(1) INFLATION ADJUSTMENT.—The revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year to reflect the greater of—

''(A) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average) for the 12-month period ending June 30 preceding the fiscal year for which fees are being established; or

''(B) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District Columbia.

The adjustment made each fiscal year by this subsection will be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2004 under this subsection.

''(2) WORKLOAD ADJUSTMENT.—After the fee revenues are adjusted for inflation in accordance with paragraph (1), the fee revenues shall be further adjusted each fiscal year after fiscal year 2004 to reflect changes in review workload. With respect to such adjustment:

''(A) This adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of animal drug applications, supplemental animal drug applications for which data with respect to safety or effectiveness are required, manufacturing supplemental animal drug applications, investigational animal drug study submissions, and investigational animal drug protocol submissions submitted to the Secretary. The Secretary shall publish in the Federal Register the fees resulting from this adjustment and the supporting methodologies.

''(B) Under no circumstances shall this workload adjustment result in fee revenues for a fiscal year that are less than the fee revenues for that fiscal year established in subsection (c), as adjusted for inflation under paragraph (1).

''(3) FINAL YEAR ADJUSTMENT.—For fiscal year 2008, the Secretary may further increase the fees to provide for up to 3 months of operating reserves of carryover user fees for the process for the review of animal drug applications for the first 3 months of fiscal

year 2009 If the Food and Drug Administration has carryover balances for the process for the review of animal drug applications in excess of 3 months of such operating reserves, then this adjustment will not be made. If this adjustment is necessary, then the rationale for the amount of the increase shall be contained in the annual notice setting fees for fiscal year 2008

''(4) ANNUAL FEE SETTING.—The Secretary shall establish, 60 days before the start of each fiscal year beginning after September 30, 2003, for that fiscal year, animal drug application fees, supplemental animal drug application fees, animal drug sponsor fees, animal drug establishment fees, and animal drug product fees based on the revenue amounts established under subsection (c) and the adjustments provided under this subsection.

''(5) LIMIT.—The total amount of fees charged, as adjusted under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of animal drug applications.

''(e) FEE WAIVER OR REDUCTION.—

''(1) IN GENERAL.—The Secretary shall grant a waiver from or a reduction of 1 or more fees assessed under subsection (b) where the Secretary finds that—

''(A) the assessment of the fee would present a significant barrier to innovation because of limited resources available to such person or other circumstances,

''(B) the fees to be paid by such person will exceed the anticipated present and future costs incurred by the Secretary in conducting the process for the review of animal drug applications for such person,

''(C) the animal drug application or supplemental animal drug application is intended solely to provide for use of the animal drug in—

''(i) a Type B medicated feed (as defined in section 558.3(b)(3) of title 21, Code of Federal Regulations (or any successor regulation)) intended for use in the manufacture of Type C free-choice medicated feeds, or

''(ii) a Type C free-choice medicated feed (as defined in section 558.3(b)(4) of title 21, Code of Federal Regulations (or any successor regulation)),

''(D) the animal drug application or supplemental animal drug application is intended solely to provide for a minor use or minor species indication, or

''(E) the sponsor involved is a small business submitting its first animal drug application to the Secretary for review.

''(2) USE OF STANDARD COSTS.—In making the finding in paragraph (1)(B), the Secretary may use standard costs.

''(3) RULES FOR SMALL BUSINESSES.—

''(A) DEFINITION.—In paragraph (1)(E), the term ''small business'' means an entity that has fewer than 500 employees, including employees of affiliates.

''(B) WAIVER OF APPLICATION FEE.—The Secretary shall waive under paragraph (1)(E) the application fee for the first animal drug application that a small business or its affiliate submits to the Secretary for review. After a small business or its affiliate is granted such a waiver, the small business or its affiliate shall pay application fees for all subsequent animal drug applications and supplemental animal drug applications for which safety or effectiveness data are required in the same manner as an entity that does not qualify as a small business.

''(C) CERTIFICATION.—The Secretary shall require any person who applies for a waiver under paragraph (1)(E) to certify their qualification for the waiver. The Secretary shall periodically publish in the Federal Register a list of persons making such certifications.

''(f) EFFECT OF FAILURE TO PAY FEES.—An animal drug application or supplemental animal drug application submitted by a person subject to fees under subsection (b) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid. An investigational animal drug submission under section 738(5)(B) that is submitted by a person subject to fees under subsection (b) shall be considered incomplete and shall not be accepted for review by the Secretary until all fees owed by such person have been paid. The Secretary may discontinue review of any animal drug application, supplemental animal drug application or investigational animal drug submission from a person if such person has not submitted for payment all fees owed under this section by 30 days after the date upon which they are due.

''(g) ASSESSMENT OF FEES.—

''(1) LIMITATION.—Fees may not be assessed under subsection (b) for a fiscal year beginning after fiscal year 2003 unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for the fiscal year 2003 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor applicable to the fiscal year involved.

''(2) AUTHORITY.—If the Secretary does not assess fees under subsection (b) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for animal drug applications, supplemental animal drug applications, investigational animal drug submissions, sponsors, animal drug establishments and animal drug products at any time in such fiscal year notwithstanding the provisions of subsection (b) relating to the date fees are to be paid.

''(h) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (b) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salary and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of animal drug applications.

''(2) COLLECTIONS AND APPROPRIATION ACTS.—

''(A) IN GENERAL.—The fees authorized by this section—

''(i) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year, and

''(ii) shall only be collected and available to defray increases in the costs of the resources allocated for the process for the review of animal drug applications (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process) over such costs, excluding costs paid from fees collected under this section, for fiscal year 2003 multiplied by the adjustment factor.

''(B) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (A)(ii) in any fiscal year if the costs funded by appropriations and allocated for the process for the review of animal drug applications—

''(i) are not more than 3 percent below the level specified in subparagraph (A)(ii); or

''(ii)(I) are more than 3 percent below the level specified in subparagraph (A)(ii), and fees assessed for the fiscal year following the subsequent fiscal year are decreased by the amount in excess of 3 percent by which such costs fell below the level specified in subparagraph (A)(ii); and

''(II) such costs are not more than 5 percent below the level specified in subparagraph (A)(ii).

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

''(A) $5,000,000 for fiscal year 2004;

''(B) $8,000,000 for fiscal year 2005;

''(C) $10,000,000 for fiscal year 2006;

''(D) $10,000,000 for fiscal year 2007; and

''(E) $10,000,000 for fiscal year 2008;

as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by animal drug application fees, supplemental animal drug application fees, animal drug sponsor fees, animal drug establishment fees, and animal drug product fees.

''(4) OFFSET.—Any amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriations Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

''(i) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (b) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(j) WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND REFUNDS.—To qualify for consideration for a waiver or reduction under subsection (e), or for a refund of any fee collected in accordance with subsection (b), a person shall submit to the Secretary a written request for such waiver, reduction, or refund not later than 180 days after such fee is due.

''(k) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in the process of the review of animal drug applications, be reduced to offset the number of officers, employees, and advisory committees so engaged.

''(l) ABBREVIATED NEW DRUG APPLICATIONS.—The Secretary shall—

''(1) to the extent practicable, segregate the review of abbreviated new animal drug applications from the process for the review of animal drug applications, and

''(2) adopt other administrative procedures to ensure that review times of abbreviated new animal drug applications do not increase from their current level due to activities under the user fee program.''.

SEC. 4. ACCOUNTABILITY AND REPORTS.

(a) PUBLIC ACCOUNTABILITY.—

(1) CONSULTATION.—In developing recommendations to Congress for the goals and plans for meeting the goals for the process for the review of animal drug applications for the fiscal years after fiscal year 2008, and for the reauthorization of section 739 of the Federal Food, Drug, and Cosmetic Act (as

added by section 3), the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall consult with the Committee on Energy and Commerce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, appropriate scientific and academic experts, veterinary professionals, representatives of consumer advocacy groups, and the regulated industry.

(2) RECOMMENDATIONS.—The Secretary shall—

(A) publish in the Federal Register recommendations under paragraph (1), after negotiations with the regulated industry;

(B) present the recommendations to the Committees referred to in that paragraph;

(C) hold a meeting at which the public may comment on the recommendations; and

(D) provide for a period of 30 days for the public to provide written comments on the recommendations.

(b) PERFORMANCE REPORTS.—Beginning with fiscal year 2004, not later than 60 days after the end of each fiscal year during which fees are collected under part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 2(3) of this Act toward expediting the animal drug development process and the review of the new and supplemental animal drug applications and investigational animal drug submissions during such fiscal year, the future plans of the Food and Drug Administration for meeting the goals, the review times for abbreviated new animal drug applications, and the administrative procedures adopted by the Food and Drug Administration to ensure that review times for abbreviated new animal drug applications are not increased from their current level due to activities under the user fee program.

(c) FISCAL REPORT.—Beginning with fiscal year 2004, not later than 120 days after the end of each fiscal year during which fees are collected under the part described in subsection (a), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

SEC. 5. SUNSET.

The amendments made by section 3 shall not be in effect after October 1, 2008, and section 4 shall not be in effect after 120 days after such date.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LAND AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Land and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, June 12, at 2:30 p.m. in SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 434—A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System Resources; S. 435—A bill to provide for the conveyance by the Secretary of Agriculture of the Sandpoint Federal Building and adjacent land in Sandpoint, Idaho, and for other purposes; S. 490—A bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; H.R. 762—To amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act and for other purposes; S. 1111—A bill to provide suitable grazing arrangements on National Forest System land to persons that hold a grazing permit adversely affected by the standards and guidelines contained in the Record of Decision of the Sierra Nevada Forest Plan Amendment and pertaining to the Willow Flycatcher and the Yosemite Toad; H.R. 622—To provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes. (Contact: Frank Gladics 202–224–2878 or Dick Bouts 202–224–7545).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150.

For further information, please contact the staff as indicated above.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 3, 2003 at 10:00 a.m. to hold a Hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, June 3, 2003 at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct an Oversight Hearing on the Status of Tribal Fish and Wildlife Management Programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 3, 2003 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Tuesday, June 3, 2003 from 10:00 a.m.–12:00 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 3 at 2:30 p.m. to receive testimony regarding S. 268, authorizes the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia and its environs to honor members of the armed forces of the Untied States who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations; S. 296, to require the Secretary of Defense to report to Congress regarding the requirements applicable to the inscription of veterans' names on the memorial wall of the Vietnam Veterans Memorial; S. 470, to extend the authority for the construction of a memorial to Martin Luther King, Jr.; and S. 1076, to authorize construction of an education center at or near the Vietnam Veterans Memorial.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space be authorized to meet on Tuesday, June 3, 2003, at 2:30 p.m. on Space Propulsion in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DOMENICI. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Julie Nichole Bostick and Rick Feger of my office during the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I ask unanimous consent that Wendy Miller, who is a fellow with Senator LIEBERMAN's office, be granted the privilege of the floor during the pendency of S. 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the following individuals from my office be allowed floor privileges during the duration of the Energy bill over the next several days and perhaps weeks: Jesse Watson, Fayla Lucero, Evan Cochnar, Kelly-Renae Edwards, Nick Goldberg, Joshua Medina, Chet Roach, Daniel Peters, and Elaine Blest.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 186, 187, and 188. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

FARM CREDIT ADMINISTRATION

Lowell Junkins, of Iowa, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

Glen Klippenstein, of Missouri, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

Julia Bartling, of South Dakota, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MEASURE READ THE FIRST TIME—S. 1174

Mr. FITZGERALD. Mr. President, I understand that S. 1174 is at the desk, and 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. 1174) to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

Mr. FITZGERALD. Mr. President, I now ask for its second reading and object to further proceedings on this matter.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ANIMAL DRUG USER FEE ACT OF 2003

Mr. FITZGERALD. Mr. President, I ask unanimous consent that action on S. 313 be vitiated and the Senate proceed to its immediate consideration; that the committee amendments be withdrawn, and that the amendment that is at the desk be agreed to, and the bill, as amended, be read a third time and passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were withdrawn.

The amendment (No. 846) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 313), as amended, was read the third time and passed.

ORDERS FOR WEDNESDAY, JUNE 4, 2003

Mr. FITZGERALD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, June 4. 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 until the hour of 11 a.m., with the first 30 minutes under the control of Senator BROWNBACK or his designee; provided further that the remaining time be equally divided between the two leaders or their designees and that Senators be limited to 5 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say through you to the acting majority leader, we are confident that the child care amendment offered by the Senator from Arkansas, through the Senator from New Mexico, will pass. We do not really care if it is done in the energy bill or in a separate, freestanding arrangement. Whatever the two leaders work out, we are happy to work on this.

The energy bill, as it is now before the Senate, is a revenue measure. We understand the importance of moving the energy bill. We want to cooperate in any way we can.

However, we do understand the importance of this matter that was not taken care of in the tax bill that involves 12 million children in America. So we hope that can be resolved quickly and that we can have a vote on it in the next few days. We look forward to cooperating with the majority in any way we can to move this matter forward.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FITZGERALD. For the information of all Senators, following morning business tomorrow, the Senate may resume consideration of S. 14, the Energy Bill. The Senate made progress today on the ethanol issue, and it is hoped that the Senate can complete action on that issue during Wednesday's session. Tomorrow the Senate may also consider the House Defense authorization bill under the consent order entered earlier.

In addition, discussions are under way as to a process for consideration of the child tax credit legislation. This evening, Senator GRASSLEY introduced that legislation and began the process of placing that bill on the calendar. Negotiations will continue as to the best way to address that issue.

We are also working to clear additional nominations during tomorrow's session. Therefore, Members should expect votes throughout the day, and Senators will be notified when the first vote is scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FITZGERALD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:45 p.m., adjourned until Wednesday, June 4, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 3, 2003:

EXECUTIVE OFFICE OF THE PRESIDENT

JOSHUA B. BOLTEN, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE MITCHELL E. DANIELS, JR., RESIGNED.

DEPARTMENT OF LABOR

ROBERT LERNER, OF MARYLAND, TO BE COMMISSIONER OF EDUCATION STATISTICS FOR A TERM EXPIRING JUNE 21, 2009, VICE PASCAL D. FORGIONE, JR., TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM S. WALLACE, 0000

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

BETH A. SALAMANCA, OF VIRGINIA
M. ERIN SOTO, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DAVID J. BARTH, OF VIRGINIA
KAREN J. DOSWELL, OF MARYLAND
NANCY ESTES, OF FLORIDA
SUSAN KOSINSKI FRITZ, OF WYOMING
R. DAVID HARDEN, OF MARYLAND
GARY C. JUSTE, OF FLORIDA
JANET B. PAZ-CASTILLO, OF WASHINGTON
LESLIE K. REED, OF CALIFORNIA
SCOTT ALAN STOFEL, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

KATHY ELAINE BODY, OF VIRGINIA

CATHY J. BOWES, OF VIRGINIA
DERRICK S. BROWN, OF FLORIDA
ALICIA DINERSTEIN, OF NEW YORK
AMAN DJAHANBANI, OF VIRGINIA
ROGER L. LAPP JR., OF VIRGINIA
NADEREH C. LEE, OF FLORIDA
BRADFORD CLEAVELAND PALMER, OF CONNECTICUT
KERRY PELZMAN, OF NEW HAMPSHIRE
KURT A. POPE, OF FLORIDA
REBECCA JO ROHRER, OF WISCONSIN
JENNIFER L. SCOTT, OF FLORIDA
PALMER J. WYVILLE-STAPLES, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

ALEXANDER G. AMDUR, OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF STATE

JUAN T. AVECILLA, OF CALIFORNIA
MARK E. BALKOVICH, OF MARYLAND
JAMES ANDREW BALL IV, OF CALIFORNIA
TIFFANY M. BARTISH, OF ILLINOIS
JEREMY A. BECK, OF IDAHO
JENNIFER L. BECKER, OF KANSAS
GREGORY L. BERNSTEEN, OF FLORIDA
NANCY ROSENKRANZ BIASI, OF OREGON
ALEC M. BIERBAUER, OF MARYLAND
MARK L. BLAIS, OF TEXAS
KEVIN BRADY, OF TEXAS
KIRNINDER PAL BRAICH, OF NEW JERSEY
JOYCE A. BROOKS, OF MARYLAND
ERIC BRADLEY BURKHART, OF VIRGINIA
THEODORE R. CALABIA, OF VIRGINIA
JOSH M. CARTIN, OF CALIFORNIA
JOSEPH LEE CHAMBERLAIN, OF COLORADO
CAROLINE CHUNG, OF VIRGINIA
MICHAEL L. COLLINS, OF VIRGINIA
BARBARA ANN CORDANO, OF TEXAS
FRED THOMAS CRAWFORD IV, OF VIRGINIA
COLLEEN E. CRENWELGE, OF TEXAS
JUSTIN CHARLES CREVIER, OF WASHINGTON
RICHARD R. DIAZ, OF VIRGINIA
MARGIT R. DITTMER, OF VIRGINIA
RACHAEL THOMASIN DOHERTY, OF THE DISTRICT OF COLUMBIA
DENISE A. ERBE, OF VIRGINIA
ANN MARIE EVERITT, OF MONTANA
STEFANIE BATES EYE, OF TEXAS
GEORGE FARAG, OF NEW JERSEY
MICHAEL L. FERNANDEZ, OF VIRGINIA
KATHRYN SMITH FITRELL, OF WASHINGTON
REBECCA L. FRERICHS, OF WYOMING
JEFFREY P. FURGAL, OF VIRGINIA
DANIEL L. GAGE, OF NEW MEXICO
DAVID JOSEPH GAINER, OF MARYLAND
SUSAN M. GOLDEN, OF VIRGINIA
MARY BETH GOODMAN, OF VIRGINIA
CHRISTOPHER M. GROVES, OF CALIFORNIA
GABRIELLE J. GUIMOND, OF WASHINGTON
ANDREW M. HAMILTON, OF VIRGINIA
JOHN HARDMAN, OF MARYLAND
DAVID B. HARRISON, OF FLORIDA
CLAUS P. HEPPNER, OF VIRGINIA
CAROLINA HIDEA, OF ARIZONA
JOHNATHAN ALEXANDER HILTON, OF THE DISTRICT OF COLUMBIA
ANNY CHI-JIN HO, OF MARYLAND
JEROME P. HOHMAN, OF THE DISTRICT OF COLUMBIA
HOLLY CHRISTINE HOLZER, OF ILLINOIS
TERESA HOOPER, OF VIRGINIA
ELIZABETH S. HOSINSKI, OF VIRGINIA
ROKSANA K. HOUGE, OF TEXAS
MICHELLE M. JAVOR, OF MINNESOTA
JAMES A. JIMENEZ, OF FLORIDA
THOMAS LESLIE JOHNSTON III, OF COLORADO
ANDRA M. JORDAN, OF VIRGINIA
WENDY ANNETTE KAHLER, OF VIRGINIA
MARY VIRGINIA KANE, OF MARYLAND
HYUN S. KIM, OF ILLINOIS
JULES KIM, OF CALIFORNIA
ANTHONY R. KING, OF VIRGINIA
TERRI L. KING, OF MARYLAND
RICHARD W. KLEIN, OF VIRGINIA
ALBERT J. KRAAIMOORE, OF NEW MEXICO
NEILL GORDON KROST, OF CALIFORNIA
LOURDES MARIA LAMELA, OF THE DISTRICT OF COLUMBIA
BRET A. LANSDELL, OF VIRGINIA
RICHARD WILLIAM LA ROCHE JR., OF CALIFORNIA
IRENE LAVOIE, OF VIRGINIA
SCOTT C. LEIBFRIED, OF VIRGINIA
LEON C. LOWDER III, OF NEW YORK
LORA OMAN LUND, OF VIRGINIA
KERRY G. MADDY, OF VIRGINIA
THOMAS MAHOLCHIC, OF VIRGINIA
ROBERT MARKS, OF OREGON
ERIK C. MARTINI, OF MARYLAND
LAURIE A. MATTHEWS, OF VIRGINIA
ANDREA MCCARLEY, OF VIRGINIA
DAVID L. MCCARTHY, OF VIRGINIA
DANIEL P. MCFEELY, OF VIRGINIA
TRINA M. MCREYNOLDS, OF TEXAS
TRACI L. MELL, OF ILLINOIS
ELISE M. MELLINGER, OF PENNSYLVANIA
HARRY B. MEYER JR., OF MARYLAND
MEGHAN M. MOORE, OF ALASKA
JEREMY NATHAN, OF ILLINOIS
BRENDAN JAMES O'BRIEN, OF VIRGINIA
JAMES A. OLEYAR, OF VIRGINIA
MARK ALAN PANNELL, OF WASHINGTON
ELAINE A. PAPLOS, OF CALIFORNIA
RONALD DREW PERKEL, OF COLORADO
JON E. PIECHOWSKI, OF ILLINOIS
RYAN T. POOL, OF TEXAS
ALLEN LEWIS POWELL, OF VIRGINIA
SANJAY RAMESH, OF NEW JERSEY
ERINN CHRISTINE REED, OF VIRGINIA
ROBERT RICHARDS, OF VIRGINIA
CHRISTINE RIEHL, OF PENNSYLVANIA
LAN H. RIGGIN, OF VIRGINIA
JEFFREY E. RIGLER, OF OKLAHOMA
PHILIP WESTON ROSKAMP, OF TEXAS
JOSHUA N. RUBIN, OF VIRGINIA
JOSEPH HARRY RUNYON, OF FLORIDA
CONSTANTINE M. SAAB, OF VIRGINIA
DAVID SAUER, OF MINNESOTA
JILL MARIE SECARD, OF FLORIDA
DAVID J. SHAO, OF TEXAS
MACHUTMI AWUNGSHI SHISHAK, OF PENNSYLVANIA
JAMES MATTHEW SINDLE, OF VIRGINIA
PATRICK ISAMU SMELLER, OF MARYLAND
KATHLEEN SPEAR, OF VIRGINIA
JOSEPH A. STRZALKA, OF MICHIGAN
LISA SWENARSKI DE HERRERA, OF CALIFORNIA
CATHERINE E. TAYLOR, OF UTAH
IVETTE M. TIMMINS, OF VIRGINIA
JULIE MARGUERITE VIBUL, OF TENNESSEE
GEORGE L. WARD, OF MARYLAND
MICHAEL B. WITHAM, OF VIRGINIA
CHRISTIAN YARNELL, OF NEW JERSEY
KENNETH M. ZURCHER, OF KANSAS
AREND C. ZWARTJES, OF TEXAS

CONSULAR OFFICER OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DENIS P. COLEMAN JR., OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATED OF AMERICA, CLASS OF COUNSELOR

DEPARTMENT OF STATE

C. STEVEN MCGANN, OF NEW YORK

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

DEPARTMENT OF STATE

PETER H. CHASE, OF WASHINGTON

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

To be medical director

THOMAS D. MATTE

To be senior surgeon

WILLIAM B. BAINE
MAURA K. DOLLYMORE
TERRY J. GOLDEN
AUGUSTA E. HAYS
RICHARD S. KAPLAN
MARY L. LINDEGREN
VICTORIA T. RAMIREZ

To be surgeon

WILLIE CACHO
KIMBERLEY K. FOX
MICHAEL F. IADEMARCO
ALI S. KHAN
PETER H. KILMARX
DAVID K. KIM
ABRAHAM G. MIRANDA
ABELARDO MONTALVO
DAVID M. MORENS
JOHN F. MORONEY
LYNN A. PAXTON

To be senior assistant surgeon

MICHAEL G. BRUCE
DANIEL R. FEIKIN
BRUCE W. FURNESS
ALICIA GARCIA
RICHARD S. HARRIS
DENISE J. JAMIESON
PAUL T. KITSUTANI
VENKATARAMA R. KOPPAKA
MONA SARAIYA

To be senior dental surgeon

DONALD C. BELCHER
MICHAEL F. GMUREK
GARY L. PANNABECKER

To be dental surgeon

MARK R. BOGNAR
JEFFERY R. COMBS

To be senior assistant dental surgeon

MARLON A. BROWN
CHARLES G. HOUCK
GLENN P. MARTIN
KATHLEEN M. OCONNOR
GODFREY O. ONUGHA
TIMOTHY L. RICKS
TODD M. TOVAREK
CHARLES M. WEBER

To be nurse director

AUDREY M. KOERTVELYESSY

To be senior nurse officer

DAVID W. EDDINGER
STEPHANIE L. KING

To be nurse officer

AMY S. COLLINS
THOMAS B. ELLIS
ANGELA M. MARTINELLI
GENISE Y. NIXON
JAMES R. REID
JAMES F. SABATINOS
DEBRA L. SCOTT
LYNN A. SLEPSKI
TINA ALICE TAH
FRANCES E. WALL

To be senior assistant nurse officer

JANICE ADAMS
PETER D. BENNETT
WILLIAM D. BODEN
KAREN M. COOK
CATHERINE M. DENTINGER
LISA A. DENZER
MICHELLE E. DOSSETT
DIANE DOUGLAS
SHANNON C. DUNN
ANTHONY L. DURAN
TODD D. GENZER
BRENT T. HALL
CHRIS L. HENNEFORD
JODI L. HENNESSY
DIANNE MISKINIS HILLIGOSS
WILLADINE M. HUGHES
ANITA L. JOHNSON
KAREN L. KOSAR
ANITA C. KRUMM
STARDUST W. MAZZARIELLO
LYNN L. WEISS

To be assistant nurse officer

CINDY L. BRITT
ALEXIS MOSQUERA
SPENCER T. SMITH

To be senior engineer officer

DAVID KOSKI
SHARON A. MILLER

To be senior assistant engineer officer

STEVEN J. ANDERSON
FRANK B. BEHAN
CHARLES M. COTE
JONATHAN W. FOGARTY
CHUCRI A. KARDOUS
DENMAN K. ONDELACY

To be senior scientist

FRANCOIS M. LALONDE

To be scientist

CHARLES D. KIMSEY JR.

To be senior assistant scientist

RICHARD S. GARFEIN
MINNIS T. HENDRICKS JR.
ROBIN L. LYERLA
KATHLEEN Y. MCDUFFIE
STEPHANIE R. MILES-RICHARDSON
JOSHUA A. MOTT
STEPHANIE L. SANSOM

To be senior sanitarian

DAVID A. BLEVINS

To be sanitarian

ROBERT S. NEWSAD

To be senior assistant sanitarian

CHRISTOPHER W. ALLEN
MYRNA J. BUCKLES
TIMOTHY E. JIGGENS
JOSEPH W. MATTHEWS
A THOMAS MIGNONE JR.
ALAN G. PARHAM
RHONDA S. SEARS

To be senior assistant veterinary officer

JENNIFER H. MCQUISTON

To be pharmacist director

JAMES U. IMHOLTE

To be pharmacist

JEFFREY T. BINGHAM
JEFFREY R. FRITSCH
GARY M. GIVENS
RAYMOND GOLDSTINE
VERNON T. LEW
JUDY L. ROSE
PETER WEISS

To be senior assistant pharmacist

JAMES T. BARLOW

LYNDALL S. BLACKMON
LANA Y. CHEN
MICHAEL J. CONTOS
TRACY L. FARRILL
ELLEN C. FRANK
EDWARD A. HOUSER
ALINA R. MAHMUD
DAVID G. MOENY
SURYAMOHAN V. PALANKI
JENNIFER SRIVER POST
ANN M. REYNOLDS
JULIE K. RHIE
BRIAN D. SCHILLING
KENNETH H. SCHMIDT
MARK N. STRONG
BRANDON L. TAYLOR
STACEY A. THORNTON
ROBYN R. TILLEY
CASSONDRA M. WHITE

To be assistant pharmacist

ELAINE J. HU
ELIZABETH F. YUAN
JOSEPH F. ZAGAME III

To be senior dietitian

GLEN P. REVERE

To be dietitian

ELAINE J. AYRES

To be senior assistant dietitian

ROBERT M. COLLISON
GRAYDON T. YATABE

To be therapist

MARTHA A. DUGANNE

To be senior assistant therapist

MIKE D. FAZ

To be assistant therapist

DAMIEN W. AVERY
TESHARA G. BOUIE
AYANNA Y. HILL
JACKIE M. PETERMAN

To be senior health services officer

JAMES F. SAVIOLA

To be health services officer

TERRY J. SCHLEISMAN
DANA R. TAYLOR

To be senior assistant health services officer

JEFFREY T. BOSSHART
ANA D. CINTRON
GARY M. COLE
BRIAN K. CULLIGAN
CHRISTOPHER C. DUNCAN
ABNNAH B. FORBES
ANNA T. GONZALES
DIANE C. HANNER
JOSEPH B. HENRY
DAWN A. KELLY
JEAN O. PLASCHKE
JACQUELINE D. RODRIGUE
DONNA RUSCH
JAY A. SELIGMAN
JOHN H. STADICK
JENNIFER S. STEUBEN

To be assistant health services officer

ALLYSON M. ALVARADO
MARJORIE BALDO
REBECCA A. BUNNELL
STANTON C. HAWKES
SUZANNE CAROLE HENNIGAN
AMY L. HOLDER
SCARLETT A. LUSK
RONALD R. PINHEIRO

CONFIRMATIONS

Executive Nominations Confirmed by the Senate June 3, 2003:

FARM CREDIT ADMINISTRATION

LOWELL JUNKINS, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

GLEN KLIPPENSTEIN, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

JULIA BARTLING, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

A PROCLAMATION RECOGNIZING HEATHER HETTINGER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. NEY. Mr. Speaker, Whereas, Heather Hettinger has devoted herself to serving others through her membership in the Girl Scouts; and

Whereas, Heather Hettinger has shared her time and talent with the community in which she resides; and

Whereas, Heather Hettinger has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Heather Hettinger must be commended for the hard work and dedication she put forth in earning the Girl Scout Gold Award;

Therefore, I join with the Girl Scouts, the residents of Chillicothe and the entire 18th Congressional District in congratulating Heather Hettinger as she receives the Girl Scout Gold Award.

TRIBUTE TO LARRY JOHNSON

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. COBLE. Mr. Speaker, Larry Johnson, President of the North Carolina Credit Union League and Credit Union Service Corporation, and I have been friends for many, many years and have endured numerous legislative struggles and debates through those years. As Larry prepares to retire at the end of this year, I want to take this opportunity to thank him for the tremendous contributions he has made to this industry and to tell him that he will be missed by many of us whose lives he has impacted over the decades.

Larry began his credit union career in December 1967 and has been an asset to credit unions in North Carolina and across the country for years due to his excellent people skills and his ability to effectively promote the priorities of credit unions and their members. He is sincere in his effort to ensure that credit unions prosper so that those who may encounter difficulty finding help elsewhere will not be without resources. As President of the League, Larry has been very active in state, regional and national activities and has served his members with honor and dignity throughout his tenure.

In keeping with the local community tradition that has become a trademark of the credit union industry, Larry has used his position and influence within the organization to positively impact a number of important charities across North Carolina. He actively promotes credit union participation in the League's social responsibility activities such as support of the Duke Medical Center's Pediatric Bone Marrow Transplant Research Laboratory, the Prevent Child Abuse North Carolina project, and his current effort to raise support for the Victory Junction Gang Camp, a camp for children with life threatening illnesses.

Larry, we thank you for the contributions that you have made in our communities and across the state of North Carolina. This legacy will be an ever-present reminder of your hard work and dedication. Cheers to you, my friend, and best of luck in your future endeavors.

HONORING HELEN WINTER AS THE MASON DISTRICT COUNCIL OF CIVIC ASSOCIATIONS' CITIZEN OF THE YEAR

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor Helen Winter as the Mason District Council of Civic Associations' Citizen of the Year.

Although Ms. Winter can boast many civic contributions, the most dramatic impact she has had on her community is her involvement with her local Adopt-a-Highway campaign. Since 1985 Ms. Winter has supervised the cleanup of Little River Turnpike, the area between Hummer Road and Braddock Road. This stretch is located between Fairfax City on the west and the City of Alexandria on the east; it is an unincorporated area and as such the Little River Turnpike would likely be cluttered with litter without the careful watch of Ms. Winter.

In addition to the Turnpike, Ms. Winter spearheads the adoption of two other stretches of highway: Braddock Road between Little River Turnpike and Backlick; and John Marr Drive, between Backlick and the Columbia Pike.

Ms. Winter has innovatively incorporated the Sheriff's Weekender Work Program into her efforts. She uses citizens who have been sentenced to serve community service in lieu of fines or jail time to work on her clean-up teams.

In addition to her important work in the Adopt-a-Highway program, Ms. Winter is a former president of the Clean Fairfax Council. The council has enjoyed Ms. Winter's membership for the last 18 years. She heads the Annandale Cleanup Day for the Council.

Ms. Winter is also a member of the Annandale Central Business District Planning Committee, and Chairwoman of the Beautification & Business Recognition Committee. While in these positions she has been responsible for the recognition awards to businesses that improved the appearance of the city of Annandale. Such improvements include: attractive street lamps, metal benches, trash receptacles, bus shelters, brick sidewalks, trees, flowers and shrubbery.

Furthermore, Ms. Winter is a member of the Annandale Woman's Club and the Virginia State Women's Golf Association. She is also active in the Pinecrest Women's Golf Association, where she served two terms as president from 1999–2001.

Mr. Speaker, in closing, it is with great pleasure that I extend this recognition to Ms. Helen Winters. She is a well-respected and much endeared member of her community. Her contributions to the city of Annandale, Fairfax city and the State of Virginia abound. I am very pleased to honor and congratulate Ms. Winter on her many years of service and involvement. I call upon my colleagues to join me in applauding her for all that she has done.

MULBERRY MEMORIAL AMERICAN LEGION AUXILIARY, UNIT 72

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. PUTNAM. Mr. Speaker, I would like to draw my Colleagues to the attention of the following articles on the Mulberry Memorial American Legion Auxiliary, Unit 72, in Mulberry, Florida from my district.

Unit 72 is very active within the community of Mulberry, and I feel these articles exemplify the best of Unit 72's service and commitment. Please consider the inclusion of these articles in the CONGRESSIONAL RECORD.

MULBERRY, FLORIDA'S SCHOOLS BENEFIT

(Submitted by Donna Righi, Unit 72 President and Education Chairman)

Mulberry Memorial American Legion Auxiliary, Unit 72, Department of Florida works closely with the schools in Mulberry, Florida and are kept aware of the needs of their students. In February 2003, Unit 72 donated over $120 of underwear to two of the schools in Mulberry.

School Supply drives are frequently held, and money is often donated to schools, however, Unit 72 discovered that children in need often do not have underwear to wear. You aren't able to give away your used underwear, so needy families often do not receive this necessity. The schools were contacted in regards to sizes, and Unit 72 bought them for the schools to distribute to those in real need. Items that were distributed were: Socks, underpants, jockey shorts, and even bras. The schools really appreciated this. They never seem to have enough of these items for occasional accidents that occur, not to mention the students that can't afford these necessities.

On Wednesday evening, September 11, 2002, The Mulberry American Legion Auxiliary Unit #72, joined with the American Legion and Sons of the American Legion Squadron 72 and conducted a service in observance of the events of September 11, 2001.

We had distributed bags to two local schools, Kingsford Elementary and R. Bruce Wagner Elementary, for the children to decorate for luminaries. These children did a magnificent job on over three hundred bags.

Legion Post 72 Commander, Jerry M. Mitchell, opened our ceremony with a brief welcome and the Pledge of Allegiance. Legion Chaplain Dennis Farmer gave an invocation and then turned the ceremony over to Martha Bosley, Auxiliary Vice President who gave a short speech in remembrance of the victims and heroes of that fateful day. Auxiliary Unit 72 member, Jan Feldman closed our service with the singing of ''God Bless America''.

The more than fifty participants then took their American flags to the side of Route 37 to wave in a show of patriotism and were greeted by passing motorists who waved back. Later the members lighted all the luminaries the students had provided and placed them by the side of Route 37 as dusk fell. Again the passing motorists signaled their approval and appreciation by blinking their lights and honking their horns.

MULBERRY POLICE, FIRE/RESCUE, CITY HONORED FOR SERVICE BY LEGION FAMILY

CHIEF DAVE HAMLIN POLICE OFFICER OF YEAR, MIKE TEAM IS FIREFIGHTER OF THE YEAR

Prime rib dinner all of the trimmings was served to a large turnout Tuesday evening in the Mulberry Memorial American Legion Post Home.

This was an annual Mulberry Police and Fire/Rescue salute and awards dinner given by the local American Legion Post in cooperation with the Legion Auxiliary and Sons of the American Legion.

The hall was filled with Mulberry Police and Fire/Rescue personnel and guests, a number of City officials, Legion family members and guests.

The annual Mulberry Police Officer of the Year award was given to Chief Dave Hamlin. Alan P. Hall, long-time Legionaire officer who has served five times as Post Commander, and as Department of Florida Commander, noted Chief Hamlin has been with the Mulberry force for many years, coming up through the ranks.

Alan P. Hall recalled some funny incidents over the years, remember growing up in Mulberry when the City had just one police car with one red light on it. He remembered the old Mulberry police station and when Dave Hamlin first came on the Mulberry force.

Chief Hamlin noted Mulberry is starting to grow, and quickly, and the City of Mulberry is working to be prepared with services for the growth and to serve present Mulberry needs. Last year's award went to Police Lt. Randy Tagliarini.

Mike Team, likewise, was named Mulberry Firefighter of the Year. He and other Mulberry Fire/Rescue and Police employees were thanked for what they do. Last year's winner of the award was Fire Chief Mitch Carmack.

Alan P. Hall noted these public servants work around the clock in Mulberry, working evenings, nights, weekends and holidays to help keep the City safe.

He said life is short and we need to respect each other and the job each other has to do.

Among Legion family officers helping thank Mulberry Police and Fire and City officials were present Commander of the Legion, Jerry Mitchell, Barbara Caruthers, Legion Auxiliary Chaplain, John Jennings of the Mulberry SAL, and Frank Pierce sang patriotic music to add to the occasion.

Among City officials in attendance recognized were ex-Mayor Sam and Lou Eva McLaughlin, City Manager Patricia Jackson, Commissioner Jerry and Judy Woods; Commissioner Jim and Flo Splaine and Commissioner Julian and Felicia Mullis.

SHERIFF CROW WAS FEATURED SPEAKER

Main dinner speaker was Polk County Sheriff Lawrence Crow Jr. who spoke about how ''everything changed'' in law enforcement and in this country on September 11.

He noted new measures being taken locally, including machine guns that will soon be in hundreds of area patrol cars.

Sheriff Crow talked about two helicopter duty deputies who died in the crash of their Polk County Sheriff's helicopter just after 9–11 on Oct 22, 2001. They hit a fog patch and the chopper crashed when infrared night vision must have led to a misperception of the craft's altitude.

The Sheriff noted Polk County is part of a nine-county group dealing with terrorism. The Sheriff's job is risk assessment.

He noted this phosphate area, the port of Tampa, the nuclear power plant near Crystal River and other points are targets in this part of Florida. He noted fertilizer elements may be used as explosives and this is a local concern with terrorism.

Sheriff Crow said there is a very real threat, in his opinion, if we go to war against Iraq we will have a backlash here against the United States.

In closing Alan P. Hall noted Mulberry Police and Fire/Rescue personnel should be respected and thanked, noting they deal firsthand with some things many people don't want to even see.

A PROCLAMATION RECOGNIZING JENNY ELLIS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. NEY. Mr. Speaker,

Whereas, Jenny Ellis has devoted herself to serving others through her membership in the Girl Scouts; and

Whereas, Jenny Ellis has shared her time and talent with the community in which she resides; and

Whereas, Jenny Ellis has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Jenny Ellis must be commended for the hard work and dedication she put forth in earning the Girl Scout Gold Award;

Therefore, I join with the Girl Scouts, the residents of Chillicothe and the entire 18th Congressional District in congratulating Jenny Ellis as she receives the Girl Scout Gold Award.

TRIBUTE TO NORTHWEST GUILFORD HIGH SCHOOL

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. COBLE. Mr. Speaker, Northwest Guilford High School has a reputation throughout North Carolina as an excellent academic institution. As the winner of North Carolina's ''We the People: The Citizen and the Constitution'' competition, Northwest Guilford has once again proven itself as a first-rate academic institution. Upon winning the North Carolina competition, a group of Northwest students instructed by Mr. Ray Parrish went on to compete at the national competition held in Washington, DC. The ''We the People'' program provides a forum in which high school students are tested and challenged on their knowledge of the United States Constitution. The Northwest team demonstrated an outstanding comprehension of the issues and the fundamentals of American government and represented the Sixth District with courage and pride.

Congratulations to Mr. Parrish, Michael Bowles, Blair Brooks, Lauren Campbell, Marnie Cheshire, Jenny Cimaglia, Josh Clark, Kelly Crocken, Melati Crook, Nadia Eksir, Ricky Elmore, Kristin Forrest, Ken Gangong, Elias Hage, Shelly Hanks, Martha Heise, Haley Hoffman, David Holst, Taylor Johnson, Adam Kincaid, Heidi Kunkle, Carson Leach, Leigh Anna Pittman, Matt Rothkopf, Andrew Shoffner, Naresh Sundaresan, Anne Marie Wittmann, John Yeago, and Eliana Ziri. We would also like to thank State Coordinator Carleen Wray and District Coordinator Barbie Creech for their tireless efforts in supporting such a valuable program.

The Sixth District would like to extend its congratulations to Principal Mrs. Anne Murr, the students, faculty, and families at Northwest Guilford High School. Your hard work and dedication are admirable and set an example for all of us. Once again, congratulations and ''Go Vikings''.

HONORING THE 100TH ANNIVERSARY CELEBRATION OF THE VIENNA VOLUNTEER FIRE DEPARTMENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor the 100th Anniversary of the Vienna Volunteer Fire Department.

Established in 1903 at the behest of Vienna Town Councilman Leon Freeman, the Vienna Volunteer Fire Department has a long and distinguished history. Councilman Freeman served as the Department's first chief and remained active in the Department until 1936. Starting with his tenure and continuing to the present, the Vienna Volunteer Fire Department has consistently set the standard for fire safety in Fairfax County, having implemented a laundry list of groundbreaking fire safety initiatives. At the time of its founding, no other volunteer fire department existed in the region, making the Vienna Volunteer Fire Department the first of its kind in Fairfax County. It also acquired the first motorized fire protection in Fairfax County: a 1919 Model T Ford truck.

The Vienna Volunteer Fire Department exemplifies the success that can be achieved by volunteerism. Working together with Fairfax County Fire and Rescue Department career staff, volunteers provide professional emergency response capabilities to the Town of Vienna and surrounding Fairfax County. Supported primarily by citizen donations and departmental fundraising activities, the department was able to stay up-to-date by purchasing over $500,000 worth of equipment in 2002. The volunteers attend fire and medical training courses and host public education events during Kids Safety Week and Fire Prevention Week.

In our nation's time of need on September 11, 2001, the Fairfax County career staff assigned to Vienna were deployed to the Pentagon to assist with fire and rescue operations.

To help cover both Vienna and other areas in Fairfax County during their absence, the volunteers staffed additional emergency medical units, playing a vital role in helping our community to cope with the crisis.

Today, the Vienna Volunteer Fire Department consists of over 50 active volunteer firefighters, EMTs and administrative personnel. The membership also includes 13 Life Members, each having served 20 years or more, and some having served more than 60 years. Their dedication to public service has been selfless, consistent, and invaluable to the region. Fairfax County is truly indebted to the assistance provided by the Vienna Volunteer Fire Department. I ask that my colleagues join me in congratulating these outstanding individuals on their century of service.

A PROCLAMATION RECOGNIZING SONYA McLAUGHLIN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. NEY. Mr. Speaker, Whereas, Sonya McLaughlin has devoted herself to serving others through her membership in the Girl Scouts; and

Whereas, Sonya McLaughlin has shared her time and talent with the community in which she resides; and

Whereas, Sonya McLaughlin has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Sonya McLaughlin must be commended for the hard work and dedication she put forth in earning the Girl Scout Gold Award;

Therefore, I join with the Girl Scouts, the residents of Chillicothe and the entire 18th Congressional District in congratulating Sonya McLaughlin as she receives the Girl Scout Gold Award.

SALUTE TO DR. GREGORY SPIRAKIS

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. PUTNAM. Mr. Speaker, when Dr. Gregory Spirakis' 14-month-old baby, Petey, developed meningitis, the child was given antibiotics and recovered fully. When 14-month-old Andre Chionizilli of Balti, Moldova, developed meningitis, he lost his hearing because he had no access to antibiotics.

To help children like Andre, Dr. Spirakis, a constituent of mine from Lakeland, Florida, began a humanitarian mission in Moldova, one of the former Soviet Republics. Dr. Spirakis has made two more trips to Balti, one of the cities of Lakeland's Sister Cities.

During the second trip in August 2000, Dr. Spirakis, with financial support from the First Aviation Sertoma club of Lakeland, brought 115 hearing aids and 90 pounds of antibiotics and started a mobile audiology program.

Dr. Spirakis began traveling to Moldova to treat hearing-impaired children in 1997 after meeting Dr. Iurii Lobeev, his Moldovan counterpart, in a medical exchange program in the United States. Dr. Spirakis and his wife, both audiologists, have made several visits to Moldova, consulting and treating more than 170 children.

In 2001, Dr. Spirakis founded the Moldovan Children's Audiology Foundation (MCAF) and provided financial and technical support for the establishment of the Hearing Protection Center in the city of Belts, Moldova.

The Center provides hearing and medical services for children with disabilities and operates a medical care unit fully equipped, through Dr. Spirakis's support, to solve children's hearing problems.

Dr. Spirakis has personally provided training to his Moldovan counterparts at the Center, Dr. Iurii Lobeev and Dr. Victor Vrabie, and has assisted them in traveling to Lakeland and throughout the State of Florida to learn American techniques for treating disabled children, developing their capacity to perform audiograms for children, choose treatment strategies, and provide other operations that were previously only available in a specialized hospital in Chisinau, the capital.

Through the combined efforts of the United States Agency for International Development (USAID), the U.S. Department of State, the MCAF, and Counterpart International, a container of medical equipment, consumables, school supplies, and furniture, valued at nearly $48,000, was delivered to the Hearing Protection Center on October 1, 2002. With this delivery, the Center now has a state-of-the-art audiology clinic and provides services to the city of Belts and throughout the surrounding rural areas. The Center provides services to a larger number of constituents including newborn children, veterans, and pensioners with hearing disabilities.

The U.S. Agency for International Development's Bureau for Europe and Eurasia will be honoring Dr. Gregory Spirakis at a dinner on Tuesday, June 17, 2003 to recognize his efforts to improve the lives of people around the world and salute his continued commitment to foreign assistance. I would like to congratulate Dr. Spirakis for his work and express my thanks to him for his dedication and commitment to children around the world.

RECOGNIZING SAMUEL WELSH JOHNSEN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Samuel Welsh Johnsen, 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 135, and in earning the most prestigious award of Eagle Scout.

Sam has been very active with his troop, participating in many scout activities such as the H. Roe Bartle Scout Reservation for six years. Over the six years he has been involved in scouting, he has earned 29 merit badges. Additionally, Sam has held numerous leadership positions in his troop and has been honored for his numerous scouting achievements with such awards as the Firebuilder in the Tribe of Mic-o-Say.

For his Eagle Scout project, Sam organized a project to clean and paint fire hydrants in Kearney, Missouri. He painted them bright yellow to improve appearance and most importantly, so they could be easily seen in a time of emergency.

Mr. Speaker, I proudly ask you to join me in commending Samuel Welsh Johnsen for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A PROCLAMATION RECOGNIZING HANNAH AVERY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. NEY. Mr. Speaker, Whereas, Hannah Avery has devoted herself to serving others through her membership in the Girl Scouts; and

Whereas, Hannah Avery has shared her time and talent with the community in which she resides; and

Whereas, Hannah Avery has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Hannah Avery must be commended for the hard work and dedication she put forth in earning the Girl Scout Gold Award;

Therefore, I join with the Girl Scouts, the residents of Kingston and the entire 18th Congressional District in congratulating Hannah Avery as she receives the Girl Scout Gold Award.

100TH ANNIVERSARY OF CONGREGATION B'NAI ABRAHAM

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. ENGLISH. Mr. Speaker, I rise today to recognize and honor the 100th anniversary of the founding of Congregation B'nai Abraham in Butler, Pennsylvania. Such a landmark event exemplifies a foundation based on both strength and unity. I wish the B'nai Abraham Congregation growth and prosperity.

In the year 1903, 25 Jewish families residing in the Butler community elected Abraham H. Goodman to serve as their spiritual leader and guide them in the Jewish traditions. That same year, the first service was held to commemorate the first Jewish High Holiday, Rosh Hashona, at the Knights of Pythias Hall, now the Reiber Building in Butler.

The congregation was officially deemed Congregation B'nai Abraham after obtaining a charter from the Common Pleas Judge James M. Galbreath in 1906. Over time Butler's Jewish community flourished and eventually established a large sanction and school facilities on Butler's North Main Street, which remains its home today.

During the 4th of July weekend, Congregation B'nai Abraham will celebrate its 100th anniversary and renew the relationships of both past and present members.

Mr. Speaker, I hope my colleagues will join me in congratulating the Congregation B'nai

Abraham on their 100th anniversary. And as they often say in the opening prayer of a Jewish mass, ''Ma Tovu Ohalecha, Mishknotecha'' or ''How goodly are thy tents, thy dwelling places.''

APPOINTMENT OF CONFEREES ON H.R. 2, JOBS AND GROWTH RECONCILIATION TAX ACT OF 2003

SPEECH OF

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2003

Mrs. KELLY. Mr. Speaker, as chair of the House Financial Services Subcommittee on Investigations and Oversight, I would like to spend a moment discussing the Economic Growth Package and the work that was done by Chairman THOMAS, other members of the Ways and Means Committee, the Republican Leadership and, of course, the White House. The subcommittee I chair was very interested in several aspects of the legislation and we conducted a hearing earlier this year to determine the extent of the impact of the dividend exclusion. The final product that has passed the House of Representatives will go a long way towards giving sectors of our economy the shot in the arm so necessary.

Numerous business groups have been part of the process and I want to acknowledge the testimony of the National Association of Home Builders before my subcommittee on the president's package and their contribution in supporting the overall effort. I am also aware and want to acknowledge the effort of the home builders in working with the administration in the same manner, particularly the Department of Treasury. I very much appreciate their expertise, economic research and analysis to ensure that no part of the legislation had any unintended consequences for low income housing. As a result, we are now able to pursue an economic stimulus plan that is good for all segments of the housing industry and all segments of the economy of these United States.

For the past two years, home building has been a leader in moving America's economy forward. Where many sectors of the economy have faltered, housing has remained a source of strength. Enactment of the economic stimulus package that is about to emerge from this Congress will ensure that housing continues to create the jobs and stimulate the economic growth that are needed to restore full prosperity for our nation's families and businesses.

CONDEMNING NEPAL'S FORCED EXPULSION OF TIBETANS TO CHINA

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. LEACH. Mr. Speaker, on May 31st in Kathmandu the Government of Nepal turned over to senior diplomatic representatives of the People's Republic of China 18 Tibetan asylum seekers, including several minors, to be forcibly repatriated to China. In so doing, the Nepalese authorities flouted both international law and repeated strong representations by the United States and other concerned parties. This action also reversed long-standing Nepalese tolerance toward Tibetan asylum seekers, which in the past has allowed access to ''persons of concern'' by local officials of the United Nations High Commissioner for Refugees.

According to the Department of State, our Embassy in Kathmandu has informed the Nepalese Government at the highest levels about this specific incident. The status of Tibetan refugees in Nepal is a long-standing issue of concern to both the Executive Branch and Congress, and is often raised by American officials in Kathmandu. In addition, senior U.S. officials recently met with Nepalese and Chinese officials to raise our strong concerns about this issue.

The United Nations High Commissioner for Refugees has stated that the forcible return of the 18 Tibetans to China without a status determination constituted refoulement (forced return), which is in fundamental contravention of well-accepted international norms. Congress joins with the Executive Branch in condemning the behavior of the Government of Nepal and senior Chinese diplomats for their role in forcibly returning the asylum seekers to China. In the strongest terms, we urge Nepal to cease this inhumane conduct and return to its previous long-term practice of allowing Tibetans to seek protection in Nepal for onward resettlement.

IN MEMORY OF LANCE CORPORAL MATTHEW SMITH

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. PENCE. Mr. Speaker, it is with equal amounts of profound pride and sympathy that I come to the floor this morning. I rise to honor a noble American . . . Lance Corporal Matthew R. Smith, a Marine Corps reservist from Anderson IN, who was killed Saturday, May 10, while serving his country in Kuwait. Lance Corporal Smith lost his life in a vehicle collision while running supply missions between Iraq and Kuwait. Lance Cpl. Smith was just 20 years old. He is survived by his father David, his mother Patricia, and by his brother Mason.

Lance Corporal Smith was assigned to Detachment 1, Communications Company, Headquarters and Service Battalion, 4th Force Service Support Group based in Peru, IN, an outfit he had served selflessly and courageously since enlisting in June of 2001.

Lance Corporal Smith's father David said that his son had an intense love for the Corps, and his fellow Marines. Mr. Smith told the Indianapolis Star, ''How many people on this Earth die doing the job they know they were put here to do.'' His Aunt Vicki added, ''He died doing what he believed in.''

Lance Corporal Smith was a student of history—he was enrolled at Indiana University before he was called to active duty—an interest he vigorously embraced in his free time, in the classroom, and as a member of the Social Studies Academic Team. His school teachers recall a young man often expressing blunt, straight-forward and in-your-face viewpoints which they always found to be well researched and sophisticated for his age. He was also an accomplished athlete; he spent time during high school playing rugby and was active in other outdoor activities.

Mr. Speaker, Lance Corporal Smith joins the 137 other proud and distinguished Americans who have made the ultimate sacrifice—these wonderful men and women gave their lives in defense of freedom, a freedom we all too often take for granted.

May God bless the family of Lance Corporal Smith during this difficult time, and may they experience the prayers and thanks of a grateful nation. May they rest upon the promise of Jeremiah 31:13, ''I will turn their mourning into gladness. I will give them comfort and joy instead of sorrow.''

PAUL WOLFOWITZ SHOULD LEARN FROM THE TURKISH MILITARY ABOUT DEMOCRACY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, before we went on recess, I came to the floor of the House to express my deep dismay at the disregard for fundamental democratic principles shown by Deputy Secretary of Defense Paul Wolfowitz. In an interview he gave on May 2 aimed for broadcast in Turkey, Secretary Wolfowitz repeatedly criticized the Turkish military for not having intervened in parliamentary deliberations with sufficient strength when the question of Turkish participation in the war in Iraq came up. I believed then and now that this appalling call on the Turkish military to violate fundamental democratic norms was particularly disturbing because there are few things more important to the stability of the world than the effort now going on in Turkey to show that people who are religious Muslims can preside over a fully democratic regime. While many of us would like to hope that this could be taken for granted, the recent history of the Middle East argues to the contrary and that is why supporting the Turkish government in its effort to implement democracy is so important.

Secretary Wolfowitz in his interview criticized the Turkish military for not speaking out to influence the Parliament, and when the interviewer pointed out to him that the Turkish military had in fact done that, he repeated his criticism by saying that they had not done it with enough strength. Telling a military in a democratic government that it should more strongly be expressing its views to elected officials demonstrates a misunderstanding of democracy in general, and a particular insensitivity to the implications of such statements in a country—Turkey—where there had been a history of military coup that many are trying to overcome.

Subsequent to my comments, I learned of a statement made by General Hilmi Ozkok, Chief of the Turkish General Staff, in which he responded to those who had been critical of the military. While his comments pre-date the interview given by Mr. Wolfowitz, this reads as if he were in part responding to the Deputy Secretary, and in fact he may have been doing so because it would not surprise me if Mr. Wolfowitz had made these criticisms directly to the Turkish military before going public with them.

The contrast between the interview with Deputy Secretary Wolfowitz—the relevant portions of which I am going to re-print here—and the statement by General Ozkok is striking, and I am sad to see the head of the Turkish General Staff showing a far better understanding of the role the military should play in a democracy than the Deputy Secretary of Defense of the United States. As General Ozkok points out, ''the military did not think it would be beneficial to share its views on such a critical issue with the press and public. It expressed all its views clearly and openly, however, at the state summit, the National Security Council, and in all of the meetings; which were chaired by our Prime Minister, government members and pertinent organizations and institutions.''

General Ozkok goes on to say ''the Iraqi issue is a vital and multifaceted issue. The military is concerned with the security dimension of this issue and expresses its views and puts forward suggestions on this aspect only. As all of you will appreciate, a decision on such an issue calls for political, economic, social and judiciary dimensions as well. We as the military do not think we know best. Consequently we could have paved the path to misinterpretations if we had issued statements to the public on the security aspects only.''

Most crucially, referring to the MGK—the National Security Council of Turkey which consists of five military and nine civilian members—General Ozkok says ''as you know, the MGK issues recommendations to the government according to the Constitution, not to the TBMM (the Parliament) . . . if the MGK had issued a recommendation at the time the motion was being taken up at the TBMM (the Parliament) and before a decision was made, it would have meant putting the pressure on the TBMM to pass the motion. This would not have been democratic and not in line with the Constitution.''

Mr. Speaker, I wish Paul Wolfowitz understood this fundamental aspect of democracy as well as the head of the Turkish General Staff. I ask that the sadly contrasting views of the role of the military in a democracy expressed by Deputy Secretary Wolfowitz and General Ozkok be printed here.

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 one of the worst dictators in the world. And one would have thought that Muslim solidarity would have led people to say lets 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]? 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 an 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 lets not dwell too much on the past.

STATEMENT BY GENERAL HILMI OZKOK, CHIEF OF THE TURKISH GENERAL STAFF, IN ANKARA

The first question I will answer to is why the military is silent. I am asked this question very frequently. I would like say openly that the military is not silent; however, the military did not think it would be beneficial to share its views on such a critical issue with the press and public. It expressed all its views clearly and openly, however, at the state summit, the National Security Council [MGK], and at all the other meetings; which were chaired by our prime minister, government members, and pertinent organizations and institutions. In addition, the views of the Turkish Armed Forces [TSK] were expressed clearly to all the heads of state, who visited me or called me on the phone.

It goes without saying that we had our reasons for not issuing statements to the press and public. The Iraqi issue is a vital and multifaceted issue. The military is concerned with the security dimension of this issue and expresses its views and puts forward suggestions on this aspect only. As all of you will appreciate, a decision on such an issue calls for political, economic, social, and judiciary dimensions as well. We, as the military, do not think we know best. Consequently, we could have paved the path to misinterpretations if we had issued statements to the public on the security aspect only. This is the reason for our silence.

I suppose that people are curious as to the stand of the TSK. I have to say openly that the view of the TSK is the same as the government and as reflected in the motion submitted to the Turkish Grand National Assembly [TBMM]. Everything in this process evolved in line with a democratic process and as should be in a modern country. We should get used to this.

Another issue concerns the reason why an advisory decision was not adopted at the last MGK meeting. I did not hear that such a wish was submitted to the MGK. The MGK consists of five military and nine civilian members. The MGK meeting was being held at the time the government motion was taken up at the TBMM and a decision was not made yet. As you know, the MGK issues recommendations to the government according to the Constitution, not to the TBMM. At the MGK meeting on January, the MGK made a clear suggestion as noted in the press statement released on that meeting. If the MGK had issued a recommendation at the time the motion was being taken up at the TBMM and before a decision was made, it would have meant putting the pressure on the TBMM to pass the motion. This would not have been democratic and not in line with the Constitution.

In reply to another issue on the agenda that concerns whether the military feels uneasy about the motion, I say: No. We did not feel uneasy about the motion. This question was raised after a newspaper headline said that the military is uneasy. This report belongs to the journalist and his source, if there is any. As you know, the General Staff denied this report the same day.

When I became the chief of the General Staff, I issued a statement saying clearly that only I can issue statements on behalf of the TSK, and under my orders the deputy chief of the General Staff and the secretary general. It would have been better if this report was not reflected as the view of the TSK.

I have to say openly that the TSK has a single coordinated, thoroughly studied, rational, and collective view.

Another issue concerns turning the Iraqi issue into an issue of yes or no to war. I would like to express my views on this issue. There are reports that 94 percent of the population said no to war. This is wrong, 100 percent of the population said no to war and is against war. The military, in turn, is the one who is the most against the war because it knows the extent of the violence in a war.

It is obvious that we will sustain great damages if a war begins, regardless of Turkey's stand. We will sustain political, economic, and social damages in addition to the damage to our security.

[Second and final part of statement by General Hilmi Ozkok, chief of the Turkish General Staff, in Ankara—recorded on 5 March]

The current reality is that Turkey does not have the possibility or the capability to prevent the war single-handedly. In actual fact, this is the duty of the entire world and not of Turkey alone. The entire world is exerting efforts to prevent this war. We are obliged to continue our efforts in that direction. My wish is that a war will be prevented. We, however, could base our calculations on a supposition, the supposition that a war would not break out. We had to calculate what had to be done in the event of a war. On this issue, our choice was, unfortunately, not between what is good and what is bad, but rather what is bad and worse. We will either remain totally outside the war, or we will assist those waging the war, thus participating in the process. These two modes of action have, for months, been systematically studied in coordination with all the establishment and institutions. Let us reduce the issue to a simple level. If we do not participate at all, we shall still sustain the same damages to be caused by a war. It will, however, be impossible to be compensated for these damages, and we shall not have a right of say in the aftermath of the war. If, however, we choose the second alternative and assist those waging the war, we believe that then part of the damage might be compensated, we shall be able to extend humanitarian aid to the refugees in north Iraq without participating in the war, the war will be shorter because a northern front will be opened, the pain and suffering will be less, we will not be faced with unexpected developments, and the number of dead will be less.

We were going to return after having fulfilled our duty without firing even a single bullet. Had we been forced to intervene in unexpected developments, then those waging

the war would not have opposed this intervention. All these factors and other issues were noted in a document and, to a certain extent, were guaranteed. The economic aid was requested not as the price for our cooperation, but as a partial compensation on the part of those waging the war for the damage we will be sustaining. We were not after a payment for the assistance we would be extending.

The Turkish Grand National Assembly [TBMM] has not endorsed the government motion which was in harmony with this reasoning. The TBMM is the representative of the nation. Sovereignty belongs unconditionally to the people. We only have respect for this decision. My wish is that this mode of action, which we chose in a bid to avoid war, will not force us to take certain actions with those waging the war as the opposition.

As for the question on what will happen now that the motion is not endorsed, may our lofty people be tranquil. The Turkish Republic is a great and strong state with rooted traditions. Every complicated problem has a simple solution. All the authorized organs and institutions are assessing the issue in line with the new situation. A solution that will best safeguard and implement our national interests will certainly be found.

Now I would like to address the leaders in north Iraq. We are the slaves of our geography. We have no other place to go, nor do we have other friends and neighbors to befriend. Our peoples are connected with family ties. We were next to them during their most troubled times. They are well aware of this fact. We never deceived them, we never lied to them. Together we accomplished work that was beneficial for both sides. Those who forget the past will become the bad architects of the future. What has happened now to cause this anti-Turkey atmosphere and all these bitter statements? The Turkish flag is being burned. We are a noble and honorable nation that did not burn the flags of the countries that occupied our country even when we defeated them. I remind them about our right for legitimate defense derived from our national interests, and I hope that they will be moderate and cooperative. Those who prefer to replace peace with clashes will also have to shoulder its outcome and its responsibility.

Esteemed media members, my last word is directed to you. Please make sure that in this critical period, your reports are correct, that your assessments are based on sufficient facts, and that you do not make errors that might damage our national interests. I extend my deepest respect to all of you. I thank you all.

INTRODUCTION OF THE SPECIES PROTECTION AND CONSERVATION OF THE ENVIRONMENT ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. RAHALL. Mr. Speaker, unbeknownst to many Americans lurks a drain on our economy estimated to be greater than $100 billion annually and growing, a drain that goes unchecked and relatively unpublicized because it is not glamorous. Yet, this drain is spreading, continually invading our natural spaces and crowding out our native flora and fauna—in West Virginia, across Appalachia and beyond.

This economic sinkhole is caused by harmful non-native species, also referred to as invasive or nuisance species; an issue which last year catapulted into the public eye with the larger-than-life Northern Snakehead fish in a Maryland pond. But it took a predatory fish that can walk on land, with enough charisma to make it onto David Letterman's late night Top Ten List, to get the American public to finally sit up and take notice.

As Aldo Leopold said: ''A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise.'' This then sums up the silent warfare that is being perpetrated against our economy, our fish and wildlife and our native species of plants—threats by invasive species.

For instance, my home State of West Virginia is relatively small in terms of land mass, but vast in the opportunities it affords anyone who seeks to enjoy wildlife-based outdoor recreation. Yet, this traditional and important sector of my State's economy is under siege by harmful non-native space invaders. According to a report focusing on West Virginia that was just released by the Union of Concerned Scientists:

State and Federal agencies have spent more than $18 million since 1983 to control the European Gypsy Moth in West Virginia, a voracious forest pest that kills trees and dramatically hurts the timber industry;

The balsam fir tree, on the state list of rare plants, is being infected by a small insect, the balsam wooly adelgid, which sucks the tree's sap, thereby killing it. This tree is a unique species for my State, and unless drastic measures are taken, it will be completely wiped out by this insect; and

In a continuation of the plight of the Great Lakes, the zebra mussel has found its way to West Virginia. So far, the zebra mussel is responsible for the Federal listing of five species of mussel in the Ohio River, not to mention economic and public health impacts from its clogging of municipal and industrial water intake pipes and outfalls.

These are only select examples that illustrate the kinds of problems West Virginia faces as the result of invasive species. Unfortunately, there are over 1,000 non-native species in West Virginia, over 300 of which are known to cause environmental and economic damage. In my view, we have an obligation to our natural heritage to protect, conserve and restore native species from these ''space invaders.''

While there are a number of initiatives already in place aimed at combating invasive species, there is a void in existing statutes. No current law is directly designed to protect and conserve our native species from harmful non-native species at the Federal or any other level. There are laws addressing harmful non-native species, but mainly through prevention, including the National Invasive Species Act, the Alien Species Prevention and Enforcement Act, the Federal Plant Pest Act, the Plant Protection Act, and the Federal Noxious Weed Act. Most Federal funding presently goes to protect production agriculture with little allocated to assist States and local communities directly.

For these reasons, today I, along with like-minded Members who are similarly concerned about invasive species, are reintroducing legislation to protect, conserve and restore our native fish, wildlife and their habitats by addressing the threat of harmful invasive species where it matters most—at the local level.

The Species Protection and Conservation of the Environment Act, or SPACE Act, would provide the missing link in existing efforts to combat the destructive invasion of some of our most valuable natural areas by harmful non-native species. Save for a couple of refinements, this bill is identical to legislation reported by the Resources Committee last year. Specifically our legislation would:

Provide grants to States to write State-wide assessments to identify exactly where their native species are being threatened by harmful nonnative species and where cooperative control efforts should be focused;

Encourage the formation of voluntary, locally-based partnerships among Federal land management agencies and non-Federal land and water owners and managers through the competitive Aldo Leopold grant program and encourage the use of innovative technology to control invasive species;

Create a legislative authority for the National Invasive Species Council;

Authorize a Federal-level rapid response capability for an incipient threat; and

Provide funds for long term monitoring of control project sites so that we can learn by experience what strategies and techniques are most effective at controlling harmful non-native species.

The bill I introduce today augments last year's legislation in that it would provide a statutory authorization for the National Invasive Species Council, established in 1999 by Executive Order 13112. In codifying the Council, this legislation seeks to strengthen and make permanent the Federal interagency cooperation necessary for the management of invasive species. The Council is responsible for coordinating the implementation of the National Management Plan—''Meeting the Invasive Species Challenge.''

In the development of this legislation, I have worked with a number of environmental and science organizations including the newly formed National Environmental Coalition on Invasive Species, which includes the American Lands Alliance, the Center for International Environmental Law, Defenders of Wildlife, Environmental Defense, Environmental Law Institute, Great Lakes United, the International Center for Technology Assessment, National Wildlife Federation, National Wildlife Refuge Association, The Nature Conservancy, and the Union of Concerned Scientists. These organizations, along with Audubon, the Aldo Leopold Foundation and American Fisheries Society, are also offering their strong support for my legislation.

I look forward to working with all interested parties as well as the members of the Resources Committee to facilitate the enactment of this important legislation.

POEM BY DULCE MURILLA OF SAN LEANDRO HIGH SCHOOL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. STARK. Mr. Speaker, I rise today to share with you the wisdom of a student in my district. At one of my recent town meetings while we were discussing people's concerns with the President's war with Iraq, teacher Karen Green rose to read a poem by ninth grader Dulce Murilla of San Leandro High School.

Sometimes we need to pause and listen to our children—who often have meaningful insights into even the world's largest problems. I commend this poem to your attention.

It's all 'bout the war in Iraq
what are these dumb fools on crack?!

Don't you see all the lives that have been taken
and how many souls have been taken

I hate these moments in history
Like they say life before your eyes
And that our government is full of lies

And ask myself why
why why Why

why all the pain
why all the tears
all these fears that haunt us behind each corner

this is all so complicated
Did you hear that missile
and did you hear that bomb

Imagine all the lives that have been taken
and all those children without their parents
can't we have some peace
and just stop the damn tease

Doesn't it break your heart
'cause i feel my heart falling apart

after each child that dies
and each woman that is burned

I wish the soldiers would've thought and turned
turned back to their homeland to the USA

But hey what's there for me to say

HONORING DR. KENNETH E. MITCHEM

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. CARDOZA. Mr. Speaker, I rise today to honor Dr. Kenneth Mitchem, who is one of the Central Valley's most outstanding citizen leaders. As a doctor he has dedicated himself to increasing the availability of medical services to his community and as such he has touched many lives. As his friends and family gather to celebrate Dr. Mitchem's numerous achievements, I ask all of my colleagues to join with me in saluting his most accomplished career.

After Dr. Mitchem graduated from the University of Health Sciences College of Osteopathic Medicine he opened his practice in Mokane, Missouri. In 1957 he moved his practice to Camdenton, Missouri. There in the midst of the Ozark Mountains he was the only full time doctor. With the nearest hospital 65 miles away he opened his practice as a clinic, two-bed emergency hospital, and birthing center. This clinic was complete with a laboratory, X-ray capabilities, and pharmacy. In his clinic he treated everything from broken bones and car accidents to delivering babies.

In 1969 he moved to Turlock, California where he joined the office of Drs. Stanley Todd and Hugh Washburn. As a general physician and surgeon, Dr. Mitchem was able to provide medical care for thousands of patients in the Central Valley at a time when there were few doctors in this area.

Not only is Dr. Mitchem widely respected as a very important and competent physician but he is also widely respected in the community for all of his public service. In the past Dr. Mitchem has served as a board member to the Stanislaus County Medical Society. Currently he serves as a member of the Board of Directors to the Stanislaus Foundation for Medical Care. Not only has he displayed an incredible amount of integrity and dedication to his colleagues, but he has worked to increase the availability of medical services to patients throughout our community.

As a Medical Advisor to the Elness Convalescent Hospital, the Bel Air Lodge, and the Hale Aloha Convalescent Hospital, he has demonstrated his commitment to seniors and the important medical care they need.

Dr. Mitchem also serves his community as a Board Member of the Creative Alternatives Board. As a member of this board he helps run three separate programs in our community. These programs include a foster family agency, a residential care program, and non public schools. This board was established in 1976, and with Dr. Mitchem's assistance, has helped hundreds in our community. His dedication to children, families, and seniors is astounding. Dr. Mitchem is truly an invaluable member of our community.

Mr. Speaker, on May 29th, as Dr. Kenneth E. Mitchem's friends and family gathered to honor his years of incredible service to the medical community and his patients, he was honored as the recipient of the John Darroch Memorial Award by the Stanislaus Medical Society. His successes are considerable, and it is a great honor for me to have the opportunity to pay tribute to his contributions. I ask all my colleagues to join with me in wishing Dr. Kenneth E. Mitchem continued success in all of his future endeavors.

HONORING MR. ABDEL SALEM

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor Mr. Abdel Salem on the occasion of his retirement as City Manager of El Centro, California in my Congressional District. Abdel was honored by his friends and colleagues at a Farewell Dinner on May 30, 2003.

A native of Facous, Egypt, near the Suez Canal, Abdel was born into a farming family, along with two brothers and two sisters. He earned his Bachelor's Degree in Business Administration from Alexandria University in Alexandria, Egypt in 1965. Influenced by an uncle who had earned his Doctorate Degree from the University of California at Berkeley, Abdel came to North America in the early 1970s—first to Toronto and then to New York City. He has furthered his education through postgraduate courses in Public Administration at San Diego State University.

Choosing to move to sunny Imperial Valley of California, Abdel became Assistant Finance Director of El Centro in 1973 and was promoted to Finance Director four years later. Then came an appointment in 1980 to Acting City Manager and to City Manager in 1981. He has also served as Executive Director of the city's Redevelopment Agency and Executive Director of the Community Development Commission.

He has been involved in many roles in the organizations and activities of Imperial Valley. He is past chairman of the Imperial Valley Emergency Communications Authority, past chairman of the Imperial Valley City/County Managers Association, and a founding board member of the Imperial Valley Economic Development Corporation. He served as secretary/treasurer and president of the Optimist Club and is past chairman of the Oratorical Contest of Optimist International/Southern California District.

Abdel is also a member of the International City Managers Association, the California City Managers Executive Committee, the Community Redevelopment Agencies Association, and the League of Cities Fiscal Reform Committee, as well as the League of California Cities Committee on Diversity.

I want to take this opportunity to thank Abdel Salem for these many fine contributions to our community. Upon his retirement, he leaves the City of El Centro a far better place. He is joined in celebrating his accomplishments by his wife, Samia, a teacher at Southwest High School, and his children, Sherif and Omneya, Salma, and Kareem. Sherif received his Bachelors' Degree in Biology in 1998 from USD and is currently employed at a biotech company in Irvine as a microbiologist. Omneya, his wife, is an architect, and they reside in San Diego. In 2001, Salma received her Masters' Degree in Human Development and Psychology from Harvard University. Kareem is Vice President of the Class of 2003 and an honor student at Southwest High School.

My best wishes go to Abdel Salem and his family upon his completion of a fruitful and noteworthy term as El Centro's City Manager. He will be missed!

IN RECOGNITION OF MATTHEW BRONFMAN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mrs. MALONEY. Mr. Speaker, I ask my colleagues to join me in honoring Matthew Bronfman for his numerous achievements during his years of service to the 92nd Street Y. A dedicated and passionate philanthropist, Mr. Bronfman has long been a guiding force behind the Y, one of New York City's premier cultural institutions.

The 92nd Street Y is a New York City landmark, having been in operation for nearly 130 years. Founded in 1874, the Y has become a center for people of all races, ethnic backgrounds and religions to meet and participate in activities ranging from concerts at the Tisch

Center to pottery classes for children. Inspiring New Yorkers of all ages with its varied programs and classes, the 92nd Street Y has played a crucial role in maintaining the vitality of the city.

A successful businessman and philanthropist for many years, Matthew Bronfman joined the 92nd Street Y Board of Directors in September of 1991 and was elected its 42nd President in May of 2000. His strong leadership and vision have had an energizing influence in strengthening the 92nd Street Y.

The Bronfman family has also played a major role in the life of the Y by endowing, in 1992, the Bronfman Center for Jewish Life. The Bronfman Center has become the focus of the Y's many programs involved with Jewish education, outreach, family and holiday planning. The Center sponsors lectures, religious services, classes and workshops, all designed to help the community explore Jewish heritage and culture. Recent guest speakers include Elie Wiesel and Yitzhak Rabin.

A devoted father of six, Matthew Bronfman is managing director of a private investment company, ACI Capital, and chairman of the Investment Committee of the Challenge Fund, L.P. Mr. Bronfman is also a board member of many organizations including Tweeter Home Entertainment Group, Earnest Partners, Visiosonic, Palace Candles, The Canadian Center for Architecture, and the Cardigan Mountain School.

In recognition of his outstanding achievements and leadership, I ask my colleagues to join me in recognizing Matthew Bronfman, an accomplished businessman and a cultural leader.

PERSONAL EXPLANATION

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. ISRAEL. Mr. Speaker, I was unable to be in Washington yesterday. Three recorded votes were taken by the House; if I were here, I would have voted as follows:

Rollcall No. 227: a motion to suspend the rules and pass H. Res. 159, a resolution Expressing Profound Sorrow on the Occasion of the Death of Irma Rangel. I would have voted ''yea'';

Rollcall No. 228: a motion to suspend the rules and pass H. Res. 195, a resolution congratulating Sammy Sosa of the Chicago Cubs for Hitting 500 Major League Home Runs. I would have voted ''yea'';

Rollcall No. 229: a motion to suspend the rules and pass H.R. 1465, a bill to designate the facility of the United States Postal Service located at 4832 East Highway 27 in Iron Station, North Carolina, as the ''General Charles Gabriel Post Office''. I would have voted ''yea''.

PAYING TRIBUTE TO GERALD THYGERSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2001

Mr. MCINNIS. Mr. Speaker, I have the distinct privilege to stand before this body to pay tribute to a true public servant. Gerald Thygerson of Grand Junction, Colorado has spent 38 years improving the lives of ranchers and their livestock in the West. To commemorate his retirement from the Bureau of Land Management, I would like to recognize his efforts here today.

Gerald joined the BLM after graduating with a Bachelor of Range Science Degree from New Mexico State University in 1966. He worked in the Range Management Program his entire career—first in Las Cruces, New Mexico and then in Grand Junction, Colorado beginning in 1973. After taking control of the nascent Little Brookcliffs Wild Horse Range in 1981, Gerald greatly expanded the size, genetic diversity, and overall quality of the herd while simultaneously cutting costs. His success and ability to forge strong partnerships has brought him and the Little Brookcliffs Horse Range national attention.

Mr. Speaker, Gerald Thygerson has been responsible for numerous improvements that have enhanced both the quality of livestock and public rangelands in the West. He has been an outstanding steward of our nation's resources, and I thank him for his service to the BLM. I wish him all the best in his retirement.

TRIBUTE TO MARGARET AND ANDREW WYATT

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. PAYNE. Mr. Speaker, I rise today to recognize Margaret and Andrew Wyatt as they celebrate their fiftieth wedding anniversary. On May 17, 2003 the pair renewed their vows at Greater Abyssinian Baptist Church in my hometown of Newark, New Jersey.

Marrying at a very young age, Margaret and Andrew have grown together over these past fifty years, enjoying times of great joy and happiness. Finding a special person and friend to share your life with is one of the great joys of life. The Wyatt's have found that special bond and continue to grow and change together.

Mr. Speaker, I know that my colleagues here in the U.S. House of Representatives join me today in congratulating Margaret and Andrew on this wonderful occasion and in wishing them many more wonderful years together.

TRIBUTE TO ROMAN CATHOLIC DIOCESE OF SPRINGFIELD, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the Roman Catholic Diocese of Springfield in Illinois in honor of their Sesquicentennial Celebration.

The Springfield Diocese is home to approximately 170,000 Catholics in 164 parishes. The diocese is also home to 145 diocesan priests. There are eight Catholic hospitals, one religious seminary, one Catholic university, one Catholic college, seven Catholic high schools, and 54 Catholic elementary schools in the diocese.

Today, I would like to send my blessings to Bishop Lucas and the entire Catholic Diocese of Springfield in Illinois for a joyous celebration of their Sesquicentennial.

The Diocese will celebrate their year of Jubilee with a free fun-filled day on Saturday, June 28, 2003 with a community mass that evening. The day will include activities for children, families, and seniors at the Illinois State Fairgrounds. The day will conclude with a concert from Aaron Neville. I would like to commend the sponsors of the event who are making this day possible for the hundreds of Catholic families in the Diocese.

In closing, I would like to congratulate the Diocese on their Jubilee 2003 Celebration and wish them much success with their events. I know every one who attends will feel renewed in their faith and ready to begin the next 150 years with thanksgiving for all we have been given. God bless.

CONCENTRATION OF OWNERSHIP IN MEDIA

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 2003

Mr. BACA. Mr. Speaker, the Federal Communications Commission voted along party lines to put more power in the hands of a few corporate giants at the expense of the American people.

If the FCC's goal was to line the pockets of Disney, General Electric, AOL-Time Warner, Viacom, and News Corp. then I say to them ''congratulations!'' because they have succeeded.

By allowing these corporate interests to own more newspapers, more TV stations, more radio stations, and more of our public airwaves, we are taking this country down a dangerous path.

We all learned at a young age that knowledge is power. But now, the flow of knowledge will be controlled by a handful of media giants.

They will have almost total control of our news, information, and entertainment.

They will determine what we get and when we get it.

They will determine what we see, read, and hear. That is unacceptable!

And why have they done this?

They say that the rise of cable TV and the internet made the former rules obsolete.

That's the kind of conclusion you reach when the only people you listen to are media moguls.

Who is listening to the American people?

We have been shut out of the process.

In its haste to protect these company's financial interests, the FCC has failed to defend the public interest.

We must take action to right this wrong.

If we do not, our media will have less local content, less diversity of opinion, and fewer opportunities for minority ownership.

It is time for the American people to stand up and be counted. It is time for those who represent the American people to do the same.

PERSONAL EXPLANATION

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the Chamber today during rollcall vote No. 227, No. 228 and No. 229. Had I been present, I would have voted ''yea'' on all of these votes.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. ORTIZ. Mr. Speaker, I was unavoidably detained due to official business as a member of an official Congressional delegation traveling to North Korea and was not present for the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 227—''yes''; 228—''yes''; 229—''yes.''

HONORING MICHAEL HERTIG

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. McINNIS. Mr. Speaker, I have the distinct pleasure to stand before this body of Congress today to recognize a American hero. Staff Sergeant Michael Hertig of the 3rd Infantry Division put himself in harms way to serve his country during both campaigns on Iraqi soil.

At one stage during Operation Iraqi Freedom, Michael was leading his brigade back to headquarters. When he discovered an exposed flank in the line, he placed his Bradley Fighting Vehicle in the middle of the gap, and engaged the enemy. Michael's commanding officer claimed that his actions saved the lives of at least 15 soldiers, as he personally escorted several military ambulances through enemy territory. For these courageous actions, Michael will receive the Silver Star; the third highest military award designated solely for gallantry in action. Michael will also be presented with the Purple Heart for injuries he incurred when an Iraqi tank exploded next to his Bradley Fighting Vehicle. While he has lost some hearing in his right ear, Michael remains in high spirits.

Mr. Speaker, I cannot fully express my deep sense of gratitude for the sacrifice and heroism of this soldier and his family. Michael should know that this sacrifice will not be forgotten; America will be in his debt. Michael has done all Americans proud and I know he has the respect, admiration, and gratitude of all of my colleagues here today. Thank you, Michael, for your dedication and service to this Nation.

TRIBUTE TO MRS. BARBARA HARRIS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. PAYNE. Mr. Speaker, I rise today to recognize a wonderful woman and outstanding educator, Mrs. Barbara Harris. Born in Philadelphia, Pennsylvania and a graduate of Cheyney State College, Mrs. Harris has been a resident of Newark, New Jersey since 1969.

On June 13, 2003 at the Galloping Hill Inn in Union, New Jersey, the Social Welfare Committee, the Bragaw Avenue School, family and friends will be honoring Mrs. Harris on the occasion of her retirement from the Newark Public School System.

Beginning her work as an educator in Philadelphia, Mrs. Harris taught within the Philadelphia School System from 1962–1966. She then moved to Newark and has taught in our public school system since 1969. As a member of the Education and the Workforce Committee here in the U.S. House of Representatives and a former teacher, I am extremely appreciative and proud of the hard work and dedication of educators such as Mrs. Harris.

In addition to her dedication within the classroom, Mrs. Harris has also dedicated herself to bettering the entire community. Volunteering with the United Way, late New Jersey State Senator Winona Lipman, as well as former Mayor Kenneth Gibson and Ralph Grant she also has served on many local, county and state committees for the Newark Teachers Association.

A dedicated educator and citizen, Mrs. Barbara Harris will certainly be missed within the Newark educational community. Mr. Speaker, I know that my colleagues here in the U.S. House of Representatives join me today in saluting Mrs. Harris for her many years of educating our Nation's children, wishing her the very best for the future.

LITCHFIELD SESQUICENTENNIAL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the city of Litchfield and honor its sesquicentennial this year.

Said to be the highest point between St. Louis, Missouri and Terre Haute, Indiana, Litchfield was founded on August 24, 1853, and was named after Electus Bachus Litchfield, the man that brought the railroad to the area. The Terre Haute, Alton, and St. Louis railroad was essential to the development of early Litchfield, and the town rapidly grew in size.

The village was incorporated in 1856, and when the Civil War came five years later, Litchfield was the first city in the state of Illinois to send men to fight for the Union. One company from Litchfield was used to help form the first regiment in the state of Illinois, the Seventh Illinois Volunteer Infantry.

After the Civil War, the discovery of oil, gas, and coal in the area prompted more population growth, and six railroads made their way through the city. The city grew even larger with the introduction of Route 66, the main highway between Chicago and Los Angeles, as tourists and travelers alike became familiar with Litchfield. The highway still runs through Litchfield today, and still brings in tourists from all over the world.

Today, Litchfield is known as the hub of Central Illinois. One hour from both St. Louis, Missouri and Springfield, Illinois, it has become the manufacturing and shopping center of the area. Nineteen manufacturers, sales and distribution centers are housed in the city's two industrial parks. Also, with a newly constructed high school, Litchfield seems ready to continue its growth well into its next 150 years. Lincoln Land Community College now has a center in the town as well, and the future of the area looks bright.

Litchfield's first 150 years have been full of growth. In celebrating its sesquicentennial this year, the city shows great dedication both to its history and to the people of its present. Several events are planned for the week of the Fourth of July, and I wish the city and its people the best in celebrating this significant milestone.

HONORING FANNIE DICKENS PETWAY

HON. FRANK W. BALLANCE, JR.

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. BALLANCE. Mr. Speaker, I rise today to honor the life of Mrs. Fannie Petway, a native of Pinetop, North Carolina, who passed on to her reward Sunday, April 27, 2003 at the age of 97. Mrs. Petway was a devoted parishioner of Bethlehem Baptist Church of Rocky Mount, North Carolina. She is survived by her loving son Columbus Petway, and a host of other relatives.

Mrs. Petway's doors were always open to discuss family issues and she helped raise many children and grandchildren. She would keep them in awe with the many stories she told about her experiences on the farm where many of the children in her life spent their summers. The men in her family reflect fondly when they would get a call from Fannie asking them to stop by and get something to eat—and they would never say no, especially when wooed with her memorable peach cobbler and coconut cake, in spite of the fact that their wives had another meal waiting for them at home. Mrs. Petway is preceded in death by her daughter Annie Elizabeth Knight, her son Edward Petway, and daughters-in-law Eunice Irene Petway and Madie Moore Petway. She was the loving and proud grandmother to seven granddaughters and seven grandsons.

Mrs. Petway's gracious and warm smile will be deeply missed along with the many wonderful memories and recipes she has left behind. The blessing of her warmth and love have left a mark on those close to her and will be remembered vividly and fondly. My thoughts and prayers are with her loved ones.

RELIEF TO MUNICIPAL UTILITIES WHO ISSUE TAX EXEMPT BONDS

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. SPRATT. Mr. Speaker, I rise today in support of legislation that I have just reintroduced to provide relief to municipal utilities who issue tax exempt bonds. This legislation would permit these utilities to take advantage of a process known as ''advance refunding,'' which allows the bond issuer to take advantage of favorable market conditions by refinancing their debt at a lower interest rate. The bill is identical to legislation I introduced in the 107th Congress that was cosponsored by the entire South Carolina Congressional delegation.

Advance refunding works just like refinancing your home. If interest rates have dropped since you purchased your home, then you can refinance, or ''advance refund,'' that home at the lower rate. This can save the average homeowner thousands of dollars in foregone interest payments.

This same refinancing has, in the past, been allowed for municipal utilities who use tax exempt bonds to finance their facilities and equipment. Because of the large capital costs associated with power generation and distribution, the debt incurred from these issues is often substantial, and debt service payments end up being one of the largest expenses for the utility. These higher costs are then passed on to the consumer in the form of higher electric rates. If these companies are allowed to refinance, they can save millions of dollars in foregone interest payments, which translates into lower rates for the average consumer.

Under current tax law, these municipal utilities have been able to advance refund their debt only once since 1986. Many of these utilities companies still face staggering debts. For one utility company in my state, these debt payments have become particularly burdensome, and all of its customers are suffering from the resulting high rates. With interest rates so low, this utility is convinced that if it is allowed to advance refund one additional time, it will be able to stabilize its debt service and significantly lower these rates.

That is what my legislation does. It allows municipal utilities to advance refund one additional time if they have already advance refunded since 1986.

Municipal utilities are by no means the only issuers of tax exempt bonds. I have limited the scope of this bill to municipal utilities because they face substantial debts and are subject to limitations that state and local governments are not. The bill is open to modification for others who might benefit from advance refunding of their debt.

During consideration of the most recent tax bill in the Senate, Senator LINCOLN offered an amendment that allowed for additional advance refunding for Arkansas schools. While I am sure that Arkansas schools need such relief, other sectors need similar relief, and especially municipal utilities. I am pleased to see Senator LINCOLN reopen the advance refunding debate, and would welcome the opportunity to discuss inclusion of my bill in tax reform measures taken up by the House in the future. The benefits to my state, and others, would be significant, and they would ultimately be enjoyed by consumers.

HONORING THE 25TH ANNIVERSARY OF GLAD TIDINGS CHURCH OF GOD IN CHRIST

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. STARK. Mr. Speaker, I rise today to honor the 25th anniversary of Glad Tidings Church founded by Rev. and Mrs. J.W. Macklin in 1978 in Hayward, California. From its earliest inception, Glad Tidings reflected what many considered a new and refreshing direction in church ministry. With a strong commitment to communities and families, this young church began to position itself for a long-term commitment to the city of Hayward.

In 1981, Glad Tidings purchased their first edifice in South Hayward. Believing that Glad Tidings had a vision and a ministry to meet the growing needs of a changing neighborhood, the Hayward Covenant Church sold a 15,000 square foot facility, including a sanctuary with seating for 150 people, to a young, energetic congregation.

Within a few short years, the mortgage was liquidated and the existing facility was remodeled to include a new sanctuary seating approximately 300 people. The remaining facility was remodeled to accommodate executive offices, classrooms, and a fellowship hall.

In the midst of Glad Tidings' growth is the incredible story of a congregation, whose vision, fortitude and commitment has brought them face to face with a suburban community that had become very much urban within a few short years. As the church grew, the obvious need to build new facilities was more than evident. Glad Tidings Church was faced with a major dilemma; to relocate to a suburban community or to stay and build in a challenged community filled with drugs, crime, and rampant poverty.

In 1990, Glad Tidings Church adopted a strategic plan, which required the church to involve itself to an even greater degree in the surrounding neighborhoods in decline. A neighborhood revitalization program was set in motion. Glad Tidings established a strong proactive presence in city government, schools, community, and police affairs. This community outreach provided a base for support networks to thrive with other surrounding neighborhoods, agencies and businesses and gave voice to the South Hayward community.

Glad Tidings Church established a central neighborhood campus while networking with other community services to offer a creative and supportive environment of programs, housing, services and facilities which address many of the major needs and concerns of a community in need of revitalization.

I applaud Glad Tidings Church's focus on economic development, job and career training, youth and adult education, youth and adult support services and health services all provided within a spiritual setting which accents excellence at all levels of life for all people. I congratulate Glad Tidings Church on its 25th anniversary and wish the leadership and congregation many years of continued success.

THE GINSENG LABELING CORRECTION ACT

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. DOOLITTLE. Mr. Speaker, I rise to discuss legislation I introduced today called The Ginseng Labeling Correction Act. This legislation seeks to fix a technical problem with a provision that was included in the farm bill Congress passed last year.

Section 10806(b) of the Farm Security and Rural Investment Act of 2002 amended the Federal Food, Drug and Cosmetic Act by placing limitations on the use of the term ''ginseng'' as the common or usual name for plants classified within the genus Panax. The purpose of this provision was to address confusion that had arisen from products derived from different plants being labeled as ''Siberian ginseng.''

When labeling changes are enacted, the Food and Drug Administration recognizes that, in order to assure an orderly and economical industry adjustment to new labeling requirements, a sufficient lead time is necessary to permit planning for the use of existing label inventories and the development of new labeling materials.

Unfortunately, the ginseng provision Congress included in the farm bill lacked a specific effective date that would have allowed FDA's typical transition period to occur. Therefore, on May 13, 2002, the day the farm bill was signed into law, companies that had products labeled ''Siberian ginseng'' became criminally liable. This was clearly not the intent of Congress, and was simply an oversight on the part of the Senate and House in writing that portion of the farm bill. In fact, Senator Tom Harkin, the Ranking Member of the Senate Agriculture Committee, attempted to correct this omission in the FY 2003 Emergency Wartime Supplemental, PL–108–11. However, in the rush to complete work on the bill the provision was left out even though there were no objections to it.

However, this omission needs to be corrected as soon as possible. Therefore, I have introduced The Ginseng Labeling Correction Act, which states that Section 10806(b) of the Farm Security and Rural Investment Act of 2002 will become effective thirty days after the legislation becomes law.

It is my desire to have this bill move to the House floor as quickly as possible. I hope my colleagues will join me in supporting this minor, but critically important, correction to the farm bill.

A TRIBUTE TO DR. NORMAN ADRIAN WIGGINS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. ETHERIDGE. Mr. Speaker, I rise today to pay tribute to Dr. Norman Adrian Wiggins on his retirement as President of my alma mater, Campbell University in Buies Creek, North Carolina. For 36 extraordinary years, Dr. Wiggins' leadership and vision have transformed Campbell from a small, rural school

into the nation's second largest Baptist university.

From his first day on the job in 1967, Dr. Wiggins has strengthened the undergraduate college, developed an innovative Trust Management Program, and added five new schools to the University: The Norman Adrian Wiggins School of Law, The Lundy-Fetterman School of Business, The School of Education, The School of Pharmacy, and The School of Divinity. He also established during his tenure an ROTC Program and a number of substantial international programs, most notably with Tunku Abdul Rahman College in Kuala Lumpur, Malaysia. Indeed, Dr. Wiggins' tireless efforts have extended Campbell's sphere of influence throughout the communities of North Carolina, the nation, and the world.

During his career, Dr. Wiggins taught and mentored over 25,000 students who have gone out into the world to serve as business leaders, doctors, lawyers, teachers, and ministers. These Campbell graduates provide our people with jobs and economic opportunities, care for our nation's sick and elderly, defend our rights under the rule of law as attorneys, prepare our children to be tomorrow's leaders, and uplift our national soul.

But Dr. Wiggins' leadership extends far beyond the hallowed halls of Campbell University. He has served as president of both the Baptist State Convention and the American Association of Independent Colleges and Universities. His peers hail him as a leader who embodies a depth of experience, understanding, and passion that few will ever match.

Dr. Wiggins' innovative leadership and unique vision have earned him widespread recognition. His numerous awards include the Commander's Award for Public Service and the Distinguished Civilian Service Medal from the United States Army, and the Boy Scouts of America's Distinguished Service Award, all of which acknowledge Dr. Wiggins' unfailing commitment to improving the lives of his fellow Americans.

Mr. Speaker, Dr. Wiggins is an exemplary figure of patriotism, leadership, dedication, and commitment. As a Campbell alumnus, I am proud to honor Dr. Norman Adrian Wiggins today. I ask all of my colleagues to join me and Faye in celebrating his 36 years of service to Campbell University, to the State of North Carolina, and to the United States of America.

10TH ANNIVERSARY OF RAISING THE PATRIOTS OF AFRICAN DESCENT MONUMENT IN VALLEY FORGE NATIONAL PARK, VALLEY FORGE ALUMNAE CHAPTER OF DELTA SIGMA THETA SORORITY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. GERLACH. Mr. Speaker, I rise today to honor the Valley Forge Alumnae Chapter of Delta Sigma Theta Sorority, Inc. and its celebration of the 10 year anniversary of the raising of the Patriots of African Descent Monument in Valley Forge National Historical Park. Ninety years ago, the Delta Sigma Theta Sorority started with 22 women, right here in our Nation's Capital at Howard University, and has since expanded to the 200,000 member, 90 chapter organization that exists today.

The Valley Forge Alumnae Chapter of this public service organization was chartered on February 10, 1991 and has since contributed to the local and national community in ways consistent with the organization's Five Point Program foci of: educational development, economic development, physical and mental health, political awareness and international awareness and involvement.

These contributions are signified in the Chapter's effort and success in erecting the Patriots of African Descent Monument in 1993 at Valley Forge, one of our Nation's most historical parks. The monument remains the only such edifice to be raised in any of the units of the National Park system and contributes to the education of visitors to the Park of the role African-Americans played in the country's founding. More specifically, the monument signifies the tremendous service and sacrifice African-American soldiers of the Continental Army provided to a fledgling nation.

The Valley Forge National Park holds great historic value as the site dedicated to the Continental Army's bravery, suffering and sacrifice that took place during the harsh winter encampment there in 1777–78, during which time some 2,000 soldiers died.

The Patriots of African Descent Monument only furthers the historic symbolism of the Park by recognizing the numerous contributions and sacrifices of African-Americans during the Revolutionary War, in particular the approximately 500 African-American soldiers who suffered terribly along with the many other Continental soldiers during the long, harsh winter spent in Southeastern Pennsylvania.

Since the monument's unveiling in 1993, this statue has contributed to educating visitors of Valley Forge to the diverse cultures that contributed to this Nation's birth and will continue to do so with the sustained involvement and efforts of the Valley Forge Alumnae Chapter of Delta Sigma Theta Sorority, the Valley Forge Historical Society and citizens. I congratulate and commend the Chapter's continued efforts to educate future generations regarding historic artifacts and places which ''tell the American story'' and recognize the 10 year anniversary of the Patriots of African Descent Monument and its symbolic place in our Nation's history.

WALTER CRAIG AMERICAN LEGION AUXILIARY POST 60 IN ROCKFORD, ILLINOIS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. MANZULLO. Mr. Speaker, I rise today in support of the Walter Craig American Legion Auxiliary Post 60 located in Rockford, Illinois. This auxiliary post is dedicated to supporting the veterans and their families in my congressional district, and I would like to acknowledge the many accomplishments of the Walter Craig American Legion Auxiliary Post 60: Americanism Patriotic Conference; and Youth Conference, Spirit of Youth Fund Scholarships for Jr. Girls Nation and Youth Conference; Auxiliary Emergency Fund for Displaced Homemakers; American Legion Child Welfare Foundation; Dept. Children and Youth Christmas Gifts for Institutional Children; Children and Youth Scholarships for teaching field of handicapped children; Children's Heartlink Heart surgery for needy children; Children's Miracle Network hospital care for children in need; Special Olympics; Spinoza Buddy Bear Project; Department Scholarship Fund for All Dept. Scholarship Funds; Funding for Special Field Services 7 VA Hospitals; Dept. National Security Fund ROTC Awards 7 Patriotic Conference; Nurses Scholarship Fund; Six Point Program extras for hospitalized veterans; North Chicago Medical Center; Crime Stoppers; World War II Nurses; Rescue Mission.

Mr. Speaker, the Walter Craig American Legion Auxiliary Post 60 is an exemplary post, and its members take great pride in helping their local veterans. This post is to be commended for its many accomplishments and steadfast support of the veterans in the 16th Congressional District of Illinois.

PERSONAL EXPLANATION

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2003

Mr. TAYLOR of Mississippi. Mr. Speaker, I missed the legislative business of Monday, June 2, 2003 due to a delay in my flight from Mississippi. Had I been present, I would have voted ''yea'' on rollcall No. 227, for H. Res. 159: expressing profound sorrow on the occasion of the death of Irma Rangel; ''yea'' on rollcall No. 228, for H. Res. 195: congratulating Sammy Sosa of the Chicago Cubs for hitting 500 major league home runs; and ''yea'' on rollcall No. 229, for H.R. 1465: to designate the facility of the United States Postal Service located at 4832 East Highway 27 in Iron Station, North Carolina, as the ''General Charles Gabriel Post Office.''

TRIBUTE TO DIANA BOSFIELD-MOORE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to Diana Bosfield-Moore, a teacher at Phyllis R. Miller Elementary School who, after 28 and a half years of dedicated service, has decided to retire from the Dade County Public Schools.

Diana Bosfield-Moore was born and raised in Miami, Florida and is a proud graduate of Miami Northwestern Sr. High School. She attended Miami Dade Community College where she received her AA Degree and went on to receive her Bachelor of Science Degree from Florida Memorial College.

Ms. Bosfield-Moore brought a wealth of educational experience to her teaching. She began her career in education as a Paraprofessional in 1974. Soon afterwards, Ms. Bosfield Moore moved to Computer Lab Specialist, Reading Tutor, Substitute Teacher,

After-School Care Supervisor, Associate Educator, and now an Elementary School Teacher.

Ms. Bosfield-Moore is a role model who demonstrated in her own life how her students could overcome the obstacles they faced in theirs. She raised five of her sibling's children; two of her own children; and four grandchildren, and still she made the time to graduate from college with a teaching degree at the age of forty-three. This is a truly remarkable task, and it speaks volumes about the truly remarkable person she is.

Ms. Bosfield-Moore's dedication, loyalty, compassion, and involvement will be sorely missed at Phyllis R. Miller Elementary School, by parents, colleagues, administrators and students alike.

Congratulations, Ms. Bosfield-Moore, for a job well done.

HONORING THE 25TH ANNIVERSARY OF THE DOWNRIVER COUNCIL FOR THE ARTS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. DINGELL. Mr. Speaker, today, I rise to acknowledge the 25th Anniversary of the Downriver Council for the Arts (DCA). The DCA has been a driving force in bringing quality arts education, valuable cultural information and employment to artists and educators throughout the Downriver community.

Founded in 1978, the DCA is a non-profit, umbrella organization that represents, promotes and serves the 18 Downriver communities. The DCA's Home Gallery, resource library, information center, newsletter, cultural calendar, weekly column, arts hotline, website and cable programs provide up-to-date information on artistic, cultural and special events to the nearly 400,000 residents of Downriver.

The DCA works closely with community-based arts organizations, service clubs, municipal governments, schools and social agencies to bring the arts into the community. This wonderful organization nurtures the cultural and artistic growth of thousands of Downriver residents. The DCA not only fosters strong relationships between art institutions and educators, but also serves as a bridge between all socio-economic categories.

The DCA provides volunteer, educational and professional development opportunities, works to insure equal access to artistic opportunities and promotes the recognition of art and culture as a primary contributor to economic development and the quality of life within the Downriver communities.

Mr. Speaker, as the Downriver Council for the Arts celebrates its 25th Anniversary, I would ask that all my colleagues rise and salute this phenomenal organization for all that they have done and will continue to do for the arts in Downriver.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. BECERRA. Mr. Speaker, on Monday, June 2, 2003, I was unable to cast my floor vote on rollcall Nos. 227, 228, and 229. The votes I missed include rollcall vote 227 on Suspending the Rules and Agreeing to H. Res. 159, Expressing Profound Sorrow on the Occasion of the Death of Irma Rangel; rollcall vote 228 on Suspending the Rules and Agreeing to H. Res. 195, Congratulating Sammy Sosa of the Chicago Cubs for Hitting 500 Major League Home Runs; and rollcall vote 229 on Suspending the Rules and Passing H.R. 1465, the General Charles Gabriel Post Office Building Designation Act.

Had I been present for the votes, I would have voted ''aye'' on rollcall votes 227, 228, and 229.

CONGRATULATING ALAN KENT LIPKE, RETIRING PRINCIPAL OF ST. PAUL LUTHERAN SCHOOL IN JACKSON, MISSOURI FOR 39 YEARS OF SERVICE TO OUR NATION'S CHILDREN

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mrs. EMERSON. Mr. Speaker, a well-known proverb exemplifies the life mission of our friend and educator Alan Lipke. ''A child is not a vessel to be filled, but a lamp to be lit.''

For 39 years, Alan Lipke has been an educator committed to bringing light to the lives of our children. Whether it was for two years at St. Paul Lutheran School in Evansville, Indiana, for 13 years at St. Paul Lutheran School in Aurora, Illinois or for the last 22 years right here at St. Paul Lutheran School in Jackson, Missouri, students across the Heartland have been blessed by the dedication and passion of someone who has spent his life preparing our children for the future.

Now, after playing such an integral role in the education of countless youngsters, Alan Lipke has decided it is time to retire from education and begin a new chapter in his life. Though it is clear that he has ''put in his time,'' it is with a heavy heart that we prepare for Alan's departure. He has been a remarkable and stellar educator and after 39 years of unparalleled service to the teaching profession, to say that his absence from education will be missed is an understatement.

And though Alan is retiring from his current profession, I know he will still be a visible and active member of the Jackson community. Maybe we'll see him at Jackson Chamber of Commerce meetings, at festivities for the St. Paul Lutheran School or just out enjoying time with his wife Sally, his children Lisa and Scott, his daughter-in-law Ashley, and most important of all, his grandson Parker. Wherever we may see him, I am sure he will be having fun and enjoying this rich and wonderful time of his life.

Mr. Speaker, on this very special occasion, I ask that all of my colleagues join me in congratulating Alan on this milestone and wish him every happiness for the future. Thank you.

TRIBUTE TO BLONEVA SMITH

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to Mrs. Bloneva Smith, a remarkable teacher who, after 37 years of dedicated service, has decided to retire from the Dade County Schools.

Mrs. Smith is a graduate from Booker T. Washington Senior High School in Miami, Florida. She attended Howard University in Washington, DC, where she earned her undergraduate degree. Bloneva Smith is a member of Mt. Hermon AME Church and a sister of Delta Sigma Theta Sorority.

Mrs. Smith brought to her young students, as well as her young teaching colleagues, a wealth of experience and a perspective on educational progress that spans some of the most difficult decades in our history. Her teaching career began in 1966, during a time when the Dade schools were still effectively racially segregated and black educators were traditionally assigned to teach at historically black schools.

In January 1970, she was reassigned to Treasure Island Elementary School in response to a court order to integrate all schools. Mrs. Smith continued teaching there for 16 years before moving on to Rainbow Park Elementary and finally to Phyllis R. Miller Elementary School, where she has decided to end her teaching career.

I understand that Mrs. Smith has been called a ''quiet storm'' because she gets results without making a big fuss. We thank her for her service as a proficient and effective educator, and I know all my colleagues join in offering her our best wishes in all her future endeavors

HONORING THE EXTRAORDINARY LEADERSHIP OF JOSEPH L. HUDSON JR.

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. DINGELL. Mr. Speaker, today, I rise to honor the extraordinary leadership of Mr. Joseph L. Hudson Jr. Mr. Hudson has been a committed civic leader in the greater Detroit area for over 45 years. Over the course of his lifetime, Mr. Hudson has served as a role model for not only his leadership abilities, but his dedication to his community, his church and, most important of all, his family.

Born on July 4, 1931 in Buffalo, New York, Mr. Hudson was destined to be a strong figure in our Nation's landscape. Mr. Hudson joined the J.L. Hudson Company following graduation from Yale in 1953. Between 1954 and 1956 he served as an artillery officer with the U.S. Army in Germany. In 1956 he returned to Hudson's, was elected a Vice President in 1957 and in 1961 became President and Chief Executive Officer. Mr. Hudson retired from the

J.L. Hudson Company and the Dayton Hudson Corporation in 1982 after serving as Chairman and Chief Executive Officer for ten years.

In 1956 Mr. Hudson was elected to the board of trustees of the Hudson-Webber Foundation and served as President and then Chairman from 1961 until his retirement in 1996. The Hudson-Webber Foundation is committed to improving the vitality and quality of life of the metropolitan Detroit community with special emphasis on the Detroit Medical Center, the arts, crime reduction, economic development and the communities' urban revitalization needs.

Mr. Hudson's civic and community involvement includes service on the City of Detroit Arts Commission (Detroit Institute of Arts) where he served as President from 1979–1990; Active Honorary Trustee and founding Chairman of New Detroit, Inc., America's first urban coalition. Mr. Hudson has also received Honorary Doctor of Humanities Degrees from the University of Detroit, Wayne State University, and Michigan State University.

In June of 2003, Mr. Hudson will complete 19 years as founding Chairman of the Community Foundation for Southeastern Michigan, Detroit, Michigan. Under his remarkable leadership, the Community Foundation has distributed more than $145 million in over 18,000 grants to improve the seven counties of Southeastern Michigan. The Community Foundation for Southeastern Michigan is one of the youngest and fastest growing of over 600 community foundations worldwide.

Mr. Speaker, I would ask that all my colleagues rise and join me in honoring Mr. Hudson's humanitarian achievements and tireless dedication to his community and church.

IN MEMORY OF MICHAEL J. HANDY: THE VETERANS' VETERAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. RANGEL. Mr. Speaker, I rise in tribute to Michael J. Handy, Director of the Mayor's Office of Veterans' Affairs in the City of New York. Mr. Handy died on May 31 from a heart attack. He was 55 years old.

Mr. Handy was first appointed to head the Mayor's Office of Veterans' Affairs by Mayor David Dinkins in the late 1980's, and was reappointed to that position by Mayor Rudolph Giuliani and Mayor Michael Bloomberg.

For Mr. Handy, service to veterans was not a partisan issue. Indeed, he was New York's Veterans' Veteran, having dedicated 30 years of his professional life to assisting the men and women who had served in our Nation's Armed Forces.

He had served in Vietnam as an enlisted man in the Air Force. But as his loving wife Edna has pointed out, Mr. Handy's service after the war, and to the very end, was a response to a call that struck him so deeply that it became central to his life. For him, working for and with veterans was not so much a job, or a political office, it was a passion.

I first began working with Mr. Handy in the late 1980's when he became involved with the Congressional Black Caucus Veterans Braintrust, which I chaired. Mr. Handy became a fixture at those annual meetings which convened each September during the Black Caucus' Annual Legislative Conference.

Mr. Handy was one of the very first advocates for federally assisted housing for disabled and veterans, which culminated eventually in a program to provide such housing, administered by the Department of Housing and Urban Development and the Veterans' Administration.

In his later years, Mr. Handy was a persistent advocate for raising the benefits received by Reservists and National Guardsmen to equal those of active duty soldiers. His voice in that area has been heard in Washington, where Democrats in Congress are pushing such legislation.

Mr. Handy, a native New Yorker, was a lively, kind and gentle man whose service to New York City's veterans, including those residing in my Congressional District, I will never forget. He followed his vocation with the greatest enthusiasm, attending every parade, every meeting, every dedication, in the hope that somehow his presence would make a difference for his constituents which numbered more than half a million veterans in the city and nearly 400 veterans organizations.

Mr. Handy, in his Director's statement at the Office of Veterans' Affairs, described New York as a city of ''patriotic Americans—men and women—who have put themselves in harm's way to preserve our way of life. We owe those who wear, and those who wore, the uniform of the United States of America a debt of gratitude for their service and their sacrifice.''

Mr. Speaker, we all owe Michael Handy a comparable debt. We thank and commend him. And we pray that you will ease the pain of his loss being endured by his dear wife Edna, his loving daughters, extended family and his many friends.

PERSONAL EXPLANATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mrs. LOWEY. Mr. Speaker, during an absence yesterday, I regrettably missed rollcall votes 227–229. Had I been preset, I would have voted in the following manner: Rollcall No. 227: ''yea''; rollcall No. 228: ''yea''; rollcall No. 229: ''yea.''

TRIBUTE TO MAE W. SEAMAN

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. MEEK of Florida. Mr. Speaker, it has been said that teachers can only retire from their jobs, but not from their calling. That is certainly true for Mae W. Seaman who, after 32 years of dedicated service, has decided to retire from the Phyllis R. Miller Elementary School.

Mae Seaman was born and raised in Miami, Florida and is a proud graduate of Miami Beach Senior High School. She attended the University of Miami to earn her undergraduate degree and went on to receive her Master of Science degree from Nova University.

She began her teaching career began in 1970 at West Little River Elementary in Miami. At West Little River Elementary the staff bestowed upon her one of the highest honors that they could bestow on any colleague ''Teacher of the Year.'' Ms. Seaman remained at West Little River Elementary for 10 years before moving on to other endeavors.

Ms. Seaman's day, for the past eighteen years, started with a five o'clock wake-up, in order to get her mother to the family's business on the west side of town, before greeting her students each day. Her mother still lives with her and although she has retired, her routine remains the same—up by five o'clock, to take care of family and business.

All that will be missing each day are the students, but Ms. Seaman can take pride in the success of the thousands of young people she helped successfully nurture and develop over the years.

Congratulations, Ms. Seaman. Thank you for your service, and enjoy your retirement.

CONGRATULATING ELIZABETH FOLEY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. DINGELL. Mr. Speaker, I rise today to congratulate Elizabeth Foley, from Saline, Michigan, which is located in my district, on becoming a State Honoree in the 2003 Prudential Spirit of Community Awards Program for outstanding volunteer service.

Conducted in partnership with the National Association of Secondary School Principals, the Prudential Spirit of Community Awards were created eight years ago by Prudential Financial, Inc. to encourage youth volunteerism and to identify and reward young role models. State Honorees are chosen from more than 24,000 applicants as particularly impressive examples of what young Americans today are capable of doing to make their communities better places to live.

Ms. Foley, 14, organized the ''Visual Ambassadors,'' a school group dedicated to educating others about the visually impaired. After being inspired by a blind friend who taught her Braille, Elizabeth wanted to help educate other students about what visually impaired individuals go through each day. After writing a project proposal and obtaining the approval of school officials, Elizabeth developed plans for a six-week after school class. She bought Braille books, organized a field trip and put together an information packet for her students. She hopes to have over 100 graduates of her program by the time she goes to college.

This young woman's selfless acts to enlighten others about the disabled should be commended. Mr. Speaker, I would like you to join me and all of my colleagues in congratulating Ms. Foley for her accomplishments.

PAYING TRIBUTE TO M.A.S.H. (MOTHERS AGAINST SADDAM HUSSEIN)

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. McINNIS. Mr. Speaker, I am proud to stand before the nation and this Congress to honor a small group of mothers who are working to support the brave men and women that are currently defending our Nation abroad. These mothers call themselves ''MASH,'' Mothers Against Saddam Hussein. They are raising money to support our troops by selling t-shirts that have been embroidered with the group's acronym.

This organization began when a small group of mothers made the shirts and wore them all over my hometown. The idea spread and the t-shirt has now become an amazing phenomenon in the town of Grand Junction, Colorado. The group has even made a special exception for men and brothers who want to express their support, by changing the acronym to read ''Men Against Saddam Hussein.''

As the major fighting in Iraq has decreased, the women have expressed a special message for our Nation. They do not want the sacrifices of our troops to be forgotten as they continue to stand and fight to secure and rebuild a ravaged country.

Mr. Speaker, I am honored to stand before this body to express my appreciation for this organization. The ''Mothers Against Saddam Hussein'' should be proud of their cause, as they ensure that the sacrifices of our brave troops will never be forgotten. I would like to thank MASH for their efforts and encourage them to carry on in their mission.

OPPOSING FCC'S DECISION

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. MORAN of Kansas. Mr. Speaker, I oppose the decision of the Federal Communications Commission to increase the cap on media ownership.

Yesterday, the five-member board of the Federal Communications Commission voted to allow one owner to control more stations within the same market and to allow television networks to acquire more stations. Until today, broadcast ownership rules limited networks to owning no more than a 35 percent share of television households. With this decision, that share rises to 45 percent. The FCC also voted to ease restrictions on media companies owning a newspaper and television station in the same market. These new rules will allow for more mergers and increased media consolidation across the country.

This decision poses a threat to local programming in rural America. National programmers operate from a ''one-size-fits-all'' mentality and have less interest in the needs of our rural communities. If the networks acquire more of the local television affiliates, programming decisions are less likely to be made by local managers who have personal knowledge of the communities they serve.

At the heart of our democracy is a free and diverse exchange of ideas. Placing the power of communication solely in the hands of a narrow group of media giants will undermine freedom of expression. Columnist William Safire expressed it best, ''The diffusion of power through local control, thereby encouraging individual participation, is the essence of federalism and the greatest expression of democracy.'' Yesterday's decision diminishes individual participation in the democratic process by suppressing one's ability to voice his or her opinion. Having fewer outlets for expression means that only a few voices will be heard: those of the large national programmers.

These new regulations not only threaten to reduce the access to the local news, they infringe upon the ability to maintain an open forum for sharing opinions and ideas—the very democratic principals upon which our Nation was founded.

TRIBUTE TO CHARLENE BUTLER

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. MEEK of Florida. Mr. Speaker, teachers are special people, and I rise today to pay tribute to Charlene Butler who, after 37 years of dedicated service, has decided to leave this select group.

Charlene Butler was born and raised in Miami, Florida and is a proud graduate of Booker T. Washington Senior High School. She attended Bethune Cookman College in Daytona Beach, Florida and earned a Bachelor of Science degree. She went on to obtain her Master of Education degree from Nova University.

Her teaching career began in 1966 at Lorah Park Elementary in Miami, at a time when black educators were traditionally assigned to teach at historically black schools. In 1970, the federal court ordered all schools to integrate and she was transferred to Sunset Elementary School.

In 1984, the staff of Sunset Elementary bestowed one of the highest recognitions a staff can bestow upon a colleague when they named her Teacher of the Year. She remained at Sunset Elementary for 18 years, though throughout her tenure at Miami-Dade County Public Schools, Ms. Butler has taught at Lorah Park Elementary, Sunset Elementary, Phyllis Wheatley Elementary and finally, the Phylllis R. Miller Elementary School, where she presently teaches.

Ms. Butler is an adept, concerned, ardent educator and a champion for the ''little ones.'' Blessed with a keen appreciation for the stages of development of her young charges, she was dubbed the ''historian'' of her students accomplishments.

Ms. Butler's dedication, loyalty, compassion, and involvement will be missed at Phyllis R. Miller Elementary School, by parents, colleagues, administrators and students alike.

Congratulations, Ms. Butler, and enjoy your retirement.

TRIBUTE TO COLONEL KEVIN RICE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. FARR. Mr. Speaker, I rise today to honor a devoted soldier as well as an accomplished scholar and leader. Colonel Kevin Rice has served as the Installation Commander at the Defense Language Institute, Foreign Language Center and Presidio of Monterey since December 2000. Tomorrow, he earns a well-deserved retirement after serving his country honorably for the last 30 years. Throughout his service at the Presidio, Colonel Rice was instrumental in improving the standard of excellence in training our military linguists and in continuing the transition of Fort Ord, the Nation's largest base closure, to civilian use.

Colonel Rice was born in Henderson, Nevada and grew up there and in La Mirada, California. Kevin Rice attended the U.S. Military Academy at West Point and upon his graduation in 1973, was commissioned as a second lieutenant in the Infantry. Colonel Rice is a graduate of the Chinese Program at the Defense Language Institute of Monterey which he would later lead, and he also successfully completed studies at the British Ministry of Defense Chinese Language School in Hong Kong and holds Master's Degrees from both the Naval Postgraduate School and the National War College.

Colonel Rice's military career in the U.S. Army is extremely distinguished and diverse. He started out as a mechanized rifle platoon leader and quickly rose through the ranks while applying his expertise in mechanized infantry, light infantry and airborne special operations units. Prior to his service at the Presidio, Colonel Rice held the position of U.S. Army Attaché to the People's Republic of China. Throughout these assignments, he was repeatedly honored for his outstanding performance with awards ranging from the Meritorious Service Medal to the Army Achievement Medal.

I am extremely grateful to have worked with Colonel Rice on several military construction projects at the Defense Language Institute, including a new classroom facility—Collins Hall—as well as Video Tele-Training Facility. These base modernization projects illustrate Colonel Rice's leadership in making sure DLI, the world's largest foreign language school, employs the most advanced technology to continue as a center of excellence in the teaching of foreign languages.

Moreover, Colonel Rice has presided over the only dual service—Army and Navy—base housing modernization program in the Nation. When complete, the Residential Community Initiative at the Presidio will provide the Central Coast military community with 1,800 units of quality base housing, built to local code, and paid for by the military housing allowance known as the BAH. Without his continued efforts to move this huge undertaking through the bureaucratic process both inside the Pentagon and outside, the RCI wouldn't have come to fruition.

Colonel Kevin Rice and his wife, Kitty, have been active and highly regarded members of the local community who are leaving a lasting legacy of civic involvement and a wide circle of friends who will miss them both. I am

pleased to count myself as one of Colonel Rice's friends and wish him well in the next stage of life's journey.

PAYING TRIBUTE TO LEN CANE UPON HIS RETIREMENT

MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. HINCHEY. Mr. Speaker, I am pleased to congratulate my constituent and dear friend, Len Cane, on the occasion of his retirement as president and CEO of the Chamber of Commerce of Ulster County, New York. Having served in that capacity for 34 years, Len has earned the respect and affection of the business and education communities in my home county and throughout New York State.

An ardent advocate of public education, Len has served as president of the Ulster County Board of Cooperative Educational Services as well as the Kingston City Schools' Board of Education. In October 2002, the 7,500-member New York State School Boards Association honored him with the Distinguished Service Award as the organization's outstanding member.

Len is a graduate of the Institutes for Organization Management, a continuing education program for organization managers from across the country. He was a member of the program's Board of Regents for six years and of its executive faculty for 11 years, instructing at the University of Delaware and at Notre Dame.

At the helm of Ulster's Chamber of Commerce, Len has been a wonderful ambassador for the county. He is a past president of the Chamber Alliance of New York State and the Mid-Atlantic Chamber of Commerce Executives. He also served for seven years as Chairman of the Mid-Hudson Valley Chamber of Commerce Executives and was a two-term president of the Ulster County Development Corporation. In 1996 Len's New York state colleagues named him the Outstanding Professional Chamber of Commerce Executive.

Notwithstanding his outstanding accomplishments, Len is best known for his lightning-quick wit and self-effacing humor. I am sure Len's successors will perform commendably as chamber presidents, but none will make us laugh as Len has for more than three decades.

Mr. Speaker, it is my pleasure to join Len Cane's colleagues, friends and family in extending my best wishes to him and his wife Lee for a long and happy retirement. His wonderful personality and unsurpassed professionalism have made Len a tremendous asset to the Hudson Valley and Catskill regions. We will miss him dearly.

Daily Digest

HIGHLIGHTS

The House passed H.J. Res. 4, proposing a Constitutional amendment authorizing the Congress to prohibit the physical desecration of the flag.

Senate

Chamber Action

Routine Proceedings, pages S7199–S7268

Measures Introduced: Ten bills and one resolution were introduced, as follows: S. 1168–1177, and S. Res. 158. **Pages S7234–35**

Measures Reported:

S. 791, to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, with an amendment in the nature of a substitute. (S. Rept. No. 108–57) **Page S7234**

S. 886, to ratify otherwise legal appointments and promotions in the commissioned corps of the National Oceanic and Atmospheric Administration that failed to be submitted to the Senate for its advice and consent as required by law. (S. Rept. No. 108–58) **Page S7234**

Measures Passed:

Animal Drug User Fee Act: Senate passed S. 313, to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs, after agreeing to the following amendment proposed thereto: **Page S7266**

Fitzgerald (for Gregg) Amendment No. 846, in the nature of a substitute. **Page S7266**

Prior to the above-listed action, Senate vitiated the May 23, 2003 passage of S. 313, after withdrawing the committee amendments. **Page S7266**

Energy Policy Act: Senate continued consideration of S. 14, to enhance the energy security of the United States, taking action on the following amendments proposed thereto:

Pages S7200–11, S7212–20

Rejected:

By 35 yeas to 60 nays (Vote No. 203), Feinstein Amendment No. 843 (to Amendment No. 539), to allow the ethanol mandate in the renewable fuel program to be suspended temporarily if the mandate would harm the economy or environment.

Pages S7200–04, S7217–19

By 34 yeas to 62 nays (Vote No. 204), Feinstein Amendment No. 844 (to Amendment No. 539), to authorize the Governors of the States to elect to participate in the renewable fuel program.

Pages S7204–11, S7219

Withdrawn:

Frist/Daschle Amendment No. 539, to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence. **Page S7220**

Pending:

Domenici/Bingaman Amendment No. 840, to reauthorize Low-Income Home Energy Assistance Program (LIHEAP), weatherization assistance, and State energy programs. **Page S7200**

Domenici (for Gregg) Amendment No. 841 (to Amendment No. 840), to express the sense of the Senate regarding the reauthorization of the Low-Income Home Energy Assistance Act of 1981.

Page S7200

During consideration of this measure today, Senate also took the following action:

Bingaman (for Lincoln) Amendment No. 845 (to Amendment No. 539), to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, fell when Frist/Daschle Amendment No. 539 (listed above) was withdrawn. **Page S7220**

Senate may continue consideration of the bill on Wednesday, June 4, 2003. **Page S7266**

Nominations Confirmed: Senate confirmed the following Nominations:

Lowell Junkins, of Iowa, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation. (Reappointment)

Glen Klippenstein, of Missouri, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

Julia Bartling, of South Dakota, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation. **Page S7268**

Nominations Received: Senate received the following nominations:

Joshua B. Bolten, of the District of Columbia, to be Director of the Office of Management and Budget.

Robert Lerner, of Maryland, to be Commissioner of Education Statistics for a term expiring June 21, 2009.

1 Army nomination in the rank of general.

Routine lists in the Foreign Service, Public Health Service. **Pages S7266–68**

Messages From the House: **Page S7233**

Measures Referred: **Page S7233**

Measures Placed on Calendar: **Page S7233**

Measures Read First Time: **Page S7266**

Executive Communications: **Pages S7233–34**

Additional Cosponsors: **Pages S7235–37**

Statements on Introduced Bills/Resolutions: **Pages S7237–58**

Additional Statements: **Pages S7229–33**

Amendments Submitted: **Pages S7258–65**

Notices of Hearings/Meetings: **Page S7265**

Authority for Committees to Meet: **Page S7265**

Privilege of the Floor: **Pages S7265–66**

Record Votes: Two record votes were taken today. (Total—204) **Pages S7218, S7219**

Adjournment: Senate met at 10 a.m., and adjourned at 7:45 p.m., until 9:30 a.m., on Wednesday, June 4, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7266.)

Committee Meetings

(Committees not listed did not meet)

SPACE PROPULSION

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded hearings to examine research being done by NASA and the private sector to develop new in-space propulsion technologies, after receiving testimony from Edward J. Weiler, Associate Administrator, Office of Space Science, National Aeronautics and Space Administration; James H. Crocker, Lockheed Martin Space and Strategic Missiles, Denver, Colorado; Larry Knauer, Pratt and Whitney/United Technologies Corporation, West Palm Beach, Florida; Frank Sietzen, Jr., Space Transportation Association, Arlington, Virginia; and Byron K. Wood, Boeing Company, Canoga Park, California.

MEMORIALS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded hearings to examine S. 268, to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia and its environs to honor members of the Armed Forces of the United States who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations, S. 296, to require the Secretary of Defense to report to Congress regarding the requirements applicable to the inscription of veterans' names on the memorial wall of the Vietnam Veterans Memorial, S. 470, to extend the authority for the construction of a memorial to Martin Luther King, Jr., and S. 1076, to authorize construction of an education center at or near the Vietnam Veterans Memorial, after receiving testimony from Senators Sarbanes and Warner; P. Daniel Smith, Special Assistant to the Director, National Park Service, Department of the Interior; Raymond F. DuBois, Director, Administration and Management, Department of Defense; David J. Enzerra, Pyramid of Remembrance Foundation, Painsville, Ohio; Harry E. Johnson, Sr., Martin Luther King, Jr. National Memorial Project Foundation, Inc., and William P. Lecky, Ai Architects, and George Oberlander, George H.F. Oberlander, National Coalition to Save Our Mall, all of Washington, D.C.; and Lt. Col. James G. Zumwalt, USMC (Ret.), Reston, Virginia, on behalf of the USS Frank E. Evans Association, Inc.

NOMINATIONS

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs concluded hearings to examine the nominations of Marsha E. Barnes, of Maryland, to be Ambassador to the Republic of Suriname, John F. Maisto, of Pennsylvania, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador, and William B. Wood, of New York, to be Ambassador to the Republic of Colombia, who was introduced by Senator Lugar, after each nominee testified and answered questions in their own behalf.

TRIBAL FISH AND WILDLIFE MANAGEMENT PROGRAMS

Committee on Indian Affairs: Committee concluded oversight hearings to examine the status of tribal fish and wildlife management programs across Indian country, focusing on natural research management and new technological advances that enhance the protection of fish, wildlife, and plant resources, after receiving testimony from Bill Frank, Jr., Northwest Indian Fisheries Commission, Olympia, Washington; Olney Patt, Jr., Columbia River Inter-Tribal Fish Commission, Portland, Oregon; Warren Seyler, Upper Columbia United Tribes, Spokane, Washington; D. Fred Matt, Confederated Salish and Kootenai Tribes of the Flathead Nation, Pablo, Montana; Ira New Breast, Native American Fish and Wildlife Society, Broomfield, Colorado; James E. Zorn, Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin; Millard J. Myers, 1854 Authority, Duluth, Minnesota; Jon C. Cooley, Southwest Tribal Fisheries Commission, Lakeside, Arizona; Gordon Jackson, Tlingit and Haida Indian Tribes of Alaska, Juneau, on behalf of the Southeast Alaska Inter-Tribal Fish and Wildlife Commission; and Patty Brown-Schwalenberg, Chugach Regional Resources Commission, and Tom Harris, Alaska Village Initiatives, Inc., both of Anchorage, Alaska.

INTELLIGENCE

Select Committee on Intelligence: Committee concluded closed hearings on intelligence matters, after receiving testimony from officials of the intelligence community.

HUMAN LONGEVITY

Special Committee on Aging: Committee concluded hearings to examine the future of human longevity, focusing on the importance of markets and innovations in the field of aging research, including links between prosperity, health, and life expectancy, improvements in mortality, after receiving testimony from former Representative Newt Gingrich; Richard J. Hodes, Director, National Institute on Aging, National Institutes of Health, Department of Health and Human Services; Stephen C. Goss, Chief Actuary, Social Security Administration; Peter J. Boettke, George Mason University Mercatus Center, Arlington, Virginia; and James W. Vaupel, Max Planck Institute for Demographic Research, Rostock, Germany.

U.S. DRUG POLICY

United States Senate Caucus on International Narcotics Control: Caucus concluded hearings to examine U.S. policy regarding narcotics in Colombia, focusing on returns on investment, challenges to the policy, building international and regional support, and financial and management challenges that continue to complicate efforts to reduce illicit drug activities, after receiving testimony from Paul E. Simons, Acting Assistant Secretary for International Narcotics and Law Enforcement Affairs, and J. Curtis Struble, Acting Assistant Secretary for Western Hemisphere Affairs, both of the Department of State; Jess T. Ford, Director, International Affairs and Trade, General Accounting Office; Marshall Billingslea, Deputy Assistant Secretary of Defense; General James T. Hill, United States Army, Commander, United States Southern Command; Francisco Santos-Calderon, Vice President of the Republic of Colombia, Bogota; and Phillip McLean, Center for Strategic and International Studies, Washington, D.C.

House of Representatives

Chamber Action

Measures Introduced: 16 public bills, H.R. 2301–2316; 1 private bill, H.R. 2317; and; 4 resolutions, H. Con. Res. 202–205 were introduced.

Pages H4875–76

Additional Cosponsors: Pages H4876–77

Reports Filed: Reports were filed today as follows:

Supplemental report on H.R. 2143, to prevent the use of certain bank instruments for unlawful Internet gambling (H. Rept. 108–133, Pt. 2);

H.R. 1320, to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users, amended (H. Rept. 108–137);

H. Res. 256, providing for consideration of H.R. 1474, to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system (H. Rept. 108–138); and

H. Res. 257, providing for consideration of H.R. 760, to prohibit the procedure commonly know as partial-birth abortion (H. Rept. 108–139).

Page H4875

Guest Chaplain: The prayer was offered by the Right Rev. John Clark Buchanan, retired Episcopal Bishop of West Missouri. **Page H4794**

Recess: The House recessed at 11:20 a.m. and reconvened at 12:30 p.m. **Page H4794**

Suspensions Failed: The House failed to suspend the rules and pass the following measures:

Zuni Indian Tribe Water Rights Settlement Act: S. 222, to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona (failed to agree by 2/3 yea-and-nay vote of 224 yeas to 188 nays, Roll No. 230);

Pages H4797–H4804, H4809–10

Grand Teton National Park Land Exchange Act: S. 273, to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park (failed to agree by 2/3 yea-and-nay vote of 217 yeas to 198 nays, Roll No. 231); and

Pages H4804–06, H4810

Birch Bayh Federal Building and United States Courthouse, Indianapolis, Indiana: S. 763, to designate the Federal building and United States courthouse located at 46 Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse'' (failed to agree by 2/3 yea-and-nay vote of 235 yeas to 179 nays, Roll No. 232). **Pages H4806–09, H4810–11**

Suspension—Peace Officers Memorial Day: The House agreed to suspend the rules and agree to H. Res. 231, supporting the goals and ideals of Peace Officers Memorial Day (agreed to by 2/3 yea-and-nay vote of 422 yeas with none voting ''nay,'' Roll No. 235). The motion was debated on June 2.

Page H4843

Prohibiting the Physical Desecration of the Flag: The House passed H.J. Res. 4, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, by 2/3 yea-and-nay vote of 300 yeas to 125 nays, Roll No. 234.

Pages H4811–43

Rejected the Watt amendment in the nature of a substitute that sought to propose a constitutional amendment providing that, not inconsistent with the first article of amendment to the constitution, the Congress shall have power to prohibit the physical desecration of the flag by yea-and-nay vote of 129 yeas to 296 nays, Roll No. 233. **Pages H4841–42**

H. Res. 255, the rule that provided for consideration of the joint resolution was agreed to by voice vote. **Pages H4811–17**

Quorum Calls—Votes: Six yea-and-nay votes developed during the proceedings of the House today and appear on pages H4809–10, H4810, H4810–11, H4841–42, H4842–43, and H4843. There were no quorum calls.

Adjournment: The House met at 10:30 p.m. and adjourned at 10:55 p.m.

Committee Meetings

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Screener Background Investigations. Testimony was heard from James M. Loy, Administrator, Transportation Security Administration, Department of Homeland Security; Steve Benowitz, Associate Director, Product Services, OPM; and public witnesses.

SCHOOL READINESS ACT

Committee on Education and the Workforce: Subcommittee on Education Reform held a hearing on H.R. 2210, School Readiness Act of 2003. Testimony was heard from public witnesses.

''CAN TOBACCO CURE SMOKING?—A REVIEW OF TOBACCO HARM REDUCTION''

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing entitled ''Can Tobacco Cure Smoking?—A Review of Tobacco Harm Reduction.'' Testimony was heard from Timothy Muris, Chairman, FTC; Vice Adm. Richard H. Carmona, USN, U.S. Surgeon General and Acting Assistant Secretary, Health, Department of Health and Human Services; and public witnesses.

METHYL BROMIDE STATUS

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled ''Status of Methyl Bromide under the Clean Air Act and the Montreal Protocol.'' Testimony was heard from Jeffrey M. Burnam, Deputy Assistant Secretary, Environment, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State; Jeffrey R. Holmstead, Assistant Administrator, Air and Radiation, EPA; Rodney J. Brown, Deputy Under Secretary, Research, Education and Economics, USDA; and public witnesses.

INCREASE ORGAN DONATIONS—ASSESSING INITIATIVES

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled

''Assessing Initiatives to Increase Organ Donations.'' Testimony was heard from Michelle Snyder, Director, Office of Special Programs, Health Resources and Services Administration, Department of Health and Human Services; and public witnesses.

EMPLOYEE STOCK OPTIONS—ACCOUNTING TREATMENT

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled ''The Accounting Treatment of Employee Stock Options.'' Testimony was heard from Representatives Dreier and Eshoo; Robert H. Herz, Chairman, Financial Accounting Standards Board; and public witnesses.

POTENTIAL REDUCED EXPOSURE/REDUCED RISK TOBACCO PRODUCTS

Committee on Government Reform: Held a hearing entitled ''Potential Reduced Exposure/Reduced Risk Tobacco Products: An Examination of the Possible Public Health Impact and Regulatory Challenges.'' Testimony was heard from Scott Leischow, M.D., Chief, Tobacco Control Research Branch, National Cancer Institute, NIH, Department of Health and Human Services; Lee Peeler, Deputy Director, Bureau of Consumer Protection, FTC; and public witnesses.

BRIEFING—JEWISH EXODUS FROM ARAB LANDS

Committee on International Relations: Subcommittee on the Middle East and Central Asia held a briefing entitled ''The Forgotten Refugees: the Jewish Exodus from Arab Lands.'' The Subcommittee was briefed by Avi Becker, Secretary General, World Jewish Congress; Irwin Cotler, Member of Parliament, Canada; Carole Basri, Adjunct Professor of Corporate Law and Irey Lecturer, University of Pennsylvania School of Law; and Sami Totah, American Sephardic Federation.

OVERSIGHT—ADVISORY COUNCIL ON HISTORIC PRESERVATION REAUTHORIZATION

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held an oversight hearing on the Reauthorization of the Advisory Council on Historic Preservation and Private Property Protection Under the National Historic Preservation Act. Testimony was heard from deTeel Patterson Tiller, Acting Associate Director, Cultural Resources, National Park Service, Department of the Interior; John Nau, Chairman, Advisory Council on Historic Preservation; and public witnesses.

PARTIAL-BIRTH ABORTION BAN ACT

Committee on Rules: Granted, by voice vote, a modified closed rule providing 1 hour of debate on H.R. 760, Partial-Birth Abortion Ban Act of 2003. The rule makes in order the amendment printed in the Rules Committee report accompanying the resolution, if offered by Representative Greenwood of Pennsylvania 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 the report. The rule provides one motion to recommit with or without instructions. The rule provides that after passage of H.R. 760, it shall be in order to take from the Speaker's table S. 3 and to consider the Senate bill in the House. The rule provides for a motion to strike all after the enacting clause of S. 3 and to insert in lieu thereof the provisions of H.R. 760 as passed by the House. The rule waives all points of order against the motion to strike and insert. Testimony was heard from Representatives Chabot, Greenwood, Scott of Virginia, Baldwin, Hoyer and Edwards.

CHECK CLEARING FOR THE 21ST CENTURY ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of general debate on H.R. 1474, Check Clearing for the 21st Century Act. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule provides that the bill shall be considered for amendment by section and that each section shall be considered as read. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representative Bachus.

PORT SECURITY

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Port Security. Testimony was heard from Adm. Thomas H. Collins, USCG, Commandant, U.S. Coast Guard, Department of Homeland Security; William C. Ellis, Director of Security, Port of Long Beach, California; and Bethann Rooney, Manager, Port Security, Port Authority of New York and New Jersey.

TASK FORCE REPORT—IMPROVE HEALTH CARE DELIVERY FOR VETERANS

Committee on Veterans' Affairs: Held a hearing to receive the report of the President's Task Force to Improve Health Care Delivery for our Nation's Veterans. Testimony was heard from Gail R. Wilensky, Co-Chair, President's Task Force to Improve Health Care Delivery for our Nation's Veterans.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 4, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: to hold oversight hearings to examine activities of the Federal Communications Commission, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests, to hold hearings to examine S. 714, to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, S. 391, to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, S. 1003, to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River, H.R. 417, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California, and S. 924, to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, 10 a.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine Iraq stabilization and reconstruction, focusing on international contributions and resources, 9:30 a.m., SD–419.

Committee on Governmental Affairs: to hold hearings to examine transforming the Department of Defense Personnel System, focusing on finding the right approach, 9:30 a.m., SD–342.

Committee on 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, 10 a.m., SR–485.

Full Committee, to hold oversight hearings to examine the impacts on tribal fish and wildlife management programs in the Pacific Northwest, 2 p.m., SR–485.

Committee on the Judiciary: to hold hearings to examine S. 1125, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, 10 a.m., SH–216.

Committee on Small Business and Entrepreneurship: to hold hearings to examine the President's proposed budget request for fiscal year 2004 and proposed legislation authorizing funds for the Small Business Administration, 2 p.m., SR–428A.

House

Committee on Agriculture, Subcommittee on Conservation, Credit, Rural Development, and Research, hearing to review conservation technical assistance and the implementation of the Conservation Title of the 2002 Farm Bill, 10 a.m., 1302 Longworth.

Committee on Appropriations, Subcommittee on the District of Columbia, on Fiscal Year 2004 Budget Request, 10 a.m., H–140 Capitol.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, to mark up the following bills: H.R. 438, Teacher Recruitment and Retention Act of 2003; and H.R. 2211, Ready to Teach Act of 2003, 10:30 a.m., 2175 Rayburn.

Subcommittee on Employer-Employee Relations, hearing on "Strengthening Pension Security: Examining the Health and Future of Defined Benefit Pension Plans," 2 p.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Telecommunications and the Internet, hearing entitled "Wireless E–911 Implementation: Progress and Remaining Hurdles," 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled "Fair Credit Reporting Act: How it Functions for Consumers and the Economy," 10 a.m., 2128 Rayburn.

Committee on International Relations, hearing on U.S. Nonproliferation Policy After Iraq, 10:30 a.m., 2172 Rayburn.

Subcommittee on Africa, to mark up the following measures: H. Con. Res. 80, expressing the sense of Congress relating to efforts of the Peace Parks Foundation in the Republic of South Africa to facilitate the establishment and development of transfrontier conservation efforts in southern Africa; H. Con. Res. 134, acknowledging the deepening relationship between the United States and the Republic of Djibouti and recognizing Djibouti's role in combating terrorism; H. Con. Res. 154, concerning the transition to democracy in the Republic of Burundi; H. Res. 177, commending the people of the Republic of Kenya for conducting free and fair elections, for the peaceful and orderly transfer of power in their government, and for the continued success of democracy in their nation since that transition; H. Res. 237, honoring the life and work of Walter Sisulu, a critical leader in the movement to free South Africa of apartheid, on the occasion of his death; and H. Res. 194, regarding the importance of international efforts to abolish slavery and other human rights abuses in the Sudan, 2 p.m., 2255 Rayburn.

Committee on Rules, Subcommittee on Technology and the House, hearing on H. Con. Res. 190, to establish a joint committee to review House and Senate rules, joint

rules, and other matters assuring continuing representation and congressional operations for the American people, 10 a.m., H–313 Capitol.

Committee on Science, to mark up H.R. 1081, Aquatic Invasive Species Research Act; followed by a hearing on H.R. 1118, Staffing for Adequate Fire and Emergency Response Firefighters Act of 2003, 10 a.m., 2318 Rayburn.

Committee on Small Business, to mark up H.R. 1772, Small Business Advocacy Improvement Act of 2003; followed by a hearing on the Visa Approval Backlog and its impact on American Small Business, 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, oversight hearing on The Administration's Proposal to Reauthorize the Economic Development Administration, 2 p.m., 2253 Rayburn.

Subcommittee on Water Resources and Environment, to continue oversight hearings on Water: Is it the ''Oil'' of the 21st Century? 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive, hearing on Special Programs, 2:30 p.m., H–405 Capitol.

Subcommittee on Human Intelligence, Analysis and Counterintelligence, executive, hearing on CIA Technical Program, 10 a.m., H–405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine democracy, human rights, and justice in Serbia today, 10 a.m., 334 Cannon Building.

Next Meeting of the SENATE

9:30 a.m., Wednesday, June 4

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate may continue consideration of S. 14, to enhance the energy security of the United States. Also, Senate may consider H.R. 1588, National Defense Authorization.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, June 4

House Chamber

Program for Wednesday: Consideration of Suspensions:

(1) H. Con. Res. 177, Recognizing and Commending the Participants and Supporters of Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq;

(2) H. Res. 201, Commending the Support of Businesses and Business Owners for the Armed Forces and their Families;

(3) H.R. 361, Sports Agent Responsibility and Trust Act; and

(4) H.R. 1954, Armed Forces Naturalization Act.

Consideration of H.R. 760, Partial-Birth Abortion Ban Act (modified closed rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

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