House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE
The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, June 4, 2003.
I hereby appoint the Honorable Charles F. Bass to act as Speaker pro tempore on this day.

J. Dennis Hastert,
Speaker of the House of Representatives.

PRAYER
The Reverend Clint Decker, Pastor, Clay Center Wesleyan Church, Clay Center, Kansas, offered the following prayer:

My Father, who rules the universe from Your throne in heaven, holy is Your Name. You our kingdom now lives in the hearts of Your children and will one day rule this earth. May Your will be done in and through these Representatives today as it is freely done in heaven. May Your wisdom be sought and Scriptures obeyed. Thank You for our daily bread. You have given us the food we eat and this free country we live in.

Father, forgive us our sins. Forgive our pride, our selfishness and, at times, our stubborn hearts. Also, forgive those who have sinned against us, those who have mistreated us. Protect us from the Evil One today. Guard marriages in this Chamber he will try to defeat. Guard souls he will try to tempt. May Your presence be acknowledged many times today.

To You, God, belongs all glory, honor and power. In the name of Jesus I pray. 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 1, the Journal stands approved.

PLEDGE OF ALLEGIANCE
The Speaker pro tempore. Will the gentleman from Ohio (Mr. Ney) come forward and lead the House in the Pledge of Allegiance.

Mr. Ney 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.

MESSAGE FROM THE SENATE
A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 313. An act to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs.

INTRODUCTION OF THE REVEREND CLINT DECKER
(Mr. Moran of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. Moran of Kansas. Mr. Speaker, it is my great honor today to welcome to the House of Representatives the Reverend Clint Decker. Through radio interviews and his involvement in his community of Clay Center, Kansas, I have worked with Clint for many years, and I am pleased to have him here today to offer our opening prayer. I am also happy to welcome his wife, Kathe Decker, a State Representative from the 64th district in Kansas. She has served our State very well in the State capital. Also joining them today is their granddaughter Jessica, who is visiting Washington, D.C., for the very first time.

Clint is an ordained minister in the Wesleyan Church. He has served in the positions of Assistant Pastor and Youth Pastor in Clay Center Wesleyan Church since 1997.

Over the last 3 years, Clint has served as the Assistant News Director for KCLY and KFRM radio. In these positions he has earned State awards for his work and has also helped the station earn Station of the Year honors. Clint has been involved in the Detour Youth Center, a local community youth ministry, since 2000. He has served on the board and been the ministry's director and has been a regular speaker in working with youth.

In 1990, Clint's life was transformed and he later left a promising career in business to pursue service in the full-time ministry. Clint attended the Mid-America Nazarene University in Olathe, Kansas, and completed his requirements for ordination in Indiana.

Clint was born in Poughkeepsie, New York, and has also lived in Ohio, Colorado, and Missouri. He is the youngest of one brother and two sisters. His father is an ordained minister in the Church of the Nazarene. His mother and father have been in the pastorate for over 25 years.

Mr. Speaker, I welcome Clint and his family to the Nation's Capital.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The Speaker pro tempore. The Chair will entertain up to ten 1-minute speeches from each side of the aisle.

INTERNET GAMBLING BILL
(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, the offshore casino industry would like us to think that Internet gambling is a harmless activity that can be tamed by Federal regulation. The problem is, it cannot happen.

Proponents of regulation are selling it because it sounds reasonable. Their arguments for regulation are nothing but a smoke screen to cover up what is already illegal activity. They seem to be more interested in regulating around the law than taking legitimate action to stop illegal activity.

That is the bottom line. Internet gambling is illegal according to the Department of Justice and the FBI. However, there is no effective way to regulate it. The only way to stop it is to cut off the financial flow through the legal Internet casino industry, and that is what H.R. 2143 does.

H.R. 2143 does not define what is legal and what is illegal. It simply ensures that law enforcement has the means to stop illegal activity. It is time to pass the bill.

RESERVIST PAY GAP

(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 pay tribute to our Nation's National Guard and to the brave Americans voluntarily leave behind families and their civilian duties to serve in our Nation's military for the sake of protecting our Nation. And how do we repay them? By requiring long terms of duty and often paying them less salary than they would earn by staying at home.

Today, the House will consider House Resolution 201, paying tribute to private companies who have been willing to support these troops in part by filling in this pay gap for some of our reservists. However, just last month, when my colleagues and I tried to introduce amendments to the Defense authorization bill that would have ended all pay gaps for reservists, they were not only defeated by my Republican counterparts, but they were not even allowed to be debated on this House floor.

It is time that Congress does more for the reservists than just pay accolades to private industry. To truly give tribute to our national reservists, we must pass legislation so that all of these individuals who risk their lives for our country will not risk financial disaster.

PIED PIPER NURSERY

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

Mr. NEY. Mr. Speaker, today I want to talk about Pied Piper Nursery in St. Clairsville, Ohio. We have a lot of turbulence in the world, but I think we always need to point out the bright spots, Mr. Speaker.

The owners are Karen Griener and Jean Fulton, and the teachers are Cathie Cilles, Joan West, Joyce Snider, and Teri Comician. They have 100 students in total, and it is strictly educational.

A while back, Mr. Speaker, I went to Pied Piper Nursery and the young children sang songs, they talked about their interests, and they asked questions. I just wanted to keep a promise that I made to those students that I would let our Congress know about a bright spot, and that is the Pied Piper Nursery. We applaud the parents, the teachers, the owners, and especially the young students.

BUDGET UNDERFUNDS VETERANS' HEALTH CARE

(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 House recently passed a budget which woefully underfunds veterans' health care by $62 billion. The result: Many veterans will no longer be able to get health care through the VA system. It is a shame that we are rationing health care for our veterans.

This House also passed a tax bill that takes care of the millionaires, but leaves thousands of children behind, even children whose moms and dads at this very moment are serving in Iraq. So this is what my Republican colleagues have done. They have taken care of the millionaires and they have left our veterans and our children behind. Shame on them.

IN HONOR OF PRIVATE FIRST CLASS ERIC BLEYTHING

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

Mr. BOOZMAN. Mr. Speaker, I rise today to honor one of America's bravest, Private First Class Eric Bleything of the 3rd District of Arkansas.

Private First Class Bleything, a scout with the 3rd Armored Calvary Regiment in Iraq, was wounded last week when the eight-vehicle resupply convoy he was with was attacked. He was shot in the stomach with an AK-47. Fortunately, the bullet missed all vital organs, and he is in good condition.

Private First Class Bleything is one of the many heroes currently stationed in Iraq. However, what makes his story even more special is that Private First Class Bleything had an opportunity to stay in the U.S. rather than ship out with his unit in April. His wife had just been diagnosed with cancer, and his commanders told him he could stay behind to be with her through the treatments. However, they decided he should go and be with his unit. As Marcie herself said, he felt the obligation to go and serve his country.

Mr. Speaker, Private First Class Bleything embodies the courage and sacrifice of America's men and women. My thoughts and prayers are with him and his family as he continues to recover from this attack.

BENEFITS OF BROADBAND

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

Mr. LANGEVIN. Mr. Speaker, we all know the Internet is a powerful tool. It makes distance and location irrelevant. It evens the playing field between small and large businesses and increases worker productivity.

The next revolution is broadband. We will be able to do so much and do it efficiently. But we can only do it if we have the infrastructure to do it with. The FCC ruled in February that DSL, telephone company-provided broadband connections, should not be subject to certain rules imposed on local voice telephone networks. This is a good beginning and it should start some companies on the road to more broadband deployment. Verizon, the largest phone company in my State, plans to make broadband available to 10 million more residences and small businesses nationwide in 2003 alone.

The problem is that the FCC has not issued its February order. That order will detail the new rules that companies know how broadband will be regulated and guides investment decisions. Until it is released, however, these companies cannot move forward. I urge the FCC to issue its order as quickly as possible so that millions of Americans can begin to experience the new opportunities that broadband will provide.

IN MEMORY OF DEPUTY SHERIFF SHELBY GREEN

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

Mr. HENSARLING. Mr. Speaker, in the early morning hours of Thursday, May 15, Deputy Sheriff Shelby Green, of the Anderson County, Texas, Sheriff's Department, was brutally murdered in the line of duty by an unknown assailant.

After attempting to stop a suspicious vehicle, Deputy Green pursued the assailant for 10 miles as bullets were smashing through his windshield. When the chase ended, Deputy Green was left dead with a fatal gunshot wound to his chest.

A decorated law enforcement officer, last year Deputy Green received the Award of Valor from the Drug Enforcement Administration.

Mr. Speaker, today we honor and mourn the loss of this 39-year-old hero, a family man. He served and protected
This year administration promised historic new funding because my State has led the Nation in Carolina schools, I voted for this bill measure progress in meeting those tough new standards our schools must Left Behind for school reform. Last Congress had better make sure that they walk the walk. I urge Members to help make sure No Child talk, Congress must fund the President’s No Child Left Behind for school reform. Last Congress we passed legislation to create tough new standards our schools must meet and vigorous assessments to measure progress in meeting those standards.

As a former superintendent of North Carolina schools, I have voted for this bill because my State has led the Nation in standard-based reform, and the administration promised historic new funding to make the bill work, but the administration has broken that promise. This year’s budget request short-changes No Child Left Behind by $9.7 billion; and over the first 3 years of the new law, the administration is proposing nearly $20 billion in cuts to No Child Left Behind.

Mr. Speaker, a promise is a promise and a deal is a deal, and Congress must hold the administration accountable for its commitments. I am working with others to help make sure No Child Left Behind is fully funded before the tough new requirements take effect. If the White House is going to talk the talk, Congress had better make sure that they walk the walk. I urge Members to join me in this vital effort to do right by our schools and our children.

IMMIGRATION REFORM

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

Mr. TANCREDO. Mr. Speaker, I rise this morning to call on Congress to fully fund the President’s No Child Left Behind for school reform. Last Congress we passed legislation to create tough new standards our schools must meet and vigorous assessments to measure progress in meeting those standards.

As a former superintendent of North Carolina schools, I have voted for this bill because my State has led the Nation in standard-based reform, and the administration promised historic new funding to make the bill work, but the administration has broken that promise. This year’s budget request short-changes No Child Left Behind by $9.7 billion; and over the first 3 years of the new law, the administration is proposing nearly $20 billion in cuts to No Child Left Behind.

Mr. Speaker, a promise is a promise and a deal is a deal, and Congress must hold the administration accountable for its commitments. I am working with others to help make sure No Child Left Behind is fully funded before the tough new requirements take effect. If the White House is going to talk the talk, Congress had better make sure that they walk the walk. I urge Members to join me in this vital effort to do right by our schools and our children.

FULL FUNDING FOR NO CHILD LEFT BEHIND ACT

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

Mr. ETHERIDGE. Mr. Speaker, I rise this morning to call on Congress to fully fund the President’s No Child Left Behind for school reform. Last Congress we passed legislation to create tough new standards our schools must meet and vigorous assessments to measure progress in meeting those standards.

As a former superintendent of North Carolina schools, I have voted for this bill because my State has led the Nation in standard-based reform, and the administration promised historic new funding to make the bill work, but the administration has broken that promise. This year’s budget request short-changes No Child Left Behind by $9.7 billion; and over the first 3 years of the new law, the administration is proposing nearly $20 billion in cuts to No Child Left Behind.

Mr. Speaker, a promise is a promise and a deal is a deal, and Congress must hold the administration accountable for its commitments. I am working with others to help make sure No Child Left Behind is fully funded before the tough new requirements take effect. If the White House is going to talk the talk, Congress had better make sure that they walk the walk. I urge Members to join me in this vital effort to do right by our schools and our children.

LOW-INCOME AMERICANS ENTITLED TO TAX RELIEF

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

Mr. INSLEE. Mr. Speaker, Mark Twain said that humans were the only species that would feel embarrassment, or needed to. That is an appropriate quote today when many of my Republican colleagues are terribly embarrassed because they got caught with their hand in the cookie jar giving over $90,000 tax relief to millionaires, and to children of families who earn less than $26,000, not a penny of zero tax relief for the child deduction. This is scandalous, and many of my good Republican friends are terribly embarrassed that they have been caught in this fashion. But now I call on my Republican colleagues to admit that they made a mistake and fix the problem. I am told that the majority leader, the gentleman from Texas (Mr. DELAY), said that people who earn $26,000 do not pay taxes. Excuse me, they pay property taxes, they pay withholding taxes, they pay sales taxes, and they are entitled to fair treatment.

Mr. Speaker, we cannot excuse the inexcusable. I am calling for my Republican friends to call the gentleman from Texas (Mr. DELAY) to fix this problem today.

SUPPORT GLOBAL PATHOGEN SURVEILLANCE ACT

(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, today the gentleman from Texas (Mr. DELAY) says they are not going to correct this injustice to these families. They are less valuable than the income of those families and the ability to raise their children. How dare the Republicans suggest that these children are less valuable than the children of other American families.

AMERICAN IDEALS ADMIRE

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

Mr. STEARNS. Mr. Speaker, I rise to share some good news about America’s number one export: our ideals of democracy, freedom, and free enterprise.
This is from a new survey by the Pew Research Center for the people and the press. In contrast to harsh criticism often heard from U.S. bashers, both here and internationally, this survey of 66,000 people in 44 countries over 2 years reveals that the majority demonstrates strong preferences in seeing democratic governments formed in Muslim countries. Also majorities in 33 of the 44 countries believe people live better in a free market, even if it leads to wealth and income disparities. According to this survey: “This is not to say that they accept democracy and capitalism without qualification, or that they are not concerned about many of the problems of modern life. By and large, however, the people of the world accept the concept and values that underlie the American approach to governance and business.” This is also good news for the people of Iraq.

Middle-income taxpayers will pay greater share of federal taxes

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

Mr. LEVIN. Mr. Speaker, two stories today in the papers tell it all. One, “Delay Rebuffs Move to Restore Lost Tax Credit,” a credit for 6.5 million low-income families. The gentleman from Texas (Mr. DELAY) says, “There are a lot of other things that are more important than that.”

The second story, the headline is, “Middle Class Tax Share Set to Rise,” and it says that as a result of three successive tax cuts of the Bush administration, middle-income taxpayers will be paying a greater share of all Federal taxes by the end of the decade. When we raise these issues, the majority here likes to say it is class warfare. There is no class warfare against middle- and low-income families under the Republican majority rule. We ask this question to taxpayers of America, Whose side are you on? It is clear the Republicans are on the side, as said in the paper, of Americans who earn $337,000 or more per year.

Supporting America’s children

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

Mr. BURNS. Mr. Speaker, I rise today in support of America’s children. Since January 7, the 108th Congress has acted on a number of bold initiatives to secure the future of all children. We have successfully passed legislation to protect children from dangerous predators through the AMBER Alert legislation, a conference report to improve child abuse prevention and treatment, called CAPTA; and the House recently passed my child medication safety legislation, H.R. 1170.

We have passed sensible, economic-growth legislation that increased the child tax credit from $600 to $1,000. Many have expressed concern about the fact that credit was not extended to those who pay no taxes. I believe that Congress has done more to assist poor children and their parents with real jobs and real opportunities. Specifically, the jobs and growth bill recently signed into law removes major barriers to capital formation for individuals and small businesses, allowing these businesses to provide more jobs, more paychecks, and more economic benefits that will enrich the lives of all of the Nation’s poorest children.

Mr. Speaker, I support this legislation, and I believe the 108th Congress has delivered on behalf of America’s children.
clear that any progress toward peace must require that Palestinians first recognize Israel; second, renounce terrorism; and, third, dismantle the infrastructure of murder within their midst. Then and only then can our ally Israel to make the concessions necessary for the advancement of peace.

REGARDING THE LATEST TAX CUT
(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, last week President Bush signed the new tax cut law. That law is going to give $93,500 per year to the 200,000 taxpaying making over $1 million a year while the majority of all taxpayers would get less than $100 under this new Republican tax plan.

But to rub salt into wounds, there was a deliberate decision to deny every family whose income is under $26,625 a year the child tax credit. That includes most of the working class in this country. It includes all men and women in combat. Their earned income is not $26,625, so they do not even qualify for the child tax credit and here they are putting their lives on the line for our country.

This is unbelievable. The fact is, the families of the 12 million children denied this credit do pay taxes. Millions of them pay into the Social Security fund. That is the money we are having to borrow to pay for this tax cut.

RECESS
The SPEAKER pro tempore (Mr. Bass). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 32 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS
The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Bass) at 1 o'clock and 2 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any RECORD vote on postponed questions will be taken later today.
(A) to prepare appropriate homecoming ceremonies to honor and welcome home the members of the Armed Forces participating in Operation Enduring Freedom and Operation Iraqi Freedom and to recognize their contributions to United States homeland security and to the Global War on Terrorism; and

(B) to prepare appropriate ceremonies to commemorate with tributes and days of remembrance the service and sacrifice of those servicemen killed or wounded during either of those operations;

(6) expresses the deep gratitude of the Nation to the 21 steadfast allies in Operation Enduring Freedom and to the 49 coalition members of Operation Iraqi Freedom, especially the United Kingdom, Australia, and Poland, whose forces, support, and contributions were invaluable and unforgettable; and

(7) recommit the United States to ensuring the safety of the United States homeland, to preventing weapons of mass destruction from reaching the hands of terrorists, and to helping the people of Iraq and Afghanistan build free and vibrant democratic societies.

SEC. 2. (a) Operation Iraqi Freedom.—The organizational elements of the Armed Forces referred to in paragraph (3) of the first section of this resolution members of which participated in Operation Iraqi Freedom are the following:

(1) From the Army—
   (A) Army Forces Central Command—3rd United States Army.
   (B) V Corps Command Element.
   (C) 3rd Infantry Division (Mechanized).
   (D) 1101st Airborne Division (Air Assault).
   (E) 82nd Airborne Division.
   (F) 2nd Infantry Division (Mechanized).
   (G) Elements of the 1st Infantry Division, 10th Mountain Division, and 1st Armored Division.
   (H) 2nd Armored Cavalry Regiment.
   (I) 3rd Armored Cavalry Regiment.
   (J) 173rd Airborne Brigade (Sep).
   (K) 11th Aviation Group.
   (L) From the Marine Corps—
   (M) Wasp Amphibious Ready Group.
   (N) Iwo Jima Amphibious Ready Group.
   (K) Tarawa Amphibious Ready Group.
   (J) Nassau Amphibious Ready Group.
   (I) Tarawa Amphibious Deployment Group.
   (H) Amphibious Task Force East.
   (I) Amphibious Task Force West.
   (J) J 173rd Airborne Brigade (Sep).
   (K) 1st Marine Expeditionary Force.
   (L) 15th Marine Expeditionary Unit.
   (M) 22nd Marine Expeditionary Unit.
   (N) 13th Marine Expeditionary Unit.
   (O) 1st Marine Expeditionary Unit.
   (P) 22nd Marine Expeditionary Unit.
   (Q) 26th Marine Expeditionary Unit.

(2) From the Marine Corps—
   (A) Marine Forces Central Command.
   (B) 1st Marine Expeditionary Brigade.
   (C) 1st Marine Division.
   (D) 3rd Marine Air Wing.
   (E) 1st Force Service Support Group.
   (F) 2nd Force Service Support Group/ Marine Logistics Command.
   (G) 2nd Marine Expeditionary Brigade (Task Force Tarawa).

(H) The following Marine Expeditionary units:
   (i) 15th Marine Expeditionary Unit.
   (ii) 26th Marine Expeditionary Unit.
   (iii) 29th Marine Expeditionary Unit.
   (4) From the Navy—
   (A) Naval Forces Central Command—United States 5th Fleet.
   (B) Theodore Roosevelt Carrier Strike Force.
   (C) Nimitz Carrier Strike Force.
   (D) Abraham Lincoln Carrier Strike Force.
   (E) Constellation Carrier Strike Force.
   (F) Kitty Hawk Carrier Strike Force.
   (G) Harry S. Truman Carrier Strike Force.
   (H) Amphibious Task Force East.
   (I) Amphibious Task Force West.
   (J) USS Pittsburgh Amphibious Ready Group.
   (K) USS Boxer Amphibious Ready Group.
   (L) USS Iwo Jima Amphibious Ready Group.
   (M) Amphibious Group 3.
   (N) The following maritime prepositioning squadrons:
   (i) Maritime Prepositioning Squadron 1.
   (ii) Maritime Prepositioning Squadron 2.
   (iii) Maritime Prepositioning Squadron 4.
   (4) From the Air Force—
   (A) Air Forces Central Command—9th Air Force.
   (B) The following air expeditionary task forces:
   (i) 9th Air Expeditionary Task Force.
   (ii) 16th Air Expeditionary Task Force.
   (iii) 10th Air Expeditionary Task Force.
   (iv) 21st Air Expeditionary Task Force.
   (v) 39th Air Expeditionary Task Force.
   (vi) 40th Air Expeditionary Wing.
   (vii) 41st Air Expeditionary Wing.
   (viii) 42nd Air Expeditionary Wing.
   (ix) 43rd Air Expeditionary Wing.
   (x) 44th Air Expeditionary Wing.
   (xi) 45th Air Expeditionary Wing.
   (xii) 46th Air Expeditionary Wing.
   (xiii) 47th Air Expeditionary Wing.
   (xiv) 48th Air Expeditionary Wing.
   (xv) 49th Air Expeditionary Wing.
   (xvi) 50th Air Expeditionary Wing.

(6) From the Coast Guard—
   (A) The following vessels:
   (i) USCGC Beavertail.
   (ii) USCGC Dallas.
   (iii) USCGC Walnut.
   (iv) USCGC Aquidneck.
   (v) USCGC Vandeventer.
   (vi) USCGC Wrangel.
   (vii) USCGC Baranof.
   (viii) USCGC Bainbridge Island.
   (ix) USCGC Knight Island.
   (x) USCGC Pea Island.
   (C) 1st Expeditionary RED HORSE Group.
Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. "H. Con. Res. 177 commends the bravery, dedication and resolve of all those who contributed to the success of these operations."

Let me say I am especially proud of the men and women in uniform from my home State of Missouri. Over 289,000 Guardsmen and Reservists have been activated since September 11, 2001, and nearly 220,000 have been called to active duty for Operation Enduring Freedom and Operation Iraqi Freedom. And as these fine young men and women return home, I urge my colleagues to visit an active duty base, Reserve center or National Guard armory and spend some time with these dedicated individuals to thank them and their families for their commitment and for their sacrifice. I promise you will never forget the experience of meeting these fine men and women. I know my visits to Iraq always make a lasting impression on me.

When we send our fathers and our mothers and our sons and daughters, sisters and brothers, aunts, uncles, cousins in defense of this Nation, we are reminded that the price of freedom is not free.

I would also like to commend our Nation's civil servants and contractors who provide support to our service members. Americans may be surprised to learn that the military, service and civilian contractors serving overseas in Operation Enduring Freedom and Operation Iraqi Freedom. Our Nation also calls upon its dedicated and committed civilian personnel and contractors to support those serving in a combat zone. Their contributions were also important to the success of these operations, and they too deserve our recognition and our respect for their service to our Nation's security.

While those in uniform volunteer to make these sacrifices, their families are the ones that must shoulder these burdens as well. Anxiety, frustration,
sorrow, anger, pride, happiness, satisfaction, understanding, and reassurance are all feelings that military families must face during the months of separation. Hundreds of babies have been born while a parent was deployed to Afghanistan or Iraq. Tragically, some will never know their parent who died while serving.

Yet, time continues on, missed birthdays, proms, graduations, holidays; the loss of a loved one is normal hardship that military families endure. Military families endure much hardship and sacrifice, and to that end, they too serve.

Reservists and National Guardsmen and their families often face similar problems when called to active duty. But Reservists and National guardsmen are also dependent on support from their employer. Thousands of employers across the country have gone the extra step and provided additional support in a number of ways. That includes eliminating the difference between civilian pay and military pay when an employee is activated, and continuing health care coverage for families that are left behind. Without the support of our Nation’s employers, Reservists and National guardsmen would not be able to volunteer to defend this Nation.

I believe that it is of paramount importance to support the troops, the men and women in uniform who are literally putting their lives on the line for our country. More than 200 service members have died since the global war on terrorism began, and over 700 have been wounded or injured, and eight were held as prisoners of war. These individuals and their families have sacrificed for our freedom, and our thoughts and our prayers are truly with them. The Nation will not forget the price they paid to defend our country and the freedoms we all enjoy.

Who can adequately express the Nation’s appreciation for their sacrifice, our sympathies and our prayers go out to these families.

It does not take too many hours of watching our troops in action on television to know that they are demonstrating acts of personal sacrifice and heroism on a daily basis. We have an obligation to let them know that we appreciate and admire their contribution to our national security.

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

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

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. McINNIS).

Mr. McINNIS. Mr. Speaker, I would like to thank the gentleman from California (Mr. HUNTER) for sponsoring this resolution. I want to thank the gentleman from Missouri (Mr. SKELTON) for also co-sponsoring it.

This resolution, I think, covers the ground of a way for us to say thanks to those people who answered the call to arms.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). The gentleman may proceed.

Will the conversations in the gallery please terminate.

The gentleman may proceed.

As the chairman has pointed out, there is a lot of thanks not only to the people who are on the front line of combat but for the families across this country that support and believed in the American military who symbolize and the pride of this Nation and the history of this Nation, and also a special thanks as my colleague pointed out and as the gentleman from Missouri (Mr. SKELTON) has pointed out, thanks to all the employers and all the defense employees and the people in the armed services that were not on the front line, but also participated in this nationwide effort and a big thanks to our communities. I know in Colorado, where I come from, all the small towns, it is a big parade. They are welcoming these people back, those brave men and women that have come home. They are coming home with open arms.

This is a Nation that strongly supports its military. This is a Nation that sends a message out to the rest of the world, and that is, when the call comes, this Nation will respond. This Nation has principles, and it is willing to defend those principles. It has friends, and it is willing to defend those friends; and it will defend freedom.

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

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

Mr. Speaker, I want to thank the gentleman from California (Mr. HUNTER), the chairman; and the gentleman from Missouri (Mr. SKELTON), the ranking member, for bringing this important resolution to the floor today. Like all Members, I will strongly support this resolution; but let none of us forget, while the battle of Baghdad was having, that all of us hope for in Iraq is yet to be achieved and our brave men and women in uniform and our allies are still in harm’s way.

Today, The Washington Post reports that another American soldier died on Tuesday after being attacked by a small arms fire and rocket-propelled grenade at an Army checkpoint 50 miles north of Baghdad. May God bless and comfort this young man and his family. Our grateful Nation will forever be indebted to his service and sacrifice, as it is to the service and sacrifice of those comrades mentioned by the gentleman from Missouri (Mr. SKELTON) who also lost their lives and were injured in the line of duty.

Mr. Speaker, having witnessed Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq, there can be little doubt that the United States of America has the finest, best-led, best-equipped and best-educated fighting force in the history of the world. Our military is smarter, faster, and more lethal than it was 12 years ago during Desert Storm, and it was very good then. It took 250,000 troops to topple Saddam Hussein and liberate the Iraq people. Two years ago, it took 500,000 troops to oust him from Kuwait. About 90 percent of our bombs and missiles were precision-guided in Operation Iraqi Freedom. In Desert Storm, that figure was 10 percent.

I want to congratulate the gentleman from California (Mr. HUNTER); I want to congratulate the gentleman from Missouri (Mr. SKELTON) and all the members of the Committee on Armed Services for giving our troops the tools to become better, better equipped, better able to defend freedom and protect themselves.

It is evident, therefore, that assertions regarding the American military being in decline, hollowed out, are not ready, are and always were patently wrong. Moreover, any an uninformed person, I think, would deny that our Nation’s armed forces which was bequeathed to him by his predecessor President Clinton and bequeathed to him by his predecessor George Bush and also by President Reagan.

As Vice President CHEENEY remarked at the Air Force Academy 2 years ago, “No President ever deploys the force he builds. There is nothing quick about preparation.” That is a message that we must always remain ready, that we must always remain free, that we must always remain free, that we must always remain free, that we must always remain free, that we must always remain free.

As the Taliban or the Hussein regime could attest, the myth of a hollowed-out American military is nothing more than that, a myth. I rise with my colleagues to thank, to support and commend our brave men and women in the Armed Forces of the United States of America.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY), the chairman of the Subcommittee on Readiness.

Mr. HEFLEY. Mr. Speaker, I thank the gentleman from California (Mr. HUNTER), the chairman of the Subcommittee on Readiness.
HUNTER) and the gentleman from Missouri (Mr. SKELTON) for bringing this to us today.

After 9/11, the President stood right up there, and he said we will go anywhere we have to go to get people who would perpetrate the kind of actions that occurred on September 11. We will go get him, and he meant what he said; and that is what we have been in the process of doing, and Iraq was part of that pattern. They were a threat to us, but they were a threat to the world; and with the United States, it is the threat of that destruction. What they have done with them we are not quite sure at this point, but we know they had those; and we know they had a hatred for the United States and would have had no compunction about giving or selling those weapons to people who would actually use them against the United States or the free world.

What we saw in 21 days of war and the aftermath that has since come then and began, began activity before that was the ultimate in professionalism and training and equipment and planning; and I think we can all be very proud of that. We do not want war, but we will defend ourselves whenever we go to do that. We have shown that we have the capability to get the job done.

We also have seen a tremendous dedication among these young troops that we have deployed. We are so proud of them for all the troops that we have over there that are willing to uproot their lives and leave their families and risk their lives in the pursuit of freedom.

I spend a lot of time, as the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) do, with the troops; and I have never seen a better attitude than they have today. They feel like they are doing something that is meaningful for world peace.

Our prayers and our support, of course, go to the families that have lost loved ones. We always hate that. We do not want to lose one single person, but we know in war we do lose some people and we are sorry for that, and we want to extend our appreciation to them for giving their loved ones to the cause.

So our thanks go to all of the coalition forces. What we are doing today is a small way to say thanks to a grateful nation.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. CUNNINGHAM), who is one of the original cosponsors of this legislation together with the gentleman from California (Mr. CUNNINGHAM).

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding me the time, and I commend him for his leadership on this issue and so many others.

Mr. Speaker, I rise in strong support of this resolution, which honors our troops and calls on communities all across the Nation to warmly welcome home the service women and men serving in Operation Iraqi Freedom and Operation Enduring Freedom.

Such an expression is critically important. Many of us who grew up during the Vietnam War are haunted by memories of the treatment afforded returning veterans of that conflict. Painted by an unpopular policy, many who risked their lives for their country and suffered physical and emotional wounds were ignored and their courage and sacrifices belittled and ridiculed. We must not let that happen again.

The resolution before us, like the one introduced earlier by the gentleman from California (Mr. CUNNINGHAM) and me, recognizes the service of more than 380,000 members of the United States Armed Forces, comprised of active component forces, National Guard and Reserve personnel, who were deployed thousands of miles from home as part of Operation Iraqi Freedom and Operation Enduring Freedom.

Thirty-five service members from the Los Angeles Air Force base located in my district were sent to the Persian Gulf. Members of the National Guard and Reserve members who were required to take indefinite leave from places of employment. All left loved ones behind and faced danger. And as my colleagues have heard, our Armed Forces suffered a number of casualties, including deaths, injuries and incarceration as prisoners of war.

One of the first casualties of Operation Iraqi Freedom was Marine Corps Lance Corporal Jose Gutierrez, who was from Hermosa Beach in my district in California, lived with a foster family before joining the Marines to "pay back a little of what he’d gotten from the U.S." Our condolences go out to his family and all families who lost loved on 9/11.

Mr. Speaker, the homecomings have already begun. The city of Torrance, California, dedicated its May 17 Armed Forces Day parade to the returning service members. My district has scheduled 4th of July festivities, and families throughout my district are planning neighborhood block parties and other celebrations to welcome home sons, daughters, brothers, sisters, fathers, and mothers.

I commend the Committee on Armed Services, its chair and ranking member especially, for bringing this resolution to the floor today. Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, how very timely is the old warning of Abraham Lincoln about those “trusting to escape [the] scrutiny [of war] by fixing the public gaze upon the exceeding brightness of military glory.” Our troops deserve our fullest support for their tremendous sacrifices, and they certainly have mine. Let us truly honor American sons and daughters in uniform, not with mere words, but with adequate health care and a thriving economy, not an Everest of public debt that our children will have to carry. The nation-building begin here at home with adequate schools, jobs, and opportunity.

What this Administration calls a “coalition” is, in fact, the U.S., the UK, and hefty advertising. No war in America’s history has been better marketed.

The very weakness of our new “first strike,” “security through attack” policy and the repeated failure to connect Iraq with the outrage of 9/11 necessitates resolutions like this that must
borrow strength from the bold courage of our troops. Surely the thousands combing Iraq today for weapons of mass destruction will find at least a trace, but an honest assessment requires asking whether this second-rate tyrant is capable of effectively defending himself, really ever had the capability to endanger our families.

Americans continue to do most of the dying and will do almost all of the paying for this indefinite engagement. Let us guard against it becoming a war with no end. With unlimited dollars, we have mastered so well the terrible technology of death, but true security demands wisdom as well as strength.

Mr. HUNTER. Mr. Speaker, I yield myself 1 minute to say to my colleague who just spoke, and I would like to get his attention, because when the gentleman gets up on these resolutions and implies that there is somehow a political agenda behind them, it tends, I think, to do a disservice to the resolution itself.

This resolution came about because lots of Members, like the gentlewoman from the party of the gentleman who just spoke, have asked to put resolutions forward commending our troops and honoring their sacrifice. The Committee on Armed Services, seeing all these resolutions being put out, with Members on the Democrat and Republican side wanting to commend this unit or that unit coming back to their country, we took all of those and we looked at them and we decided to do one large resolution that commended everyone in these operations. And we have, literally, at the end of this resolution, we have named every single American unit that participated in the operation.

There is no political agenda here. This is a consolidating of all of the efforts and the input from Members of this body, Democrat and Republican, some who are for the war, some who are against the war, who wanted to commend the people who participated in it. It is that and it is nothing more. And by implying a political agenda, the gentleman, in fact, injects a political agenda into the debate.

Mr. Speaker, I yield 2½ minutes to my friend, the gentleman from California (Mr. HUNTER), who is so closely associated with that great aircraft carrier which steamed into San Diego a couple of days ago and the heart of its crew the Constellation, America's Navy, along with Willy Driscoll from the Vietnam War.

Mr. CUNNINGHAM. Mr. Speaker, a few weeks back, the gentlewoman from California (Ms. HARMAN) came to me with an idea for this resolution. It was not my idea, Mr. Speaker; I am just flying wing on the gentlewoman from California at this time, and I thank her for her foresight in bringing this forward.

Many of the words that the gentlewoman and myself placed in it are supported both by the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) in this resolution, and I thank them both.

The gentleman from California (Mr. HUNTER) spent his life supporting our troops, and what better person to bring to the floor one's agenda, one's resolution than he who was a combat veteran in Vietnam, and his young son is in the United States Marine Corps.

And, Mr. Speaker, I owe great homage to the gentleman from Missouri (Mr. SKELTON). I served on the authorization committee and learned to love and support him. When we were in the minority at one time, I was just hotter than a hatter because the majority was stopping me from an amendment, and I was about ready to go to battle stations. The gentleman from Missouri (Mr. SKELTON) pulled me aside and he said, "Duke, are you settled down now?" It was his way of saying "Ease up, Duke," and I will never forget that.

But many of us have tears in the well. It is difficult to send men and women to combat. And the most difficult thing is that we may have to do it again; that as long as we have an al-Qaeda, a Mujahedin, a Hamas, a Hezbollah, a group that want not only our overseas but even in our own homeland, it is a difficult choice.

I know that the gentleman from California (Mr. HUNTER) flew out to the U.S.S. Constellation, and then I heard the gentleman from Missouri (Mr. SKELTON) the other day say that he also flew out to the carrier that pulled out the East Coast, and the troops really appreciated that.

I know there was a lot of heyday made when the President flew out to a carrier, but I was with Major Dan "Knuckles" Shipley, this weekend when he flew in off the Connie. And he went to the middle of the Connie, and he looked at me and he said, "Duke, I wish I could do what you do. Duke, I wish I could love him. We know that he supports us." Many of us criticized President Clinton at times, and sometimes I think we were wrong. I never did it after we got into conflict. But you need to stand behind the President, especially at a time of war, whether it is Bill Clinton or President George W. Bush.

Mr. Speaker, I want to thank the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) for this resolution.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume to first say that this resolution has no political agenda. We are here merely to say "thank you.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL).

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

Mr. RANGEL. Mr. Speaker, I join in the praise of the chairman, the gentleman from California (Mr. HUNTER) and my dear friend, the gentleman from Missouri (Mr. SKELTON) in bringing this to the floor. I am one of the politicians that do not find anything wrong with politics. And if it is politics, I agree with the gentleman from Missouri (Mr. CUNNINGHAM), who is so closely associated with this great war, that we are here merely to praise and a parade. Because I recall in 1952, when I came home from Korea, those medals did not get me a job; it was people reaching out, trying to help me put my life together. And so I think this is what we have to do.

My friend, the gentleman from California (Mr. CUNNINGHAM), says how difficult it is to send our young people into harm's way and that we may have to consider doing this more in the future. I hope not, because if we take a good look at those that will be coming home, we will be taking a harder look at those that we sent.

Most of my colleagues know that I really truly believe that whatever in the best interest of the United States of America is that we consider draft legislation, where everyone would be exposed to defending this great Republic, rather than seeing who will be coming home, and worse still who will not be coming home, those that come from our inner cities, our rural areas, and those that we are now trying to further recruit.

While patriotism is up in this House of Representatives, recruitment is not up. We are now giving mandatory extensions to those people who have volunteered, and we are bringing out the Reservists. Sure, they are dedicated, but we are asking them to serve two and three times a year, or a 2-year period, and of course the National Guard are being called. So as we find expanded need for military, we ought to expand the pool from which they come.

So what I am saying is that I want to join in the spirit of this resolution. I will be there at the parades, I am there at the armories. But for God's sake, let us have something of substance in the legislation.

I know that most of the Members are not aware that that the tax bill that passed on this floor provides some benefits for members of the military for extended child credits for those people that have incomes of $26,000 or less. Let me share with my colleagues the Catch 22 that our members of the Armed Forces are in.

One, if they were under $26,000, and we know most of them are, they were cut out of the bill. They were dropped out of the bill, and the leadership said they may not come back. For those people who served in a war that came a larger amount of their income to be tax exclusive, they would get over $26,000 and once again lose the tax credit.
Let us pay tribute, but let us have some substance and benefits for our beloved veterans.

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

It is a grave disappointment to me about things back home about the initiative to pay their employees that as our friend from New York (Mr. RANGEL), the gentleman from California (Mr. CUNNINGHAM), the gentleman from California (Mr. HUNTER), all veterans, speaking so well today for the young men and young women in the armed services. We appreciate it and their words so very, very much.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, while I am pleased we are here to applaud our Nation's businesses and business owners for the support they have provided our troops and our military families, I am disappointed that in this resolution Congress is for tax-volunteering. We had an opportunity to do something truly meaningful when we considered the Defense authorization legislation 2 weeks ago. Rather than doing something to help Federal Guard and Reservists, Senate Majority Leader TOM DASCHLE and EDWARD KENNEDY of Massachusetts, support our troops, we should be helping our activated men and women.

An amendment offered by my good friend, the gentleman from Texas (Mr. BELL), to help to require the Federal Government to pay its employees the difference between their civilian and military salaries passed unanimously by voice vote in a recent Committee on Government Reform meeting. Unfortunately, Mr. Speaker, that amendment was excluded from consideration of the Defense authorization bill that we passed 2 weeks ago.

It is a grave disappointment to me that instead of making up the salary loss suffered by numerous Federal employees who are also Reservists, we are only offering a meaningless tribute to our Nation's businesses for doing what we in Congress are not willing to do.

Mr. Speaker, because I support House Resolution 2, I would like to add to the amendment to commend the nearly 200 conscientious businesses that have taken the initiative to pay their employees the difference between their military and civilian salaries. These companies include a corporation located in my own congressional district.

Mr. Speaker, when my colleagues come down to vote on this resolution, I want them to think about the families which are suffering as a result of the pay gap, and I urge all of my colleagues to join me in rectifying this outrageous problem.

[From USA Today, May 15, 2003]

RESERVISTS UNDER ECONOMIC FIRE

(But Kathy Kiely)

WASHINGTON — Long hours, cuts, Bankruptcy. Foreclosed homes. They aren't exactly the kind of challenges that members of America's military reserves signed up for when they volunteered to serve their country.

But for many, the biggest threat to the home front isn't Saddam Hussein or Osama bin Laden. It is faster filing for bankruptcy.

Four in 10 members of the National Guard or reserves lose money when they leave their civilian jobs for active duty, according to a Pentagon survey taken in 2003. Of 1.2 million men, 223,000 are on active duty around the world.

Concern is growing in Congress, and several lawmakers in both parties have introduced legislation to ease it.

Janet Wright says she "sat down and cried" when she realized how little money she and her children, Adelia, 5, and Carolyn, 2, would have to live on when her husband was sent to the Middle East. In his civilian job with an environmental cleanup company, Russell Wright makes $60,000 a year or what he'll be paid as a sergeant in the Marine Forces Reserve. Back in Hammond, LA., his wife, who doesn't have a paying job, is paying the kids more water and less milk.

She is trying to accelerate Carolyn's potty training schedule to save on diapers.

She doesn't know how long she'll have to pinch pennies now that reservists, Russell Wright has been called up for one year. He could be sent home sooner, or the military could exercise its option to extend his tour of duty for a second year. Even so, Janet Wright considers her family lucky: She can still pay the mortgage, and the children's pediatrician accepts Tricare, the military health plan.

Ray Korizon, a 23-year veteran with the Air Force Reserve and an employee of the Federal Aviation Administration, says his income of $36,000 in Balfour if his unit ships out. Korizon, who lives in Schaumburg, Ill., knows the financial costs of doing his patriotic duty from bitter experience. Before the Persian Gulf War in 1992, he owned a Chicago construction company with 26 employees. He was sent overseas for six months and lost the business.

Still, he never considered leaving the reserve. Korizon says he enjoys the work and the camaraderie. But he worries about whether his two kids can continue to see the same doctor when he shifts to military health coverage. "It's hard to go out and do the job you want to do when you're worried about this all the time," he says.

Once regarded as "weekend warriors," they have become an integral part of U.S. battle plans. Call-ups have been longer and more frequent.

"The last time I saw this kind of mobilization activity was during World War II," says Maj. Charles Kohler of the Maryland National Guard. Like his fellow Maryland Guard's 8,000 members, 3,300 are on active duty. Kohler knows several who are in serious financial trouble. One had to file for bankruptcy, and another was on emergency pay, until which his take-home pay fell by two-thirds.

Stories like that are the result of a shift in military policy. Since the end of the Cold War, the ranks of reservists have been reduced by one-third. The Pentagon has increasingly relied on the nation's part-time soldiers. More than 525,000 members of the Guard and reserves have been mobilized in the 12 years since the Persian Gulf War. For the previous 36 years, the figure was 198,877.

Despite a groundswell of support for troops, none of the bills is assured of passage. There's concern among some administration officials about the cost of some of the proposals. In addition, some at the Pentagon think morale would be hurt if some reservists end up with higher incomes than their counterparts in the regular ranks.

Mr. HUNTER. Mr. Speaker, how much time do we have left?
The SPEAKER pro tempore (Mr. Bass). The gentleman from California (Mr. HUNTER) has 6% minutes remaining, and the time of the gentleman from Missouri (Mr. SKELTON) has expired.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume, and I will be happy to yield some time to my colleague in a minute.

But I want to say to the gentleman from California (Mr. LANTOS), before he leaves the floor, that he mentioned this important idea that I know how hard he has taken up with me and he feels is very important, to try to give me what I think we could call pay parity to folks in the Guard and the Reserve. I think there is merit in his proposal. But I did want to mention that I do some meaningful things in this Defense bill in which we marked up this particular resolution.

Mr. Speaker, it was not just commendations that we gave our troops. We also marked up a 4.1 percent pay raise, decreased the out-of-pocket expenses for our folks, increased the amount of money for family housing, and we did a number of things that will accrue to the benefit of our troops, both active Guard and Reserve.

Having said that, Mr. Speaker, I thought one thing that I might do at this point is yield to the gentleman from Missouri (Mr. SKELTON) who is my partner on the Committee on Armed Services who has done so much great work.

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

Mr. Speaker, a great Roman orator once said that gratitude is the greatest of all virtues, and that is what this resolution does; no more, no less. It expresses gratitude, appreciation and thankfulness to those young men and women in uniform, to those civilian employees who back them up, as well as civilian contractors. It is our way of saying thank you from the Congress of the United States. They are the pride of our country, and we wish to express our deep and sincere appreciation to them through this means.

Mr. HUNTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me just conclude this resolution by listing the units that participated in Operation Iraqi Freedom. From the Army: Army Forces Central Command—3rd United States Army; V Corps Command Element; 3rd Infantry Division (Mechanized); 101st Airborne Division (Air Assault); 82nd Airborne Division; 4th Infantry Division (Mechanized); Elements of the 1st Infantry Division; 10th Mountain Division, and 1st Armored Division; 2nd Armored Cavalry Regiment; 173rd Airborne Brigade (Sep); 11th Aviation Group.

From the Marine Corps: Marine Forces Central Command; 1st Marine Expeditionary Force; 2nd Marine Expeditionary Force; 3rd Marine Air Wing; 1st Force Service Support Group; 2nd Force Service Support Group/ Marine Logistics Command; 2nd Marine Expeditionary Brigade (Task Force Tarawa); 45th, 24th, and 28th Marine Expeditionary Units.

From the Navy: Naval Forces Central Command—United States 5th Fleet; Theodore Roosevelt Carrier Strike Force; Nimitz Carrier Strike Force; Abraham Lincoln Carrier Strike Force; Constellation Carrier Strike Force; Kitty Hawk Carrier Strike Force; Harry S. Truman Carrier Strike Force; Amphibious Task Force East; Amphibious Task Force West; Nassau Amphibious Ready Group; Tarawa Amphibious Ready Group; Jima Amphibious Ready Group; Amphibious Group 3; Maritime Prepositioning Squadrons 1, 2, and 4.

From the Air Force: Air Forces Central Command—9th Air Force; 9th Expeditionary Air Expeditionary Task Force; the following air expeditionary wings: 39th, 40th, 64th, 320th, 312th, 332nd, 363rd, 376th, 379th, 380th, 384th, 386th, 401st, 405th, 410th, 414th, 485th, 486th, and 506th Air Expeditionary Group, and the following Air Expeditionary groups: 387th, 396th, 407th, 409th, 444th, 447th, 449th, 457th, 458th, and 506th.

The following Expeditionary Air Support Operations Groups: 3rd, 4th, 5th, 1st Expeditionary RED HORSE Group, the 86th Contingency Response Group, 15th Expeditionary Reconnaissance Squadron.

From the United States Special Operations Command: Special Operations Command Central; 9th Special Forces Group (Airborne); 3rd Special Forces Group (Airborne); 10th Special Forces Group (Airborne); 10th Special Operations Aviation Regiment; 75th Ranger Regiment; 1st Special Operations Command; 352nd Civil Affairs Command; 350th Civil Affairs Command; 304th, 308th, and 358th Civil Affairs Brigades.

From the Naval Special Warfare Command: Naval Special Warfare Group One; Naval Special Warfare Group Three.

From the Air Force Special Operations Command: 16th Special Operations Wing; 919th Special Operations Wing; 193rd Special Operations Wing; 720th Special Operations Group; 352nd Special Operations Group; 123rd Special Operations Group; 280th Expeditionary Control Squadron.

From the Coast Guard: U.S. Coast Guard Cutters Boutwell, Dallas, Walnut, Cheyenne, Adak, Wrangell, Baranof, Bainbridge Island, Grand Isle, Knight Island, Pea Island, and Sapelo.

The following port security units: Port Security Units 313, 311, 309, 305.

Law Enforcement Detachments 101, 202, 204, 205, 404, 406, and 411; Atlantic Strike Team Detachment; Law Enforcement Attachment; Harbor Defense Command Units 114 and 206.

Operation Enduring Freedom—Operation Iraqi Freedom—Operation New Dawn—Operation Joint Task Force 180; 10th Mountain Division; 101st Airborne Division; and 82d Airborne Division.

From the Marine Corps: Marine Forces Central Command; Combined Joint Task Force 180; Combined Joint Task Force 58; and the following Marine Expeditionary Units: 11th, 13th, 15th, 22nd, 26th.

Detachments: 4th Marine Expeditionary Brigade.


From the Air Force: Air Forces Central Command—9th Air Force. The following Air Expeditionary task forces: 9th Air Expeditionary Wings: 28th, 40th, 64th, 320th, 312th, 332nd, 363rd, 384th, 376th, 379th, 380th, 384th, 405th, and 455th.

The following Air Expeditionary Groups: 416th, 438th, 451st, the First Expeditionary RED HORSE Group.

From the United States Special Operations Group (Airborne); 3rd Special Forces Group (Airborne); 19th Special Forces Group (Airborne); 20th Special Forces Group (Airborne); 7th Special Forces Group (Airborne); 160th Special Operations Aviation Regiment; 75th Ranger Regiment; 352nd Special Operations Group; and 403rd Civil Affairs Brigades; 358th Psychological Operations Brigade.

From the Naval Special Warfare Command: Group 1 and Naval Special Warfare Group Three; 16th Special Operations Wing; 352nd Special Operations Group; 919th Special Operations Wing; 353rd Special Operations Group; 720th Special Operations Group; and 123rd Special Tactics Squadron.

Mr. Speaker, thank you for allowing us to, in the words of the gentleman from Colorado (Mr. Hefley), give this thanks from a grateful Nation.

Mr. HUNTER. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), who is my partner on the Committee on Armed Services who has done so much great work.

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

Mr. Speaker, a great Roman orator once said that gratitude is the greatest of all virtues, and that is what this resolution does; no more, no less. It expresses gratitude, appreciation and thankfulness to those young men and women in uniform, to those civilian employees who back them up, as well as civilian contractors. It is our way of saying thank you from the Congress of the United States. They are the pride of our country, and we wish to express our deep and sincere appreciation to them through this means.

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Whether they are in Iraq, in Afghanistan, or here at home. I praise our courageous men and women for risking their lives to defend our country and our freedom. However, I believe that the war on Iraq was unnecessary. I cannot vote in favor of a resolution that com-
mends the President for putting American soldiers’ lives at risk because of bad pol-
icy and misguided decision making.

I will continue to support efforts that support our troops, their families, and our veterans. Each one of them is an American hero and each one of them makes me proud to be an American.

Mr. RUSSLE. Mr. Speaker, lowans should be proud of the tremendous accomplishments of our dedicated troops over the last couple of years, particularly those serving with Oper-
ation Enduring Freedom and Operation Iraqi Freedom. These men and women have risked their lives and made sacrifices to keep their country safe and secure.

We should thank each and every one of them, and welcome them home with honor.

Our thanks must also extend to the loved ones of these Family members must do their best to carry on with their lives while they wait, worry, and sometimes watch, what their son, daughter, wife, husband, father or mother is facing on the other side of the world. Some families have been changed forever by tragic loss.

While our men and women in uniform have accomplished so much in Iraq and in the over-
all war on terror, important work remains. They may not be in front of us 24 hours a day on television, but it is vital to remember and support those troops still deployed to the Per-
son Gulf and other areas around the world.

The Ohnesorge family of Dubuque, Iowa is keenly aware that many of our troops remain in danger. Their son, Army Specialist Abraham Ohanesorge, was seriously injured just last week by a rocket-propelled grenade in Iraq.

As members of Congress, we can show our gratitude to Brad, Abraham and the thousands of other troops serving us by providing what-
ever resources are necessary to defend our nation and win the continuing war against ter-
rorism. It is an unquestioned priority for lowans and for all Americans. Our armed forces need the newest and best tools avail-
able to meet the challenges they face. We should also provide fair and equitable pay, housing and tax policies for members of the military. We need the courage that former Secretary of Defense Donald Rumsfeld demanded. I take each of these responsibilities very seriously.

The excellent work accomplished in support of both Operation Enduring Freedom and Op-
eration Iraqi Freedom by the employees of the Rock Island Arsenal also deserves our grati-
tude. These dedicated workers rose to the challenge.

Many members of military reserve units and the National Guard were called from the civil-
ian world. The employers and coworkers who support their service should also be com-
mended. America is blessed to have such well-
trained individuals of excellence who are will-
ing to serve not only our interests, but the in-
terests of the entire world. May we see a day when all our troops deployed in the far
reaches of the world are home safely with the people they love.

Mr. PAUL. Mr. Speaker, I rise to commend the members of the armed forces, those that serve our country in the most difficult of cir-
cumstances. They endure terrible hardships in the course of their service: they are shipped thousands of miles across the globe for every-
thing from border control duty to combat duty, enduring terribly long separations from their families and loved ones.

I believe it is appropriate for Congress to recognize and commend this service to our country and I join with my colleagues to do so. I am concerned, however, that legislation like H. Con. Res. 177 seeks to use our support for the troops to advance a very political and con-
troversial message. In addition to expressing sympathy and condolences to the families of those who have lost their lives in service to our country, for example, this legislation en-
dorses the kind of open-ended occupation and nation-building that I and many others find deeply troubling.

It “recommits” the United States to “helping the people of Iraq and Afghanistan build free and vibrant democratic societies.” What this means is hundreds of thousands of American troops remaining in Iraq and Afghanistan for many years to come, conducting activities that the military is neither trained nor suited for. It also means tens and perhaps hundreds of billions of American tax dollars being shipped abroad at a time when our na-
tional debt is reaching unprecedented levels.

The legislation links our military action against Afghanistan, whose government was in partnership with Al-Qaeda, with our re-
cent attack on Iraq, claiming that these were two similar campaigns in the war on terror. In fact, some of us are more concerned that the policy of pre-emptive military action, such as was the case in Iraq, will actually increase the likelihood of terrorist attacks against the United States—a phenomenon already pre-
dicted by the CIA.

Mr. Speaker, it is unfortunate that some would politicize an issue like this. If we are to commend our troops let us commend our troops. We should not be forced to endorse the enormously expensive and counter-pro-
ductive practice of nation-building and pre-
emptive military strikes to do so.

Ms. DeGETTE. Mr. Speaker, I rise to ex-
press my support for H. Con. Res. 177, a res-
olution commending the members of the United States armed forces for their brave and successful actions against the Taliban in Af-
ghanistan and the forces of Saddam Hussein in Iraq. I believe that it is important for the U.S. Congress to express its thanks to the tireless men and women of our armed forces. I also believe Congress has an absolute duty to demand that outstanding questions be answered by the Administration about the evidence used to justify a war in Iraq that put our troops in great danger.

The valiant men and women of the U.S. armed forces left their homes and families to take up arms against two tyrannical regimes. Some members of the Reserves were acti-
verted for their war service away from their jobs—often taking significant cuts in their pay—to contribute to this endeavor. These

Although the United States was victorious in Iraq, our job is far from over. Indeed, some members of our military remain in Iraq, at-
tempting to establish law and order and a true
peace. I believe the Administration owes it to the brave men and women of our military and to the American people answers to the difficult questions about its justifications for war.

Leading up to the Iraq war, President Bush, Vice President DICK CHENEY, and Secretary of State Colin Powell repeatedly stated that Iraq’s possession of weapons of mass de-
stuction and ties to Al Qaeda poses a direct threat to American national security.

On March 16, 2003, Vice President CHENEY unambiguously told Meet the Press that Iraq had “reconstituted nuclear weapons.” Despite American control of Iraq, the United States has found no evidence of an Iraqi nuclear pro-
gram. Even worse, some of the intelligence cited by the Administration about Iraq’s nu-
clear program has turned out to be fraudulent.

Between January and March 2003, both Powell and Cheney claimed that Iraq was harboring members of Al Qaeda. At the United Nations, Powell claimed that Iraq was sheltering Al Qaeda lieutenant Abu Musab Zarqawi, proving a “sinister nexus between Al Qaeda and the Al Qaeda terrorist network.” No proof has been produced to verify either of these statements.

The lynchpin of the Administration’s justifica-
tion for war in Iraq was the presence of bio-
ological and chemical weapons of mass de-
struction. The President, Vice President CHEN-
EY and Secretary Powell all repeatedly spoke of Hussein’s stockpile of biological and chemi-
cal munitions. Iraq was described as having such weapons labs across the country. No American has been found posses-
sed or was producing any biological or chemi-
cal weapons, much less the stockpiles asserted by the Administration.

Congress has an obligation to ask questions about the statements made by the Administra-
tion to justify the war in Iraq and the Adminis-
tration has a responsibility to answer them truly and honestly. The justifications for war matter. They matter to the men and women of the armed forces, whom we are sa-
luting today, because the Administration used them to destroy a threat that did not exist against the United States. They matter to the families and friends of those brave men and women who watched as their loved ones shipped off to war. They matter to the Amer-
ican people who are, after all, the final author-
ity on this government.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of this resolution to recognize the efforts of those who have contributed to Operation Enduring Freedom and Operation Iraqi Freedom.

Today we recognize and thank those sol-
diers, sailors, airmen, marines, and all the in-
dividuals in our defense and intelligence com-
munities whose commitment and dedication ensure our continued success. They are mem-
bers of the greatest fighting force in the world has known, representing not only our Nation’s strength, but our bravery, skill, honor and re-
solve. We also thank their families, who so graciously share their loved ones with their country.

Liberty must be guarded and defended, and no nation has given more in this defense than America. Throughout our history, our Nation has been blessed to have individuals willing to
make the ultimate sacrifice in order to keep the flames of freedom and liberty burning brightly throughout the world. They selflessly dedicate their life to protecting freedom, ensuring liberty, and defending the principles of this country through great personal sacrifice. On behalf of a grateful Nation, we pay tribute to these brave men and women who have served in our Armed Forces.

Today, as we recognize and commend the actions already taken, we also renew our commitment to ensuring the security of our homeland. We renew our commitment to destroying Al Qaeda and other terrorist organizations that threaten our freedom. We do not know what the future holds, however we can say with certainty that because of the men and women we honor with this resolution, we will prevail.

Mr. CASTLE. Mr. Speaker, I thank Chairman HUNTER for introducing this important resolution. Today, we recognize, support, and commend our brave service men and women for their dedication, for their sacrifice and for their supreme love of country. We thank and honor those, including our allies, who serve on behalf of liberty and freedom, and remember those who have been wounded or died in the line of duty.

Our Nation has committed our military to defend the world from grave danger and to assure the security for all nations. These men and women have risen to the highest level and have given their lives in service to our Nation. We still have much to do in terms of peacekeeping and rebuilding in Iraq and Afghanistan. Our men and women of our armed forces continue to face danger every day.

In the coming weeks and months, it will be critically important for our Nation to continue our support and pray for the safety of our troops. Their mission may not be completed for a long time, and it is important that we reiterate our strong support. At the same time, I would like to commend the military families, the employers and the communities around the United States for their sacrifices and patriotism.

Our focus must be on working with the world community to bring peace, stability and prosperity to the people of Afghanistan and Iraq, and we are proud of their service and the service of all those who have been deployed for service. It is also important that we recognize the support and sacrifice of the families and employers of our troops. They are the backbone of our fighting forces, and we appreciate their commitment during these challenging times.

The American people and the Congress of the United States stand behind our Armed Services Members and their families. As our military effort continues, I and other Members of Congress will continue to work to ensure that our service men and women have all the resources necessary to fulfill their mission.

My thoughts and prayers are with those serving our Country overseas, as well as their families. America is firmly behind our troops, and we are all hoping to see them home safe, secure and soon.

May God continue to bless the United States of America.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 177, as amended.

The question was taken.

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

Mr. HUNTER. 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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2180

Mr. GORDON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2180.

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

Mr. CASTLE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2180.

SENSE OF THE HOUSE COMMENDING NATION’S BUSINESSES AND BUSINESS OWNERS FOR SUPPORT OF OUR TROOPS AND THEIR FAMILIES

Mr. STEARNS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 201) expressing the sense of the House of Representatives that our Nation’s businesses and business owners should be commended for the support of our troops and their families as they serve our country in many ways, especially in these days of increased engagement of our military in strategic locations around our Nation.

The Chair recognizes the gentleman from Tennessee?

The Chair recognizes the gentleman from Tennessee?

Mr. STEARNS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 201) expressing the sense of the House of Representatives that our Nation’s businesses and business owners should be commended for the support of our troops and their families as they serve our country in many ways, especially in these days of increased engagement of our military in strategic locations around our Nation.

The Chair recognizes the gentleman from Tennessee?

Mr. GORDON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2180.

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

Mr. STEARNS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 201) expressing the sense of the House of Representatives that our Nation’s businesses and business owners should be commended for the support of our troops and their families as they serve our country in many ways, especially in these days of increased engagement of our military in strategic locations around our Nation.

The Chair recognizes the gentleman from Tennessee?

Mr. GORDON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2180.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?
There was no objection.

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

Mr. Speaker, I rise in strong support of H. Res. 201, authored by the gentleman from Michigan (Mr. ROGERS).

The Resolution of the Congress of the United States and the American businesses and business owners for their support of our troops and their families, in particular their support for the Reservists and National Guardsmen called into active duty.

As of today, nearly 220,000 members of the armed services of our Armed Forces have been called to active duty, leaving their families, homes, and their jobs to serve their country. Over 5,300 of those brave, part-time soldiers are from my home State of Florida. These men and women have volunteered to lay down their lives in defense of our country and the principles for which it stands, and have done so in their capacity as ordinary citizens, not professional soldiers.

These extraordinary citizens with ordinary jobs. They are cooks, teachers, mechanics, doctors, salesmen, truckers, secretaries, lawyers, technicians and so forth, that when called to serve their country, became extraordinary and full-time warriors sacrificing greatly, both personally and, of course, financially.

Our military today is dependent on these extraordinary citizens and of course these part-time soldiers. The 1.2 million Guard and Reserve personnel now make up nearly 46 percent of all U.S. military forces. When activated, Reservists and National Guardsmen have to leave their jobs abruptly, forcing their employers to face the serious challenge of losing a very valuable employee.

American businesses have stood by their employees called to serve their country. H. Res. 201 aptly states American businesses "have made sacrifices so that they might ensure observance of the letter and the spirit of the Uniformed Services Employment and Re-employment Rights Act in many ways including: restoring employment status after military service obligation has been fulfilled, providing continuation of health benefits to active duty employees and their dependents, and committing uninterrupted pension and retirement benefits."

Indeed, Mr. Speaker, many American businesses, recognizing the hardship placed on the families of these service men due to the differential in their civilian and military incomes while on active duty, make up that difference for a period of between several days and a year or more. A recent survey by the Reserve Officers Association of the United States found that of the 154 Fortune 500 corporations that responded to the survey, 105 companies or 68 percent, made up the difference in that pay. Last year, just 75 of the 132 responding companies, or 56 percent, did so. And in the year 2001, the number was 53 of 119, or 45 percent of the responding companies.

Mr. Speaker, I conclude by wishing our men and women of the Armed Forces Godspeed and commending American businesses that have supported our Reservists and National Guardsmen, the extraordinary citizen. I urge my colleagues to support this piece of legislation.

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

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume to make a few brief comments in support of H. Res. 201.

House Resolution 201 honors businesses and business owners across our great Nation for their unwavering support for the men and women of the Reserve who have been called into service in unprecedented numbers to fight the war against terrorism at home and abroad. Businesses large and small have been exceptional in their commitment to supporting Reservists and their families. Because of their support, the men and women of the Reserve can be secure in knowing that their job will be waiting for them when their service is fulfilled, with no loss of pension and retirement benefits or promotion opportunities, and that their families' needs were provided for in their absence.

These businesses embody the true spirit of America. For these reasons I urge adoption of House Resolution 201. Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield 45 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I am very, very pleased that we are here commending America's businesses and, more specifically, American business men and women for what they have done in their places of work to help support our war effort in the war in Iraq, the war in Afghanistan, and the war against terror, because, frankly, the war against terror has placed an enormous burden on our economy.

According to the United States Chamber of Commerce, fear of terrorism since September 11, fear of the war in Iraq and now a mysterious respiratory disease called SARS have disrupted both business and leisure travel to the extent that half of all jobs lost since September 11 have been in the travel and tourism industry. One out of every seven people in the U.S. private sector workforce—or 18 million people—are employed directly or indirectly in travel and tourism jobs. This industry is a big industry. It is a $200 billion industry, not in revenue, not in assets, but in taxes paid to Federal, State and local governments.

Losing so many jobs in this industry is obviously a victory for the terrorists, but it is an awful victory that will be short-lived. Obviously, when people stop flying, when they stop traveling, they obviously stop staying in hotels, stop going to restaurants, visiting museums or theme parks, renting cars or shopping. This economic toll is precisely what the terrorists had in mind.

If the damage on September 11 had been limited to the thousands of lives lost and the property damage suffered, the economic toll would not be experiencing these downstream victories for the war waged by terrorists against the United States. I do not think we can make any mistake about this. Beyond murdering Americans, the terrorists wish to destroy America's economy.

The way for America to fight back is for working men and women, for small business owners, for entrepreneurs, for businesses of all sizes to go about their business, to show up for work early, to do a little more, to take the family vacation, to do those things that make us Americans and to keep our life normal because it is the disruption of normal, air, and sea borders. We have established the Homeland Security Command Center, a national 24/7 watch operation. We have initiated a comprehensive reorganization of the border agencies, as well as other administration measures to ensure our border services and capabilities. We have completed the transition of 21 out of 22 component agencies of the Department of Homeland Security, none of which were previously focused primarily on preventing domestic terrorism.

We have conducted hearings, and the department itself has conducted on-site visits at strategic ports throughout the United States and begun the development of security plans for vessels, facilities and ports that we put in place in the Maritime Security Act of 2002. And, of course, the department has completed TOPOFF II, the largest terrorist response exercise in our Nation's history.

Mr. Speaker, American workers and consumers are safer today than we were before September 11, but we are still threatened by terrorists who seek to do as horrible as that would have been to our economy, the very basis of American power. We must work together as consumers, as workers, as business proprietors to make sure that the terrorists
do not succeed. Keeping America at work is job one in that effort. I thank American business for what they have done in these wars.

Mr. STEARNS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. Rogers), the author of the bill.

Mr. ROGERS of Michigan. Mr. Speaker, I thank my colleagues on both sides of the aisle at what I think is an important moment to recognize some other American heroes.

Earlier today we recognized those very brave men and women who wear the uniform of the United States military and all of their sacrifices, and certainly rightly so. We have also discovered, I think recently, the many forms that patriotism can take. Maybe it is the spouse of a soldier who keeps the home fires burning. It is every American who believes in liberty’s blessings and who cares to pursue every opportunity and every challenge that democracy offers. But during Iraqi Freedom and Enduring Freedom, both of those operations, we have seen a new patriot emerge.

You can imagine, Mr. Speaker, at the time of your notice as a Reservist or a National Guardsman or woman all across this country when that notice comes in and your country calls. You have trained for it, you have prepared for it, you are willing to serve. But there are others in the back of your mind that great concern about the family that you leave behind. Will they be taken care of? Will my employment be there when I get home? The law requires that at least your employment be there when you get home, but really nothing more. What we saw is that when those soldiers gathered up their family and kissed and hugged them good-bye and went off to do America’s good service, our employers, from small companies to large companies, stood tall because the people who were called up were building cars for GM and Ford, they were delivering packages for United Parcel Service, they were mechanics, they were nurses, they were doctors, they were paramedics, police officers; they were machinists in small shops all across America. Maybe they were working retail. Maybe they were financial advisers.

In all of those cases, in many, many cases all across this country these companies and have gone beyond the call of duty in an effort to maintain their aid and comfort to the soldiers who serve our great Nation. In many cases, they provided differential pay for these soldiers and sailors and Marines and airmen and women, those in the Coast Guard. They provided continued health care for those families. They continued insurance, all on their own accord. Some even offered full payment of their services even though they were not in the military. We had a smaller company, a fourth-generation company, Magnolia Marketing Company in Louisiana, who offered its employees when they were notified that they would leave, that upon their departure they would be paid in full in addition to their military salaries, and stepped up even further by setting up a fund with the United Way and challenged everybody on a matching grant of 35,000 for those companies who would match any and all funds to provide some help to those families who were left behind when their country called. This happened again and again and again, from Michigan to California, from Maine to Florida, and everybody came together.

Mr. Speaker, there is a new breed of patriot in America, somebody that understands that the war on terror is fought by every one of us, not just those who wear the uniform so proudly and so bravely, but those of us at home who need to stand tall and make sure that the home fires are burning, that they know that our love and compassion for them usurps our sole concern for the bottom line.

We need to stand tall today together. We need to stand tall today together supporting H. Res. 201, to stand tall for every business who went beyond the call of duty and stand firm for the men and women who serve so that their families would not have to worry when they get home, they get home, they deserve our praise and our admiration. They deserve the call of patriot as we stand here and recognize them today with the passage of H. Res. 201.

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

Mr. STEARNS. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan (Mrs. Miller).

Mrs. MILLER of Michigan. Mr. Speaker, I am proud today to rise to support this resolution honoring our Nation’s business owners for their very strong support of our employees who are members of the National Guard and Reserve.

The world really witnessed the capability of our troops as they brought down the repressive Taliban regime in Afghanistan and, of course, brought freedom to the Afghan people. We again saw recently the brilliant performance of our troops as they drove out the brutal regime of Saddam Hussein and freed the Iraqi people. A major component of both of those efforts was the contribution of the members of the National Guard and Reserve.

I come from Macomb County, Michigan, very proud of Selfridge Air National Guard Base. In fact, Selfridge is somewhat unique in the inventory, I think nationally, because almost every facet, in fact every facet of the military is represented there. As I say, it is a Guard and Reserve base and it became sort of a staging area almost in the region, and we watched so many of those very brave citizen-soldiers mobilizing to defend our Nation. They left behind their jobs, they left behind their families to go off to war, and we have one individual that leaves it, he represents 20 percent of the employees of the business. That is a major sacrifice.

So I think it is altogether fitting this afternoon that we do this time to recognize these businesses for their exceptional accommodation for these men and women and to honor them for what they are trying to do. Of course,
under the Uniform Service Employment and Reemployment Rights Act, they have many responsibilities. Again, these responsibilities are mandated by Congress, but in many ways most of these businesses, almost all of them, are obligated through patriotism and a sense of resolve to the war in Iraq to take these people back, to care for them and, in many cases, give them their back pay. So I think it is altogether getting that we see this afternoon the businesses.

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

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

The SPEAKER pro tempore (Mr. Bass). The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and agree to the resolution, H. Res. 20L.

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. STEARNS. Mr. Speaker, on that I demand the yeas and nay.

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.

SPORTS AGENT RESPONSIBILITY AND TRUST ACT

Mr. STEARNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 361) to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission, as amended. The Clerk read as follows:

H.R. 361

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, or otherwise represents a student athlete, and does not include a spouse, parent, sibling, grandparent, or guardian of such student athlete, any legal counsel for purposes other than that of a 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, directly or indirectly, for the use of the student athlete's 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 body or bodies 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 for, in 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, the Commonwealth of Puerto Rico, the 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 this sport.

SEC. 3. REGULATION OF UNFAIR AND DECEPTIVE ACTS AND PRACTICES IN CONNECTION WITH THE CONTRACT 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 bribe, 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) REQUIREMENT TO PROVIDE DISCLOSURE DOCUMENT. The requirement to provide a disclosure document by an athlete agent to a student athlete shall apply to the Commission at the same time as 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.

(c) REMEDIES IN COURT ACTIONS. In any action to enjoin the practice prescribed under section 3 of this Act, the court shall enjoin the practice and shall provide a permanent injunction, including a requirement that the defendant named in the complaint in the action shall be liable in accordance with the law of that State to—

(1) pay damages;

(2) pay attorney fees and other litigation costs; and

(3) pay costs of production of documentary and other evidence.

SEC. 4. ENFORCEMENT.

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 5 of the Federal Trade Commission Act (15 U.S.C. 45(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. In any action 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 a practice prescribed under section 3 of this Act, the attorney general of a 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; and

(B) obtain damages, restitution, or other compensation on behalf of residents of the State.

(2) NOTICE. In any action brought under subsection (a), the attorney general of a State—

(A) shall provide notice in writing to the Commission at the same time as the attorney general files the action.

(b) INTERVENTION. In an action brought under subsection (a), the Commission shall have the right to intervene in the action that is the subject of the notice.

(c) 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.

(d) 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.

(e) VENUE. Any action brought under subsection (a) may be brought in the district court of the United States for the judicial district in which the plaintiff resides, or in which a substantial part of the events or transactions giving rise to the action occurred.

(f) ATTORNEY FEES. The attorney general of a State shall be entitled to reasonable attorney fees and other costs as allowed by law in any action brought under this Act, brought by the attorney general under subsection (a) of section 5 of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)(B)), or brought by the Commission.
Mr. Speaker, I rise in support of H.R. 361, the Sports Agent Trust and Responsibility Act.

Mr. Speaker, this legislation is sponsored by my friend and colleague on the Committee on Energy and Commerce, the gentleman from Tennessee (Mr. Gordon), for whom this has been a long-standing concern. Additionally, our colleague, the gentleman from Nebraska (Mr. Osborne), also has first-hand experience in dealing with the problem in his prior career and is a major cosponsor.

The Subcommittee on Commerce, Trade, and Consumer Protection held hearings on this legislation last year and heard from many experts regarding the problems facing promising student athletes in this country. My colleagues and I on the Committee on Energy and Commerce agree there is a problem and that this bill, H.R. 361, is a responsible and necessary legislative solution. We passed the legislation out of our committee unanimously in the 107th Congress.

For my colleagues who may be unaware of the nature of the problem, let me describe it. I am sure the gentleman from Tennessee (Mr. Gordon) and the gentleman from Nebraska (Mr. Osborne) will also amplify my comments on how destructive this behavior can be to the student athlete, their families, and to the schools.

I share their concern that student athletes are often targeted by unscrupulous agents who suffer little or no consequences for their continued deception. In today’s multibillion dollar professional sports industry, collegiate athletes with even the slightest potential of becoming a highly paid professional athlete often find themselves in the cross hairs of sports agents. Because the odds of an athlete making it to the professional ranks is very, very low, the financial reward for those who do make it can be extraordinary, and the financial windfall to an agent representing the athlete is highly significant.

For an agent who may not be an established name in the business, success for this agent may be dependent upon either signing a superstar or playing the simple percentages and representing multiple promising athletes in hopes of at least one making it to the professional leagues.

Unfortunately, Mr. Speaker, the agents look to make a quick buck are often the same ones who do not have the athlete’s best interest in mind. While the reputable agents respect the athletes, and, of course, they follow the rules, the unscrupulous agents have to take extreme measures to sign the athlete with little regard for the consequences to the athlete. Why do they do this? For those agents lacking any integrity, the financial payout can be very, very large; and there are few, if any, consequences to dissuade them.

While we do not currently have a Federal remedy to address these problems, many of our States do. They have recognized the problem and have varying State laws to address the behavior of these sports agents. Because the inconsistency of the State laws has prevented meaningful enforcement, the States recently approached a uniform State athlete agent act in the Year 2000. More than a dozen States have since enacted the law, and it is working its way through many other State legislatures.

As promising as this sounds, it is a long process that does not guarantee that all of the States will adopt it. While this may not sound significant to my colleagues, the law can only be completely effective if it is enforced uniformly in every State in this Nation.

The States deserve credit for addressing this problem. Yet, Mr. Speaker, the reality is that there is still a gaping hole that this legislation will finally fill. Not only does this legislation provide the Federal Trade Commission with the authority to enact an act, but it also provides the States with the authority to bring civil action against violators in the Federal courts. Additionally, the legislation requires a new disclosure to the student athlete, and, finally, places a measure of responsibility on the agent himself so that there should be no misunderstanding regarding the signing of a contract.

Mr. Speaker, this legislation provides a Federal remedy to a problem that many of us did not know about, but it is no less deserving of a cure this afternoon. H.R. 361 provides a measured response. I urge my colleagues to support it.

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

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

Mr. Speaker, I intend to make a few brief remarks in support of H.R. 361, the Sports Agent Responsibility and Trust Act, or SPARTA. The combination of a patchwork of weak State laws and the lure of big money has made student athletes an irresistible target for certain unscrupulous sports agents willing to break the rules concerning amateur athletics. Such agents use any means necessary to convince a student athlete who has even a remote chance of playing professional sports to drop out of school and go pro early, including deceptive information about their chances in the draft, secret payments to their friends and families, lavish gifts, and sometimes even blackmail.

This kind of eliciting behavior can quickly cost student athletes their scholarships and eligibility to play college sports. The school may face substantial fines and other economic losses.

The only person not held accountable is the sports agent. Unfortunately, under the current patchwork of State sports agent laws, the agents face little or no consequences for damages they have caused.
H.R. 361 addresses this problem head on by providing baseline Federal remedies to protect student athletes and educational institutions, particularly in those States with no existing law regulating sports agent conduct. Specifically, the bill would make a number of unethical recruiting tactics unfair and deceptive trade practices under the Federal Trade Act. This includes making false or misleading promises or representations, providing anything of value to the student athletes or anyone associated with the athlete in order to entice them into an agency contract, failing to tell the student signing the contract that it will end their college eligibility, and predating or post-dating contracts.

The pressures on student athletes and colleges are tremendous. We have a responsibility to educate our student athletes and protect them from unscrupulous sports agents who try to trick or take advantage of a school to get ahead. This legislation will send a strong signal to the rotten apple agents that they will be held accountable for unethical recruiting practices. I urge all Members to support this bill. Finally, Mr. Speaker, let me give my sincere thanks to the gentleman from the State and University of Nebraska (Mr. OSBORNE). The gentleman has brought a unique perspective to this bill and the persuasiveness that has helped us get this passed.

Also I want to thank the sub-committee chairman from the Committee on Energy and Commerce, the gentleman from Florida (Mr. STEARNS), for expediting this procedure and helping us move through his committee, as well as the ranking member, the gentleman from New York (Mr. TOWNS). I also want to thank the gentleman from Louisiana (Chairman TAUZIN), the ranking member, the gentleman from Michigan (Mr. DINGELL), for their help. Certainly with joint jurisdiction with the Committee on the Judiciary, the gentleman from Wisconsin (Chairman SENSENBRENNER) should be thanked for his help; as well as the sub-committee chairman, the gentleman from Utah (Mr. CANNON); the ranking member, the gentleman from North Carolina (Mr. WATT); and the ranking member, the gentleman from Michigan (Mr. CONYERS).

Finally, let me thank a diligent member of my staff, Dana Lichtenberg, who has done an outstanding job with her team in moving this bill forward, and also a friend of mine from home, Ken Shipp. Coach Shipp came by my office a few years ago on the Square in Murfreesboro and told me about this problem; and, like so many things, I got my best advice from home, and so I thank Coach Shipp for his advice.

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

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

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of H.R. 361. This legislation, which is known as the SPARTA Act, is important for the sports industry, which in recent years has become ever more just so that, under the Federal Trade Act. This legislation would provide an even playing field. It would set a litmus test to ensure that we balance these hopes and aspirations, these goals for these young people, and the right thing to do.

So I applaud this legislation and I know it will make life better for those who are trying to make life better for themselves.

Mr. GORDON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me first of all give much applause to the gentleman from Tennessee (Mr. GORDON) for a very thoughtful, but very important legislative initiative. I am very proud as a member of the Committee on the Judiciary to have had an opportunity to overview and to vote on this legislation. I am also grateful for the response of the gentleman from Florida (Chairman STEARNS) in bringing this legislation to the floor.

Let me speak from a personal perspective, I guess, because I have an interest in it, and this is a unique moment deals with what is happening on the basketball court. I work very hard as a parent to ensure that his academic and professional development and his future would be great in some sports arena.

So this bill, I say to the gentleman from Tennessee (Mr. GORDON), is extremely important because what it does is it provides an even playing field for the innocent youngster, the young person whose parents are hopeful that their lives will be different than the lives of their parents, struggling every day to get into a certain college, and they were prayerful that his future would be great in some sports arena.

The unscrupulous will be charged and the Federal Government, which I believe should be the major problem-solver of this Nation, will be right in the midst. We will not blame and see the headlines of the young people who may well have been wronged. We have a country that has not been somewhere where they should not have been, while the other guy, who continues to have his fabulous rings and fancy cars, the sports agent, of which I do not label all of them, goes without penalty.

Let me give a compliment to many sports agents that I know who work very hard to speak accurately to the families, and work with the young people. But I believe this legislation will set a litmus test to ensure that we balance these hopes and dreams and aspirations, these goals for these young people, and the right thing to do.

So I applaud this legislation and I rise enthusiastically to support it. I know it will make life better for those who are trying to make life better for themselves.

Mr. STEARNS. Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska (Mr. OSBORNE), who has actually run premier athletic programs and has run multiple national college football championship teams at the University of Nebraska. If anyone knows about this problem of unscrupulous sports agents, the gentleman from Nebraska would know that.
Mr. OSBORNE. Mr. Speaker, I thank the chairman for yielding time to me, and I appreciate his help very much.

I would also like to thank the gentleman from Tennessee (Mr. GORDON) and his staff for all the work they have put in. The gentleman from Wisconsin (Chairman SENSENBRINER) and the gentleman from Nebraska, (Chairman TAUTZIN) and the gentleman from Ohio (Mr. STEARNS) and the gentleman from Ohio (Mr. KOSOLOFF) and the gentleman from Louisiana (Mr. GORDON), all those involved, and urge their support of H.R. 361.

H.R. 361 will prohibit an athlete from entering into a contract under false or misleading information, or by the provision of anything of value to the athlete or those associated with him.

In addition, the bill would require the contract between the agent and the student athlete to have a conspicuous notice in bold typeface stating that the agreement for agent representation may result in the termination of the student athlete’s eligibility to compete in collegiate sports.

Visitation of this act may be addressed by the Federal Trade Commission or the attorney general of the State of occurrence. The FTC may pursue an action as an unfair or deceptive act or practice. States are authorized to commence civil actions against the agent who is in violation of this act and seek remedies, including enjoining the practice, enforcing compliance, obtaining damages, restitution, or other compensation on behalf of the State’s residents.

In addition, this bill allows for educational institutions to seek damages in the event that a university athletic director is not informed of a new contract. A relationship to act. States are authorized to make this bill better.

The amendment clarified several portions of the bill to make it clear what behavior will and will not be tolerated. The amendment clarified the only representation to be prohibited is that of an agent, and will otherwise prohibit or discourage an athlete from seeking legal representation.

Further, the amendment included a specific ban on the giving of loans or acting as guarantor or co-guarantor for anything of value to the athlete or those associated with those athletes. This subterfuge is currently a common way of skirting NCAA rules.
Finally, the amendment clarified that nothing in this bill was meant to prohibit an individual from seeking Federal, State, or equity remedies under existing law, thus strengthening the student athlete's right to pursue a claim under existing contractual law.

Mr. Speaker, let me just say that this bill does not penalize the many legitimate sports agents. This bill does not stop any athlete from, with full information, going pro. Also, this bill does not set up a national sports police.

What it does is it deputizes the various States' attorneys general to follow up on the deceptive acts, and deal with these incidents or these problems on a local basis.

Once again, my thanks to all the Members that have made this bill possible to come to the floor and possibly pass today.

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

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

Mr. Speaker, just in conclusion, maybe just a quick history on this bill. The gentleman from Tennessee (Mr. GORDON) dropped the bill in the 107th Congress. We were working in the subcommittee that I chair the Subcommittee on Commerce, Trade, and Consumer Protection. We had the NCAA and we had lots of witnesses. Everybody endorsed this bill.

I think for those who are worried that this is a Federal mandate, it is basically a bill to give a little bit more support to the States, particularly those States, perhaps in Nebraska, where they do not have any law, and give those State attorneys general the opportunity to prosecute those unscrupulous sports agents.

I think the gentleman from Tennessee (Mr. GORDON) is to be commended for his hard work on this over a long period of time, and for pushing it forward.

Also, I want to thank the gentleman from Louisiana (Mr. TAUZIN) for allowing a hearing on this. Eventually we are here this afternoon. I wish we could have passed this in the 107th Congress, but we are here in the 108th Congress, and hopefully we will get this bill passed.

Again, I commend all those who have been involved.

Mr. DINGELL. Mr. Speaker, I am a proud cosponsor of H.R. 361, the "Sports Agent Responsibility and Trust Act" (SPARTA). This legislation will hold unscrupulous sports agents responsible for their actions by authorizing the Federal Trade Commission and State attorneys general to enforce common sense protections for amateur athletes. I commend the主席 of this House, the gentlemen from Tennessee, for his hard work on this bill.

This legislation empowers students with the ability to decide when and where they become professionals and protects them from the underhanded tactics that have become all too common in this field. Under this legislation, student athletes can no longer be tricked into signing contracts through the deception or bribery of a sports agent. And agents must clearly disclose to students that they will no longer be able to sign an agency contract, before they sign the contract.

SPARTA enjoys wide support in the academic community and has been endorsed by the NCAA and over 30 colleges and universities, including the University of Michigan. I urge my colleagues in the House to support this legislation, and send a strong message to the unprincipled sports agents who prey on our youth.

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 361, as amended.

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

A motion to reconsider was laid on the table.

ARMED FORCES NATURALIZATION ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1954) to revise the provisions of the Immigration and Nationality Act relating to naturalization through service in the Armed Forces, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1954

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 "Armed Forces Naturalization Act of 2003".

SEC. 2. NATURALIZATION THROUGH SERVICE IN ARMED FORCES.

(a) REDUCTION OF PERIOD FOR REQUIRED SERVICE.—

(1) IN GENERAL.—Section 328(a) of the Immigration and Nationality Act (8 U.S.C. 1439(a)) is amended by striking "three years," and inserting "one year."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to applications for naturalization filed after the date of the enactment of this Act.

(b) PROHIBITION ON IMPOSITION OF FEES RELATING TO NATURALIZATION.—

(1) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1410 et seq.) is amended—

(A) by adding at the end of section 328 the following:

(B) by amending section 329(c) to read as follows:

(c) REVOCATION OF CITIZENSHIP FOR SEPARATION FROM MILITARY SERVICE UNDER OTHER THAN HONORABLE CONDITIONS.—

(1) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended—

(A) by adding at the end of section 328 the following:

(B) by amending section 329(c) to read as follows:

(C) CITIZENSHIP GRANTED PURSUANT TO THIS SECTION MAY BE REVOKED IN ACCORDANCE WITH SECTION 340 IF THE PERSON IS SEPARATED FROM THE ARMED FORCES UNDER OTHER THAN HONORABLE CONDITIONS BEFORE THE PERSON HAS SERVED HONORABLY FOR A PERIOD OR PERIODS AGGREGATING FIVE YEARS.

The House then resumed at 3:32 p.m. pursuant to the Clerk's declaration of order of business, and was called to order by the Speaker at 3:36 p.m.
shall ensure that any applications, interviews, filings, oaths, ceremonies, or other proceedings under title III of the Immigration and Nationality Act (8 U.S.C. 1430 et seq.), which are required to qualify the citizen of the Armed Forces are available, to the maximum extent practicable, through United States embassies, consulates, and United States military installations overseas.

(e) Technical Amendment.


(2) EFFECTIVE DATE. The amendment made by paragraph (1) shall take effect as if enacted on March 1, 2003.

SEC. 4. IMMIGRATION BENEFITS FOR SURVIVING ALIEN SPOUSES, CHILDREN, AND PARENTS OF CITIZENS WHO DIED DURING SERVICE IN ARMED FORCES.  

(a) TREATMENT AS IMMEDIATE RELATIVES.  

(1) IN GENERAL. Section 201(f) of the Immigration and Nationality Act (8.U.S.C. 1151(f)) is amended by adding at the end the following:

"(i) SURVIVING ALIEN SPOUSES, CHILDREN, AND PARENTS OF CITIZENS WHO DIED DURING SERVICE IN ARMED FORCES.  

(1) BRIEF.  

The benefits under this subsection shall apply only to a surviving spouse, child, or parent of a person who, while a citizen of the United States, died during service in the Armed Forces as a result of injury or disease incurred in or aggravated by such service.

(2) EFFECTIVE DATE. The amendment made by paragraph (1) shall take effect as if enacted on March 1, 2003.

(b) TECHNICAL AMENDMENT.


(2) EFFECTIVE DATE. The amendment made by paragraph (1) shall take effect as if enacted on March 1, 2003.
children) under subsection (b)(2)(A)(i). The spouse shall be treated as an alien spouse described in the second sentence of subsection (b)(2)(A)(i) for such purpose.

"[ii]" Case of a surviving parent who remains an immediate relative after the date of a citizen's death pursuant to subparagraph (C), any petition under section 204 otherwise required to be filed by the citizen to classify the child under subsection (b)(2)(A)(i) may be filed instead by the child. In the case of a child under 18 years of age on the first petition described in this subparagraph, such subclause shall be filed on behalf of the child by a parent or legal guardian of the child.

"[iii]" Case of a surviving parent who remains an immediate relative after the date of a citizen's death pursuant to subparagraph (D), any petition under section 204 otherwise required to be filed by the citizen to classify the parent under subsection (b)(2)(A)(i) may be filed instead by the parent, but only if the parent was lawfully authorized to be present in the United States on the date of the citizen's death (disregarding any departure for a temporary visit abroad).

"[iv]" ADJUDICATION.—In the case of petition under clause (ii), subparagraphs (B), (C), and (D) shall apply only if such petition is filed not later than 2 years after the date of the citizen's death.

"[F]" WAIVER OF PUBLIC CHARGE GROUND FOR INADMISSIBILITY.—In determining the admissibility of any alien accorded an immigration benefit under the provision of this paragraph, the grounds for inadmissibility specified in section 212(a)(4) shall not apply.

(2) CONTINUATION OF PETITIONS. (A) In general.—The Secretary of Homeland Security shall provide for the reinstatement of any petition filed by a deceased person described in subparagraph (A) of section 203(f)(1) of the Immigration and Nationality Act, as added by paragraph (1), if such petition is described in subparagraph (E)(i) of such section and was revoked or terminated (or otherwise rendered null), either before or after its approval, due to the death of such person, unless the beneficiary otherwise has attained the status of an alien lawfully admitted for permanent residence.

(B) EXCEPTION.—A petition otherwise satisfying the requirements of subparagraph (A) and filed by a citizen on behalf of a parent shall be reinstated if the parent was lawfully authorized to be present in the United States on the date of the citizen's death (disregarding any departure for a temporary visit abroad).

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(4) TECHNICAL AMENDMENT.—

(a) IN GENERAL.—Section 203(f)(1) of the Immigration and Nationality Act (8 U.S.C. 1153(f)(1)) is amended by striking "Attorney General" and inserting "Secretary of Homeland Security".

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted on March 1, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENIBRENNER) and the gentleman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

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

Mr. SENSENIBRENNER. 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.R. 1954, the bill currently under consideration.

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

There was none.

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

Mr. Speaker, since the beginning of the operation Iraqi Freedom and the news coverage of Operation Iraqi Freedom, who was killed in combat, we have seen U.S. citizens, several bills have been introduced to either ease the naturalization requirements of legal permanent residents in the Armed Forces or to provide immigration benefits to the surviving family members of those killed in service to America, or both.

We can never adequately express our gratitude to those noncitizen members of our military who made the ultimate sacrifice, but we can bring reasonable changes to the naturalization process for other permanent resident service members willing to make the same sacrifice and to provide immigration benefits to family members of those who died.

The Committee on the Judiciary has worked closely with those who have introduced bills on this issue, including the gentleman from Washington (Mr. HASTINGS), the gentleman from Texas (Mr. FROST), the gentleman from North Carolina (Mr. JONES), the gentlewoman from California (Ms. SOLIS), the gentleman from Illinois (Mr. GUTIERREZ), and the gentleman from California (Mr. ISSA), as well as the gentleman from Michigan (Mr. CONYERS) and Subcommittee on Immigration, Border Security, and Claims ranking member, the gentlewoman from Texas (Ms. JACKSON-LEE), to come up with a bipartisan compromise bill.

In addition, six Members not on the Committee on the Judiciary testified at a hearing before the Subcommittee on Immigration, Border Security, and Claims that has held hearings.

H.R. 1954, the Armed Forces Naturalization Act is a consensus bill in which I have done my best to address the concerns of the other interested Members and to balance competing priorities. I am grateful that the gentleman from Michigan (Mr. CONYERS) and the gentlewoman from Texas (Ms. JACKSON-LEE) have signed on as original cosponsors.

Not every Member got everything they wanted in this bill, but each of the Members we consulted with got something that they wanted. As a result, we have a bill that should easily be able to pass the House with support from Members with widely varying views who want to improve the service to our country of permanent residents in the Armed Forces.

H.R. 1954 reduces the military service requirement to apply for naturalization during peacetime from 3 years to 1 year. Some of the earlier bills reduced the requirement to 2 years and another bill reduced it to zero years. One year is an obvious compromise.

It lowers the required years of service while maintaining the requirement that a military member must still establish their worthiness for expedited naturalization through a period of honorable military service during peacetime. For soldiers, this bill also waives the petition for the naturalization certificate, along with related State fees and waives the fees for the posthumous citizenship application. This will ease the financial burden for military members who perform our country and receive little money in return.

The bill permits the revocation of citizenship if a person is separated from the Armed Forces under other than honorable conditions before the person has served honorably for 5 years in either peacetime or wartime. In addition to the 5-year military revocation, an alien would remain subject to denaturalization at any time if, for example, the alien committed fraud to gain citizenship or the underlying green card.

I would also add that this bill does not allow for the naturalization or acquisition of permanent resident status to be documented after the date of the citizen's death.

H.R. 1954 would require the Department of Homeland Security, State and Defense to ensure that naturalization applications, interviews, filings, oaths and ceremonies are available to the maximum extent practicable at U.S. embassies, consulates and military installations. Currently, a soldier must be physically present in the United States to file a naturalization application, to be interviewed for the application and to take the oath of citizenship. This requirement causes some soldiers who are stationed outside the United States to leave their post abroad and to return the United States at own expense. This is both expensive and causes unnecessary interruption in their military service.

The bill would also permit surviving immediate family members of both military members who are U.S. citizens before death and immigrant military members who are granted citizenship posthumously to apply for immigration benefits as if the military family member had not died. Under current law, family members of posthumous citizens cannot apply for immigration benefits through the posthumous citizen. This bill would permit the spouse, the children and certain parents to do so.

Under current law, a lawful permanent resident spouse of a U.S. citizen may apply for naturalization in 3 years instead of 5 years. If the U.S. citizen spouse happens to be in the military and dies during military service, the lawful permanent resident spouse may apply for naturalization immediately rather than wait 3 years.

This bill would add an immediate eligibility for naturalization to lawful permanent resident spouses of military members who gain U.S. citizenship posthumously.
Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a great day today. Mr. Speaker, I might add my support to H. Con. Res. 177, that commends the troops for the Iraqi operation, and H. Res. 201, that commends the business support of the troops, because this is the day when we further acknowledge that there is no divide among Americans or amongst those of us who are Members of the United States Congress in commemorating, celebrating and appreciating the valid service of the United States troops.

I am very pleased to join the chairman of the Committee on the Judiciary in full support of H.R. 1504, the Armed Forces Naturalization Act of 2003.

I do want to thank the gentleman from Wisconsin (Mr. Sensenbrenner), as full committee chairman, and, as well, the chairman of the subcommittee, the gentleman from Indiana (Mr. Hostettler) for working with the ranking member of the full committee, the gentleman from Michigan (Mr. Conyers) and myself as the ranking member of the subcommittee. In what is an important legislative action that we are joined in by any number of my colleagues who have done an outstanding job in recognizing this very important challenge.

This work is a culmination of a bipartisan effort to improve the naturalization provisions of the Immigration and Nationality Act.

The gentleman from Wisconsin (Mr. Sensenbrenner) was quick to respond and sensitive to the need of moving this legislation along very quickly. I am proud to be an original cosponsor of this bill that was later introduced by the chairman, but more importantly, to be working very closely on the drafting of these issues within the bill and to make the bill as responsive as well, along with the gentleman from Michigan (Mr. Conyers), to the issues of concern to those brave and valiant individuals who serve us and create an opportunity for our freedom.

Mr. Speaker, I also want to thank the Members who cooperated with this project by combining their individual naturalization bills to produce a comprehensive Armed Forces Naturalization Act. Certainly, the gentleman from Washington (Mr. Hastings), the gentleman from Texas (Mr. Frost), the gentleman from North Carolina (Mr. Jones), the gentlewoman from California (Ms. Solis), the gentleman from Illinois (Mr. Gutiérrez), all of them had brilliant ideas, brilliant piece of legislation focusing on very important aspects of this work. We couldn’t have done this legislation without them.

Marine Corporal Jose Angel Garibay and Lance Corporal Jose Gutierrez were among the 129 men and women killed during the Iraqi war. Those numbers obviously have increased. The very brave service and fought in this war, they were immigrants with resident status and not citizens of the United States.

Jose A. Gutierrez was an orphan from Guatemala when he hitchhiked on railcars into Mexico in 1997. He entered the United States illegally. Later, however, he obtained permanent resident status. And according to Martha Espinosa, one of his former foster mothers, he once told her, “I was born the day I died. But Gutibay was a native of Jalisco, Mexico, whose family moved to the United States when he was a baby. He joined the Marines 3 years ago. “He probably thought he was more an American than a Mexican” of his sister. With the help of their families and fellow Marines, these brave young Americans unfortunately lost their lives in the war in Iraq; and so we would hope that as we move this legislation forward, these brave young Marines will also obtain their citizenship posthumously.

Service in the United States military, particularly in times of conflict, is the ultimate act of patriotism. Our immigration laws traditionally have allowed for expedited citizenship consideration for noncitizen members of the United States military even in peacetime. For instance, section 328 of the INA allows noncitizen members of the military to become citizens after 3 years of service instead of the usual 5-year wait required of nonmilitary applicants. Section 329 of the INA allows noncitizens to receive immediate naturalization eligibility through their active duty service in the Armed Forces during periods of military hostilities.

Under this section of the INA, 143,000 noncitizen military participants in World War I and II, and 31,000 members of the United States military who fought during the Korean War became naturalized citizens. More than 100,000 members of the United States became citizens following Vietnam and the Persian Gulf War collectively.

The important point, Mr. Speaker, is to realize that this Nation continues to be a Nation built upon immigrants and their desire to be part of this great democracy. And it also shows how much we are united, united in our war against terrorism, and that immigration does not equate to terrorism.

The Armed Forces Naturalization Act of 2003 would reduce the time that a peacetime member of the Armed Forces has to serve for naturalization eligibility purposes from 3 years to a single year. The fees normally charged for naturalization will be waived for members of the Armed Forces.

Moreover, effort will be made to provide locations overseas at which soldiers will be able to take the naturalization examination, the interviews and other steps in the naturalization process. If you can imagine, before this legislation and the vision of the gentleman from Texas (Mr. Frost), these positions had to come to the United States, and that was very, very difficult, to proceed to naturalize. This will avoid the expense to that soldier serving overseas of paying his or her transportation to and from the United States to complete the naturalization process.

The current law provides for posthumous citizenship when a soldier has been killed during a period that has been declared a time of military hostilities. But the current law explicitly denies derivative immigrant benefits for the soldier’s spouse and children. This bill will correct that inequity by allowing the spouse, children and parents of such a soldier to self-petition for immediate relative status on the basis of the soldier’s posthumous citizenship.

The bill as offered at the mark-up, however, did not extend similar benefits to the case in which the soldier’s surviving spouse is already a lawful permanent resident. This omission was corrected by an amendment I offered at the mark-up. Ordinarily, a lawful permanent resident must be married to a United States citizen for a period of 3 years before becoming eligible for naturalization as a spouse of a United States citizen. Section 319(d) of the INA waives that requirement when a lawful permanent resident’s citizen spouse dies in the Armed Forces.

The pertinent part section of 319(d) reads as follows: “Any person who is a surviving spouse of a United States citizen, whose citizen spouse died during a period of honorable service in the Armed Forces of the United States and who was living in marital union with the citizen spouse at the time of his death, may be naturalized upon compliance with all the requirements of this title except that no prior residence or specified physical presence within the United States shall be required.”

My amendment provides the same waiver in the case of the lawful permanent resident spouse whose soldier spouse receives citizenship posthumously.

The only difference between the two situations is that the one permitted under current law involves a soldier who received his citizenship before he died whereas under this bill, if the situation the citizenship is received posthumously. In both cases, the soldier is a citizen who is killed during a period
of honorable military service. I am pleased that the committee voted to approve that amendment.

There are two instances of concern that I have. One amendment provides that anyone naturalized under the bill’s 1 year of service in the Armed Forces measure can have such citizenship revoked if the individual is subsequently separated from the military under other than honorable conditions. No such provision currently exists for revoking the citizenship of Armed Forces personnel who obtain naturalization pursuant to peacetime service. I am concerned about that and hope we can work through conference on that provision.

I am also concerned about an amendment that modifies the provisions in the bill that are intended to grant immigration benefits to the parents of soldiers who receive citizenship posthumously. In the current bill, the parents of a soldier are made eligible to receive permanent resident status immediately upon the death of the soldier. This provision would permit them to obtain an immigrant visa without having to wait for a visa number. The amendment that was in this bill limits the benefit to parents who are lawfully authorized to be present in the United States on the date of the soldier’s death. Aside from unusual situations, such as when the parents happen to be college students or have visas for temporary employment in the United States as computer experts, et cetera, this is a problem because we can imagine problems of where a parent might be on any given day when the son or daughter dies, whether or not they are out of the country; and I would hope that we could make a correction as we move forward.

I do want to acknowledge that this is an important bill that has come about through bipartisan efforts, and I do want to acknowledge that there are problems that we want to work through. In the case of revenue, we want to make sure that the problems that we face will be ones that can be corrected.

I believe, Mr. Speaker, that we worked in a bipartisan way for the betterment and good of these heroes, valiant heroes; and I would ask that my colleagues support this legislation.

Mr. Speaker, the “Armed Forces Naturalization Act of 2003” is the culmination of a bipartisan effort to improve the military naturalization provisions of the Immigration and Nationality Act (INA). I am proud to be an original cosponsor of this bill, which was introduced by Representative F. JAMES SENSENIBRENNER, the Chairman of the Committee on the Judiciary. I want to thank Chairman SENSENIBRENNER and the Ranking Member of the Judiciary, Representative CONDRY, for their leadership. I also want to thank the members who cooperated with this project by combining their individual naturalization bills to produce the comprehensive Armed Forces Naturalization Act. Representatives GRAY, HASTINGS, MARTIN FROST, WALTER JONES, HILDA SOLIS, DARRELL ISSA, and LUIS GUTIERREZ.

Marine Corporal Jose Angel Garibay and Lance Corporal Jose Gutierrez were among the 129 men and women killed during the Iraqi war. When they volunteered for military service and fought in this war, they were immigrants with resident status, not citizens of the United States. Jose A. Gutierrez was an orphan from Guatemala when he hitchhiked on railcars into Mexico in 1997. He entered the United States illegally. Later, however, he obtained permanent resident status. According to Martha Espinosa, one of his former foster mothers, “He once told me, ‘I was born the day I arrived in this country.’” Garibay was a native of Jalisco, Mexico, whose family moved to the United States when he was a baby. He joined the Marines three years ago. “He probably thought he was more an American than a Mexican,” said Garibay’s sister Crystal. With the help of their families and fellow Marines, Garibay and Gutierrez became American citizens posthumously.

Service in the United States military, particularly in times of conflict, is the ultimate act of patriotism. Our immigration laws traditionally have allowed for expedited citizenship consideration for non-citizen members of the United States military, even in peacetime. For instance, Section 328 of the INA allows non-citizen members of the military to become citizens after 3 years of peacetime service, instead of the usual 5-year wait required of non-military applicants.

Section 329 of INA allows non-citizens to receive immediate naturalization eligibility through their active duty service in the Armed Forces during periods of hostilities. Under this Section of the INA, 143,000 non-citizen military personnel in World Wars I and II, and 31,000 members of the United States military who fought during the Korean War, became naturalized American citizens. More than 100,000 members of the United States military became citizens following Vietnam and the Persian Gulf War collectively.

The Armed Forces Naturalization Act of 2003 will reduce the time that a peacetime member of the armed forces has to serve for purposes of obtaining either a permanent resident or dual citizenship. The current law requires 3 years of military service to a single year. The fees normally charged for naturalization will be waived for members of the armed forces. Moreover, effort will be made to provide locations overseas at which soldiers will be able to take the naturalization examination, the interviews, and the other steps in the naturalization process. This will avoid the expense to the soldier serving overseas of paying for his or her own transport to and from the United States to complete the naturalization process.

The Armed Forces Naturalization Act of 2003 also grants citizenship to posthumous citizens when a soldier is killed during a period that has been declared a time of military hostilities, but the current law explicitly denies derivative immigration benefits to the soldier’s spouse and children. This bill will correct that inequity by allowing the spouse, children, and parents of such persons, or a petition for immediate relative status on the basis of the soldier’s posthumous citizenship, the bill as offered at the markup, however, did not extend similar benefits to the case in which the soldier’s surviving spouse is already a lawful permanent resident. This omission was corrected by an amendment I offered at the markup.

Ordinarily, a lawful permanent resident must be married to a United States citizen for a period of 3 years before becoming eligible for naturalization as the spouse of a United States citizen. Section 319(d) of the INA waives that requirement when the lawful permanent resident’s citizen spouse dies during a period of honorable service in the Armed Forces. The permanent resident can then be naturalized as the spouse of the United States citizen. This is the pertinent part of section 319(d) read as follows:

Any person who is the surviving spouse of a United States citizen, whose citizen spouse dies during a period of honorable service in the Armed Forces of the United States and who was living in marital union with the citizen spouse at the time of his death, may be naturalized upon compliance with all the requirements of this title . . . prior residence or specified physical presence within the United States . . . shall be re-

My amendment provides the same waiver in the case of the lawful permanent resident spouse whose soldier spouse receives citizenship posthumously. The only difference between the two situations is that the one permitted under current law involves a soldier who received his citizenship before he died, whereas in the second situation, the citizen spouse is received posthumously. In both cases the soldier is a citizen who is killed during a period of honorable military service. I am pleased that Committee voted to approve my amendment.

I am concerned, however, about two amendments from Representative STEVE KING that also were approved at the markup. Representative KING’s first amendment provides that anyone naturalized under the bill’s “one year of service in the Armed Forces” measure can have such citizenship revoked if the individual is subsequently “separated from the military . . . under other than honorable conditions.” No such provision currently exists for revoking the citizenship of armed forces personnel who obtain naturalization pursuant to peacetime service.

Representative KING’s second amendment is even more troubling. It modifies the provisions in the bill that are intended to grant immigration benefits to the parents of a soldier who receives citizenship posthumously. The amendments in the first amendment limit the parents who are eligible for immediate relative status without imposing any additional eligibility requirements. Immediate relative status would permit them to obtain an immigrant visa without having to wait for a visa number. Mr. KING’s second amendment limits the benefit to parents who are lawfully authorized to be present in the United States on the date of the soldier’s death. Aside from unusual situations, such as when the parents happen to be college students or have visas for temporary employment in the United States as computer experts or agricultural workers, the King amendment limits the immediate relatives status benefit to parents who have coordinated their vacation plans with the death of their soldier son or daughter.

For instance, if the parents are in the United States for two weeks in June as nonimmigrant visitors and their soldier son or daughter dies in combat in July, they are not eligible for immediate relative status. Although they were authorized to be in the United States when they visited in June, they were not authorized to be present in the United States in July, which is when their son or daughter dies in this hypothetical example. The result is this irrational in every situation I can imagine. It
As my colleagues know, some of our troops who died in Iraq wearing the uniform of the United States gave their lives before they were truly entitled to call themselves Americans. Frankly, Mr. Speaker, that is just plain wrong, as the Department of State, and I am pleased that Congress is moving quickly to correct that injustice.

So, Mr. Speaker, let us recognize their love of this country by voting today to enable legal immigrants serving America’s Armed Forces to become citizens before, not after, they begin risking their lives to save ours.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted to yield 4 minutes to the distinguished gentleman from California (Mr. BERMAN), a member of the full Committee on the Judiciary and the Subcommittee on Immigration, Border Security, and Claims.

Mr. BERMAN. Mr. Speaker, I thank the gentlewoman, the ranking member of the subcommittee, both for her excellent work and for yielding me this time.

I rise in strong support of the bill, but I do want to point out a few issues that were addressed in the Committee on the Judiciary where I think we could have done better by being fair to the families of our soldiers.

I very much appreciate the gentleman from Wisconsin’s (Mr. SENSENBRENNER) willingness to create a bipartisan process in the negotiations on this bill, a process that was carried through the House at least seven different bills on the topic.

I think the goal of all the Members who introduced those bills, and of most of us in the House, were the same. We wanted to reward the dedication of lawful, permanent residents in the military by making it as easy as possible for them to become full members of the country they are serving on the battlefield.

Secondly, we wanted to honor the sacrifice of both lawful, permanent residents and U.S. citizens who have been killed in service; and we are doing that by ensuring that their families are treated fairly by the country that they gave their lives to defend.

As I indicated, the bill is a very good start. The problem is that there will be some families of these brave soldiers who will not be helped by this bill. My hope is that in the conference with the other body we will be able to address those issues so we can be sure that we are not creating a situation where we have to, for example, tell the mother of a young man who gave his life for his country, our country, that we thank him very much for his service but his mother will have to leave. As one of my colleagues on the committee put it, we ought to be sure that the family members of our fallen heroes have the right to tend to the grave of their loved one.

When the Committee on the Judiciary considered this bill, I offered an amendment that would have provided the Secretary of Homeland Security the discretion, the discretion, to waive certain bars in our immigration laws that otherwise could be an obstacle to relief for the spouses, children, parents of the soldier killed in combat. We are not talking an automatic waiver. What we asked for was an opportunity for the Secretary to do an investigation and, in his discretion, provide relief where he deemed it appropriate.

I think it is right to offer some level of forgiveness to these families whose spouse or child or sibling has given the ultimate sacrifice and by giving that discretion to the Secretary of Homeland Security, we would have ensured that the waiver pose no threat to our national security.

The second issue of concern in this legislation is one raised by the gentlewoman from Texas, the ranking member, that we have drawn an arbitrary line with respect to immigration relief for the parents of both U.S. citizen soldiers and soldiers granted posthumous citizenship under the law.

Under current law, legal permanent residents cannot petition for their parents to come to this country as immigrants. Naturalized citizens can petition for their parents. Under the language of this bill, the parent of a legal permanent resident soldier who is killed in combat and is given posthumous citizenship cannot get immigration benefits if they were waiting outside the country for their child to naturalize and then petition for them.

If a U.S. citizen soldier filed a petition under this law for their parents before they were killed in combat and their parents do not happen to have a visa to be in the U.S. on the exact date that their child was killed, the petition would be extinguished. In other words, the parent patiently waiting, playing by the rules, is turned away by the country their son or daughter died for.

In a bizarre and totally arbitrary twist that no parent could have imagined to get a visitor’s visa to enter the country, say to help take care of the soldier’s children while he was deployed, and that time in the U.S. happened to include the exact date on which their child was killed in combat, then the parent of a legal permanent resident soldier would be eligible for relief. This distinction makes no sense and we should correct it.

A parent is a parent whether they are in Mexico waiting patiently or here on a tourist visa helping with the kids. I would hope we could address these issues in conference.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman for yielding me the time, and I want to thank the chairman of this committee and the ranking member for working with me on H.R. 1799, the Fallen Heroes Immigrant Spouse Act.

Mr. Speaker, this came to my attention when I attended the funeral of a Marine who was killed in Operation Iraqi Freedom. His name was Michael...
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Mr. FROST asked and was given permission to revise and extend his remarks.

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

Mr. Speaker, I am here today to express my support for H.R. 1515, the Armed Forces Naturalization Act of 2003.

In the war against Saddam Hussein, noncitizen soldiers were among the first brave men and women to fall. Some were killed in combat, others in training, while some who bravely answered our call to service died in peacetime accidents caused by the unfairness of our immigration law.

By knowing that, Mr. Speaker, I decided that I would put this legislation in that would allow the spouse of a member of the military who had lost their life, whether it be in war or by accident or in training, that if they had not reached that 2-year period of time, that they would still be able to continue the naturalization process without being penalized.

I am pleased to say that we honor today, Lance Corporal Jose Gutierrez; but all died fighting for a country where they could not even cast a vote.

Mr. Speaker, in the last Congress, in May of 2002 to be precise, I first introduced legislation to help remedy the obstacles these brave soldiers faced on the battlefield. And I reintroduced my bill in this Congress before the war with Saddam Hussein began.

So I am pleased that we are finally here today voting to ease the burdens placed on our legal permanent resident troops.

The men and women who serve honorably in the Armed Forces have earned the respect and gratitude of every American citizen. All of those who have chosen to make the ultimate sacrifice for our country, certainly have earned the full rights and privileges of U.S. citizenship.

While it is unfortunate that it took a war to shed light on the sacrifices of our green card troops and compel the House as a body to act, I am hopeful that we will focus our attention on rewarding and enhancing our military personnel in time of peace as well as times of war.

According to the Department of Defense, the number of legal permanent residents serving on active duty has risen to 37,401, or about 3 percent of our military. Additionally, thousands of immigrants serve in the Reserves and were called up for active duty.

The ranks of noncitizens serving in the Armed Forces are growing, and today’s immigrants are building upon a rich legacy of service in the U.S. military. Immigrants have fought in every American conflict from the Revolutionary War to the war with Iraq. The military service of immigrants reflects the strong strain of patriotism among generations who have chosen to come to America, and the patriotism of today’s large Hispanic immigrant communities is particularly strong. Unfortunately, the process for granting citizenship to immigrants within the U.S. still places heavy burdens upon them, especially those serving in the toughest overseas assignments.

Mr. Speaker, simply stated, the Armed Forces Naturalization Act of 2003 removes unnecessary obstacles facing thousands of legal permanent residents serving honorably in the U.S. military trying to obtain their citizenship. While there are some differences in the bill that I originally introduced and the bill we are debating today, I am hopeful that certain changes can be made in conference.

This is why I urge my colleagues to vote in favor of this legislation. Let us honor our brave soldiers who have shown the willingness to make the ultimate sacrifice for the country they dearly wish to be citizens of.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

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

As Americans, we owe the men and women who serve our Nation a great debt of gratitude, and that is why I rise in strong support of H.R. 1515, the Armed Forces Naturalization Act of 2003.

Many immigrants have proven their patriotism by fighting in this country’s wars. These soldiers are real patriots, adopting America as their home to honor and defend. America’s armed services have long included soldiers, sailors, airmen and Marines who were noncitizen residents of the United States. These men and women fight and die along with their fellow citizens and deserve the privilege of U.S. citizenship.

Currently, over 37,000, or 2.6 percent of active members of the armed services are noncitizens or immigrants. There is one specific American patriot I would like to honor today, Lance Corporal Jakub H. Kowalik. Sadly, having given the ultimate sacrifice, Jakub died in an ordnance explosion while serving in Iraq on May 12 of this year.

Jackson, a native of Poland, migrated with his family in 1991, settling in Schaumburg, Illinois. He played football at Maine East High School, where he graduated in 2002. Jakub enjoyed being a Marine. His mother said he was a different person in high school, a few months before the attacks of September 11. His older brother, Paul, called him his best friend and hero. His mother said he just enjoyed being a Marine. Jakub is but one example of the many noncitizens who have proudly served our country.

The message of this legislation is very clear: While we can never fully repay these men and women who have willingly entered harm’s way to preserve, protect, and defend our freedom
around the world, serving with courage and selflessness, we can honor and respect them for their service. Throughout history they have answered the call. Today, we have the opportunity to reply with the greatest privilege we have to offer, which is U.S. citizenship.

My colleagues, I urge passage and bipartisan support for this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Ms. SOLIS), who was also one of the authors of legislation that contributed to this bipartisan bill that is on the floor today.

Ms. SOLIS. Mr. Speaker, I wish to thank the gentlewoman for yielding me this time, and I also would like to thank the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), the ranking member, the gentleman from Michigan (Mr. Conyers), the 1-year-in California subcommittee, the gentlewoman from Texas (Ms. JACKSON-LEE), and others who helped to put forward this piece of legislation.

Mr. Speaker, I was moved to put forward legislation on this issue because we have several young soldiers that are in my district that are serving now, but one in particular, Francisco Martinez Flores, who actually lost his life. He lost his life just 2 weeks short of becoming a U.S. citizen. Most of his family is here legally, with the exception of his father. Without this piece of legislation, his father is out there on his own for the time being, and it would take a while for him to become a U.S. citizen.

I am very appreciative of the work that has taken place on the bill. Thirty-seven thousand legal permanent residents will be eligible, through this legislation, to become U.S. citizens, and their family members. That is first and foremost in my mind in terms of what we need to do for the families.

I had a chance to meet with several of those families in my own district, many of whom are waiting, wanting their children to come home and hoping they do come home. The fact we are moving in this direction today to provide opportunities for them to continue to support our country is something we can all take pleasure and pride in today.

I also want to thank the gentleman from Texas (Mr. FROST) for putting forward legislation that is also incorporated in this piece of legislation, for having the foresight to put forward his idea even before the conflict began.

There are many different angles and parts of this bill that I could speak on. I know I have limited time here, but I do want to say that we should make some corrections. One piece that is amiss in the bill that I put forward was to try to allow for parents that are not here with their children to become legal permanent residents even if their son or daughter is serving and may be a fallen soldier.

We need to look at that and continue to work on this legislation to make sure that we take care of those family members because there are many, many that are not here, that are in Mexico or Central America waiting to hear about their children who are U.S. citizens.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER), the very distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend, the very able chairman of the Committee on the Judiciary for yielding me this time, and I thank him for the tremendous time and energy he puts into so much of the heavy lifting that goes on in this institution.

I rise in strong support of this very important legislation. As we think about the sacrifice that has been made, and it has obviously come to the forefront in the past several months, I believe that steps towards recognizing the sacrifice that has been made by people regardless of their background and citizenship, I think this piece of legislation which has been crafted in a bipartisan way to address this important need will go a long way toward sending a signal of great, unwavering appreciation of those of us in the United States Congress and the American people on behalf of that sacrifice that has been made.

I want to congratulate my fellow colleagues, the gentleman from California (Ms. SOLIS) for her work on this, obviously the gentleman from Washington (Mr. HASTINGS), the gentleman from California (Mr. Berman), and the others who have been involved in this legislation; and I look forward to its speedy passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to inquire of the Speaker how much time is remaining.

The SPEAKER pro tempore (Mr. BILIRAN). The gentleman from Texas (Ms. JACKSON-LEE) has 2 minutes remaining, and the gentleman from Wisconsin (Mr. SENSENBRENNER) has 6 1/2 minutes remaining.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. Mr. Speaker, I thank the distinguished chairman for yielding me this time, and I appreciate his leadership on this important issue.

I rise in strong support of H.R. 1954. Our servicemen and women shoulder the burden of defense as one of the responsibilities of citizenship in this country. Having participated in protecting our rights of U.S. citizenship, and having met the test on battlefields around the world, they are more than qualified to appreciate and treasure the blessings of citizenship in the country they so proudly serve.

The relationship of citizenship to the all-volunteer force is very real. That force is a reflection of the intrinsic civic virtue of military service. That civic virtue is as strong today among America's citizen-soldiers as with the first minutemen. And making it easier for military service members to gain citizenship is a minimal act of gratitude by an often all-too-ungrateful Nation.

A citizen of the United States is accorded a number of benefits not granted to legal permanent residents. He has the right to vote and to hold public office and may qualify for various jobs from which permanent residents are barred. But who is more deserving to receive those benefits of U.S. citizenship than a member of the Armed Forces?

I am delighted that the committee's bill incorporated my legislation, H.R. 1906, along with others, as part of the final package. It came to my attention that this was the right thing to do for our citizen-soldiers when one of my district caseworkers notified me that some of our own constituents were courageously serving in our Armed Forces, defending our freedom, and sadly, some of those who had been killed had yet to be granted U.S. citizenship.

More so than most, these individuals have earned their opportunity to become citizens of the country they defend. These active duty service members who have shown such courage and bravery in the defense of our homeland deserve to become citizens before not after they begin risking their lives to defend ours.

Ms. J JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the distinguished chairman of the Democratic Caucus and a proponent of this legislation.

Mr. MENENDEZ. Mr. Speaker, I rise in strong support of this very bipartisan legislation, crafted in a bipartisan way to address this important need. It will go a long way toward sending a signal of great, unwavering appreciation of those of us in the United States Congress and the American people on behalf of that sacrifice that has been made.

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and at least seven other noncitizen soldiers also made the ultimate sacrifice in Iraq.

So this legislation rectifies a variety of barriers faced by U.S. servicemen and women seeking to become citizens of the country that they serve and that they risk their lives for. I hope we will not only pass this, but it will give rise to other opportunities.

Mr. SENSENBRENNER. Mr. Speaker, has the time allocated to the minority expired?

The SPEAKER pro tempore. The gentlewoman from Texas (Ms. JACKSON-LEE) has 30 seconds remaining.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 30 seconds to the distinguished gentlewoman from California (Ms. LINDA SANCHEZ), a member of the full committee and a member of the subcommittee.

(Ms. LINDA SANCHEZ of California asked and was given permission to revise and extend her remarks.)

Mr. Speaker, I am pleased to stand here and support this bill, but I just want to bring people's attention to one point of the bill in particular I am concerned about, and that is parents of legal permanent resident soldiers killed in combat who are not eligible for citizenship if they were outside the United States at the time their child was killed. Those same parents would be eligible for citizenship if they were here in the United States. It makes no sense to differentiate between the two.

A parent is a parent, whether or not they happen to have gone to their home country for a short time, or whether they are in the process of waiting for a visa application renewal, or whether some other circumstance has forced them to be outside the U.S. when their child was killed.

I urge the other body to correct this aspect of the bill, but I rise in support of the bill and urge my colleagues to do the same.

In this country, non-citizens have worn our military uniforms and fought in our battles throughout our history. One of my uncles served in the military as a legal permanent resident during the Korean War. Now, approximately 3 percent of our military are legal permanent residents.

I am a strong supporter of measures that provide opportunities for legal permanent residents serving in our military to become U.S. citizens. These individuals are making enormous sacrifices. Without being citizens, and without having the protections that status would give them, these immigrant men and women are risking their own lives to defend this nation. The least we can do is give them something in return.

When this bill does is to provide them the opportunity to apply for citizenship after 2 years of military service, instead of the 3 years requirement in current law. It also allows for the spouse and children of legal permanent resident soldiers, killed in action, to apply for citizenship.

I commend Chairman SENSENBRENNER, and other Members of the House, for introducing legislation to address this issue. I appreciate Chairman SENSENBRENNER's willingness and diligence in working closely with Democrats to produce a bill that we can support. I still have some concerns with aspects of this bill, however, and hope that we are able to work out these issues.

In particular, I am concerned that parents of legal permanent resident soldiers killed in combat and not eligible for citizenship if they were outside the U.S. at the time their child was killed. Those same parents would be eligible if they are here in the U.S. It makes no sense to treat them differently or not let them have to go home to their own country for a short time, or whether they are in the process of waiting for a visa application renewal, or whether some other circumstance has forced them to be outside the U.S. when their child was killed. I urge the other body to correct this aspect of the bill. In addition, during consideration of this bill in the Judiciary Committee, I joined with Mr. Berman in offering an amendment to provide a discretionary waiver to the Secretary of Homeland Security for those people. Unfortunately, that amendment failed. I will work with Mr. Berman to encourage the other Body to include this provision in their version.

Again, I applaud Chairman SENSENBRENNER and other Members of the House, and urge them to work diligently on this issue. I hope that, with continued work in conference with the other Body, we can produce a bill that truly honors our legal permanent resident soldiers.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS) to show how bipartisan we in the Committee on the Judiciary are on practically everything.

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

Mr. CONYERS. Mr. Speaker, I thank the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time.

Mr. Speaker, the reason this is on the consent calendar is that the members of the Committee on the Judiciary, as well as the Members in the House, see that this is a bill that allows us to take steps to make sure citizenship is granted to some 37,000 military people who happen to be noncitizens. And it is in that spirit that I rise to commend the ranking subcommittee chair, the gentlewoman from Houston, Texas (Ms. JACKSON-LEE), and the subcommittee chairman, the chairman of the full committee, and all of the members on the Committee on the Judiciary that worked on this.

We are trying to still improve this measure as it goes to conference, and I would like to urge everyone to give it a rousing vote this afternoon.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN) who has worked diligently on this bill.

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

Mr. GREEN of Texas. Mr. Speaker, I thank the chairman of the committee for yielding me this time, and I also want to thank the ranking member, my neighbor from Houston. I am really happy that H.R. 1954 is up today.

There is no more powerful or honorable way to serve our country than in our Armed Forces. Our military men and women are willing to put their lives on the line to defend freedom and democracy. This type of service is reserved, particularly for our non-native born.

We have legal permanent residents who volunteer, and I have some who were actually drafted in World War II, Korea, and the Vietnam War who served and earned their citizenship. We have worked with them to get them through the system with INS to get their citizenship, but this bill just gives us a statute that will make it work.

Mr. Speaker, again, I thank the chairman and I thank all the members of the Committee on the Judiciary for allowing this. We had more than 300,000 Mexican Americans that served in our Armed Forces just in World War II. I have constituents whom I have talked to who served in the armed forces, and they would get their citizenship, but they did not. Again, that is our constituent work, working together, but this makes it so much easier.

Mr. Speaker, I rise today in support of H.R. 1954, the Armed Forces Naturalization Act of 2003.

Legal Permanent Residents who volunteer in our U.S. Armed Forces demonstrate the highest level of patriotism and service to our country.

They serve, not out of obligation or a sense of duty to their homeland, but because they have embraced everything that America stands for.

These individuals are willing to risk their own lives, so that their children and grandchildren can grow up as citizens of this great land.

Legal permanent residents have a long history of serving our country and protecting our democracy.

More than 300,000 Mexican Americans served in the armed forces during World War II. Most enlisted in the army, and more Hispanics served in combat divisions than any other ethnic group.

Of the fourteen Texans awarded the Medal of Honor during WWII, five were Mexican Americans. By the end of the war, seventeen Mexican Americans had earned the Medal of Honor. Five were awarded posthumously.

Today, immigrants continue to play an important role in the United States military.

As of February 2003, more than 37,000 people in active duty status in the Army, Navy, Air Force and Marines were non-citizens.

During our war with Iraq some of the first fallen soldiers were immigrants who were not naturalized citizens. The least we can do for these individuals—who are willing to serve in ways that many American born individuals aren't—is to recognize them as citizens.

The Armed Forces Naturalization Act of 2003 will allow legal permanent residents and women who have risked death—and those who have made the ultimate sacrifice—to come a step closer to fulfilling the American Dream by giving them the opportunity to become a naturalized citizen.
Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I am pleased to rise today in favor of H.R. 1954, the Armed Forces Naturalization Act, which recognizes the contributions made to our country by over 37,000 legal permanent residents serving in our armed forces. As a member of the Committee on Armed Services, I have had an opportunity to visit Iraq and other parts of the world where our men and women are serving proudly in the military, this bill is the right recognition for their services and for putting their lives on the line. So I strongly recommend that all my colleagues support it.

I am pleased to rise today in favor of H.R. 1954, which recognizes the contributions made to our country by the 38,000 legal permanent residents serving in our armed forces. These men and women dedicate their energies and put their lives on the line to defend the freedoms and liberties of this great nation. It is only appropriate that in exchange for their sacrifices, we remove barriers to obtaining citizenship.

They have earned this.

H.R. 1954 would allow immigrants serving in our armed forces to apply for citizenship after one year of service, down from three years under current law. The bill removes administrative barriers to the naturalization process by making citizenship applications, interviews, filings, oaths, ceremonies and other such proceedings available to members of the armed forces at our military bases, diplomatic missions, and consulates overseas. The bill also waives application fees. In both this Congress and the 107th Congress, I have been a proud cosponsor of legislation introduced by my colleague from Texas, Congressman HOLT, known as the Citizenship for America's Troops Act, that sought to make these changes. I am pleased that they are part of the bill we are voting on today.

The bill also allows spouses, children and parents of naturalized soldiers who die in the line of duty to apply for permanent residency status. Additionally, this bill recognizes the important role that spouses play and ensures that when their loved one dies in the line of duty, they are not made to suffer even more by having their residency status placed in jeopardy.

Despite these very good provisions, I must express my disappointment that the bill does nothing for immediate family members who are undocumented. I was an original cosponsor of legislation introduced by my colleague Hilda Solis, which would have provided immigration protections to immediate family members of soldiers who die in the line of duty, regardless of their immigration status. But this bill does not cease to be a father, and a wife does cease to be a wife, just because of the immigration papers they may or may not have.

I am further disappointed, startled in fact, that the bill actually expands existing rules allowing for citizenship to be revoked from naturalized servicemembers who are discharged under other than honorable conditions. The major problem here is that there are other forms of discharge that are not termed honorable, but still worthy of respect.

The language in the bill would actually punish someone who is discharged for medical reasons. For example, someone who serves in our armed forces, applies for and obtains citizenship, continues to serve for four years and is discharged because of a medical condition, would have his or her citizenship revoked. I cannot believe that the author of this bill intended for that to be the case. I strongly urge my colleagues to resolve this in conference.

On balance, Mr. Speaker, this legislation, H.R. 1954, demonstrates the appreciation of a grateful nation to the thousands of people who come to this country from around the world to contribute to the freedom, strength and prosperity of America. I would like to thank my colleagues, Representatives Frosst and Conyers, for all their work in championing this issue, and most of all, I would like to thank the members of our armed services for the sacrifices they make on our behalf. I urge all my colleagues to vote yes on H.R. 1954.

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

Mr. Speaker, H.R. 1954 is a bill that has almost universal support in this House because it is a compromise. The Committee on the Judiciary on legislation relating to the Immigration and Naturalization Act has deep divisions. The reason this bill is so strongly supported is twofold. One is that there is a demonstrated need to provide a naturalization road and the immigration benefits to those who have served our country, their immediate families and their survivors. Everybody agrees that this is part of the immigration law that needs to be changed and updated, particularly in light of those who have paid the ultimate price in defending America's freedoms in Iraq.

But I would like to give a word of caution, because this bill is a compromise. Everybody with an eye on the water and a differing viewpoint gave up something to ease the passage of this bill. If we allow the bill to emphasize the divisions that we have in the Congress and in the Committee on the Judiciary on immigration law and in the Congress and in the Committee on the Judiciary on immigration law and in the Senate, we are truly going to have an easy road from here. But what we have given up to make H.R. 1954 an agreed-upon bill that will get an overwhelming vote in a few minutes should continue to be given up in the conference so that we can pass this bill into law and give the benefits to the people that we want to give the benefits to. As we proceed in this, I urge all of my colleagues to keep that in mind.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 1954, a bill that honors all of the men and women who have paid the ultimate price for the sake of this Nation. America is composed of individuals from across the globe—people who come from various nations all united by their strong belief in the ideals for which America stands. Some of those who have come to the United States are brave enough and committed enough to serve in the military defending our country. It is partly because of individuals like these that our democracy maintains its strength in a sometimes xenophobic world. Accordingly, our democracy should respect their sacrifice. A year's honorable service in the Armed Forces of the United States, especially in this time of heightened security, is surely ample proof that such a person deserves the full rights of United States citizenship. Additionally, such individuals should not be forced to leave America—on the contrary, they should be embraced by this Nation quickly and expeditiously. Current laws are not adequate on either front: required service time is unnecessarily long, and surviving family members must undergo too much to gain immigration benefits.

I am proud to be the cosponsor of similar measures that have been introduced by my colleagues Mr. Frosst and Ms. Solis. Those two bills, and the one before this Chamber today, uphold the spirit and principles that must be accorded to any individual willing to commit themselves to the defense of our Nation. Such individuals come from New Jersey, Texas, and California, but they also come from Poland, India, and Mexico. Over 37,000 of the 1.4 million active duty members of the Armed Forces are noncitizens—they and their families deserve the right and honor of citizenship in the United States. I applaud their service, and I eagerly welcome these men and women as fellow citizens.

Mr. CONYERS. Mr. Speaker, since this Nation founding, more than 55 million immigrants from every continent have settled in the United States. Many of these immigrants have not only paid taxes and adopted the American way of life, they have honorably defended our Nation as members of the military.

During the recent war with Iraq, immigrant soldiers have continued to defend our country in large numbers, and tragically 10 noncitizens have lost their lives. It is important that we honor the extraordinary contributions these immigrants make to the Armed Forces by facilitating their naturalization and establishing important protections for their families if they are killed in action. Surely, we are willing to risk their lives for our country, the least we can do is grant them the citizenship they so greatly desire.

Unfortunately, the rigidity of current immigrant laws often prevents individuals like these soldiers, who are truly deserving, to be granted citizenship. In particular, a noncitizen whose immediate family members serving abroad must spend prohibitive amounts of money in order to become citizens of the country they are defending.

And yet even more shocking is the scenario in which a citizen or noncitizen soldier is killed while serving in our military; current law would void most pending applications for immigration benefits for the surviving family. This is hardly a way to show our thanks to families that have sacrificed their loved ones in the name of our country.
H.R. 1954, the Armed Forces Naturalization Act of 2003, reduces the 3 year military requirement to naturalize to 1 year, waives fees for naturalization petitions, and allows surviving family members of citizens and posthumously granted citizens to apply for immigration benefits if they are out of the country at the time that their child is killed in combat. The amendment is drafted in such a broad manner that it would exclude from benefits even parents who have not violated any immigration laws, including parents who are waiting abroad for a pending petition filed by their immediate family and approved. Republicans who are honoring the sacrifice made by the fallen soldier and his parents, this amendment arbitrarily picks out the category of parents and adds a new requirement that would not have existed had the soldier lived and applied for benefits on behalf of his parents.

H.R. 1954 is a positive step in loosening the rigid restrictions immigration law has imposed on immigrant soldiers and their families. H.R. 1954 would: (a) Expedite the naturalization process by allowing military members to naturalize in the military during a time of peace. I under- stand that the Armed Forces Naturalization Act of 2003 does not go far enough in addressing the unique needs of immigrant families and, in some cases, makes existing law worse.

More than 37,000 noncitizen soldiers are currently serving on active duty in the U.S. The U.S. military is one of the largest employers in the world, and noncitizens in the current war in Iraq were noncitizens. Unfortunately, the rigidity of current immigration laws often prevents individuals like these soldiers, who are truly deserving, to be granted citizenship. In particular, a noncitizen who is honorably serving in our military must leave his post abroad and return to the United States to file a naturalization application, be interviewed for the application, and to take the oath of citizenship. Consequently, soldiers serving abroad must spend prohibitive amounts of money in order to become citizens of the country they are defending. And yet even more shocking is the scenario in which a citizen or noncitizen soldier is killed while serving in our military; current law would void most pending applications for immigration benefits made by the soldier on behalf of his or her immediate family.

H.R. 1954 makes many meaningful improvements to existing law. However, I would have preferred that the committee go much further in assisting the immigrant families of our fallen soldiers. The most consistent con- sequences of the 1996 immigration laws is that many individuals in the U.S. became ineligible for permanent residence due to a prior unlawful entry or a minor scrape with the law many years prior. The result is that spouses, children, and noncitizen soldiers killed in combat who have been rendered removable or ineligible for immigration benefits by the 1996 immigration laws will be precluded from enjoying the benefits of this bill. This means that we will be deporting many of the spouses, children and parents of soldiers who have given their lives serving our country. In response, Reps. HOWARD BERMAN and LINDA SÁNCHEZ offered an amendment, defeated by a party line vote, that would have waived certain documentation requirements, and authorized the Department of Homeland Security, on a discretionary basis, to waive noncitizens’ inadmissibility for noncitizen spouses, children, and parents of soldiers killed in service to the military. This proposal would have balanced the goal of honoring the sacrifice these families have made with our duty to national security.

I further believe that this bill does not go far enough in extending immigration benefits to all noncitizens serving the U.S. military, including the Selected Reservists. Current law grants the President authority to designate by Executive order a period of military hostilities that will constitute a period of military hostilities for the purposes of ineligibility for active duty members of the Armed Forces. Unlike traditional members of the Armed Forces, Selected Reservists are not eligible for immediate naturalization under this law if they do not serve in combat during times of hostility. Rep. STEVE KING offered an amendment, defeated by voice vote, that would have applied immediate naturalization benefits to Selected Reservists during times of hostility regardless of whether they serve in combat. This amendment would have addressed the fact that the rationale for providing benefits to active duty members of the Select Reserves is nearly identical because during times of hostility they both must be ready to leave family, friends, and familiar surroundings at a moment’s notice and potentially die for their country.

I take great issue with two amendments added to this legislation by Rep. STEVE KING. The first amendment will require revocation of citizenship granted through 1 year of military service to soldiers. The soldier is killed less than honorably. This bill was drafted with the intent to reward those who have taken a great risk and made great sacrifice for our country. However, allowing for the revoca- tion of naturalization for less than honorable conduct is an unwelcome and unnecessary change. The second amendment added to the bill in the Judiciary Committee would prevent parents of soldiers from applying for naturalization pursuant to completion of service during a time of peace. I under- stand Rep. KING’s desire to make the bill parallel to current law in 328(c) of the INA, but he overrocks that 328(c) applies exclusively to a special case in which members of the Armed Forces are eligible for immediate naturalization during a time of hostility without the require- ment of any prior service or commitment to the military. The provision added to H.R. 1954 would bestow conditional citizenship on all im- migrants that are naturalized through an articulated commitment to military service and would create a perverse incentive for noncitizens not to join the military. Moreover, this language would allow military authorities to routinely make legal decisions that in effect would de- clave our U.S. citizen soldiers. In some cases, these decisions would be based on conduct that would be completely lawful in civilian contexts, but is considered a military offense under the Uniform Code of Military Justice.

The second amendment added to the bill by Representative KING will prevent parents of citizen soldiers and the parent of soldiers granted citizenship posthumously from obtain- ing immigration benefits if they are out of the country at the time that their child is killed in combat. The amendment is drafted in such a broad manner that it would exclude from benefits even parents who have not violated any immigration laws, including parents who are waiting abroad for a pending petition filed by their immediate family and approved. Republicans who are honoring the sacrifice made by the fallen soldier and his parents, this amendment arbitrarily picks out the category of parents and adds a new requirement that would not have existed had the soldier lived and applied for benefits on behalf of his parents.

I reiterate that the Armed Forces Naturaliza- tion Act of 2003 does not go far enough in as- sisting the immigrant families of our fallen sol- diers. Moreover, amendments added to the bill in the Judiciary Committee would punish non- citizen soldiers and their families, rather than reward them for their service and sacrifice, by creating a conditional class of citizenship and putting additional restrictions on immigrant parents of soldiers.

While this bill is not perfect, it does make many meaningful improvements to existing immi- gration law and takes a significant step help our soldiers and their families be granted the citizenship they so greatly desire. It is my hope that as this bill goes to conference will seriously consider the negative repercussions these two amendments will have on the people this bill intends to honor. It is for these rea- sons that I think we can all support this bill.
Mr. HONDA. Mr. Speaker, I rise today in support of H.R. 1954, legislation that I view as a good first step towards recognizing and rewarding the significant contributions made by immigrants who serve in our armed services. Since our Nation's founding, immigrants have played a prominent role in defending our country. For example, I have introduced H.J. Res. 125, which grants honorary citizenship to all civil war soldiers of Asian descent as a symbolic gesture to correct the historical injustices they suffered.

But just as we endeavor to correct the mistakes of the past, we should remedy current laws that treat some members of our Armed Forces unfairly. That is why H.R. 1954 is so important and I am pleased it is on the floor today.

By passing this legislation, the House of Representatives will begin to recognize the contributions of immigrant soldiers by providing them and their family members just immigration laws.

Again, I reiterate this is a good first step, but there is much more we can do to help make immigration laws more fair in this country.

Ms. LOFGREN. Mr. Speaker, I rise today in support of our troops who serve our Nation in both peace and war and to support their families who must endure the loneliness and fear of losing a loved one to uphold the strength of our Nation.

I support this bill that not only eases requirements for immigrant soldiers to become U.S. citizens, but also extends immigration benefits to surviving family members of soldiers who gave their lives to defend our Nation.

I believe it is the right thing to do to recognize the service of immigrant soldiers and honor the memory of those that have died fighting for their country, while also showing our appreciation to their families for their tremendous sacrifices.

Although the Armed Forces Naturalization Act does much to help immigrant soldiers and their families, we could and should have done more. And we tried, but the Republican majority, so intent on limiting immigration benefits, wouldn't even allow some mothers of soldiers killed in combat to legally remain in this country.

How about this Republican logic? When an immigrant proudly serves in the military and dies for the country, it is obvious that he or she deserves the benefits of this bill.

Mr. Speaker, I rise today to support H.R. 1954, the Armed Forces Naturalization Act of 2003, a bill that helps the families of non-citizen military personnel killed in combat gain what their loved ones died defending—the rights and freedoms of Americans.

Camp Pendleton Marine Corps Base in my Congressional district is home to over 50,000 Marines. Many of these Marines were deployed to liberate Iraq from Saddam Hussein's oppressive regime. While many have returned to their families, some were not as fortunate. One of the Marines that died in Iraq was a non-citizen stationed at Camp Pendleton. I was told that he would receive posthumous citizenship—under current law, a strictly honorary award.

Posthumous citizenship is a hollow benefit for a fallen hero if his spouse and children are subsequently asked to leave the country he died defending. Existing immigration and naturalization laws permit the President to award posthumous citizenship to non-citizens killed in any military conflict, but denies immigration benefits for their spouse and children. H.R. 1954 will honor the sacrifice of fallen heroes by allowing their spouses and children to enjoy the benefits and freedoms of the country they were fighting to defend, and would have eventually gained had their loved one not perished.

There are nearly 38,000 non-U.S. citizens serving in our nation's armed forces. These men and women are called upon to protect this nation. I want them to know that when they make the ultimate sacrifice for America their family will not face a cruel and unnecessary legal sanction. H.R. 1954 will allow surviving family members of military personnel, killed in defense of our country, to final enjoy a real benefit from a posthumous grant of citizenship.

I thank you for the opportunity to speak on this bill. I urge all my colleagues to vote in favor of this legislation.

Mr. SENSENIBRENNER. Mr. Speaker, I yield back the balance of my time. The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENIBRENNER) that the House suspend the rules and pass the bill, H.R. 1954, as amended.

The question was taken. 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.

providing for consideration of H.R. 760, partial-birth abortion ban act of 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 257 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 257

Resolved, That upon the adoption of this resolution it shall be in order in the House the bill (H.R. 760) to prohibit the performance of the partial-birth abortion. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Greenwood of Pennsylvania or his designee, which shall be in order without intervention of any point of order, 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.

Sec. 2. 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. It shall be in order to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 760 as passed by the House. All points of order against that motion are waived.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. Myrick) is recognized.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman.
from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

The American professional and every Federal court in the country that has heard this issue, except for one, have agreed that these are safe procedures and may be the safest procedures in some circumstances. The American Medical Association, the American College of Obstetricians and Gynecologists, the doctors who perform these procedures, say that the procedure the bill seeks to prohibit may be the best or most appropriate procedure in a particular circumstance to save the life of the woman and only the physician in consultation with the patient and her family can make this decision. The Congress of the United States has never, ever outlawed a medical procedure. What are we doing here, and what in the name of God is next?

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The authors of this bill hope that the Federal courts, most especially the United States Supreme Court, will defer to these congressional findings and conclusions, constitutional requirement, but the Court has unequivocally said that the power to interpret the Constitution in a case or controversy remains in the judiciary, and the Court has said that simply because Congress makes the law, it is not, in the Court’s opinion, make it true.

I urge my colleagues to oppose this rule and to oppose H.R. 760. Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Ms. Ros-Lehtinen).

Ms. ROS-LEHTINEN. I thank the gentlewoman for yielding me this time. Mr. Speaker, partial-birth abortion is a gruesome and inhumane procedure and it is a grave attack against human dignity and justice. This practice must be banned. The bill before us seeks to do just that. Life is a gift, and it must be embraced and respected at all stages.

In a country which espouses the importance of protecting the inherent rights of every person, partial-birth abortion denies the rights of our most innocent and vulnerable members, our children. We as legislators must strive to uphold the truths upon which our great Nation was founded, especially the belief that every individual is entitled to life, liberty and the pursuit of happiness.

Partial-birth abortion is not a sign that women are “free to choose.” It is a sign that freedom has been abdicated, that they have not had the support and care that they so desperately need.

There is increasing evidence, Mr. Speaker, that abortion causes extreme emotional and psychological damage. We must strive to ensure that each and every person is guaranteed the most basic of human rights, the right to life. Women deserve better than to endure the psychological, the physical and the emotional pain and suffering associated with partial-birth abortion, and children deserve the chance to live.

It is time for partial-birth abortion to stop. We must have the courage and the strength to fight against one of the greatest of all human rights violations, partial-birth abortion.

I urge my colleagues to vote in favor of H.R. 760, the partial-birth abortion ban. A vote for the ban is a vote for life.

Mr. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, this bill is unconstitutional.

The bill before us will not prohibit any abortion. Its sponsors claim it prohibits a procedure, but the abortion will still take place involving another procedure, and I will not inflame the debate by describing in detail the alternative procedures that may be used. But I will point out that Nebraska has a law barring the same procedure. Nearly 3 years ago the United States Supreme Court held in Stenberg v. Carhart that that law was unconstitutional.

The Supreme Court said five times in its majority opinion and other times in concurring opinions that in order to make a partial-birth abortion ban constitutional, the law must contain a health exception to allow the procedure, quote, “where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.” That is what five Supreme Court justices said was necessary to make the bill constitutional. All five are still on the Supreme Court.

In that case, the Court said: “The question before us is whether Nebraska’s statute making criminal the performance of a partial-birth abortion violates the Federal Constitution as interpreted in Planned Parenthood v. Casey and Roe v. Wade. We conclude that it does for at least two independent reasons. The first said the first reason was that the law lacked an exception for the preservation of the health of the mother. The Stenberg court reminded us what a long line of cases has held, that, and they say, "subsequent to viability, the State in that context, may regulate and even proscribe abortion," and they put this in italics, “except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.”

Judge Posner went on to say that if Congress could make a statute unconstitutional simply by finding that black is white and we were to say, “The statute constitutional simply by finding whereof they speak.

Again Ruth Marcus’ article points out that the political agenda is clear. Ken Connor, who is the president of the conservative Family Research Council, spelled it out in an email after the Senate voted on a measure similar to this last March. “With this bill,” he wrote, “black bricks are being taken to women’s health one by one, brick by brick, the deadly edifice created by Roe v. Wade.

As the mother of three daughters, a grandmother and a longtime advocate for women’s health, I strongly believe that this bill is a threat to women’s health and an attempt to whittle away at a woman’s constitutional right to choose.

has plainly determined that the Constitution requires an exception when the woman’s health is endangered. Pages and pages of congressional findings do not change or fulfill constitutional demands or protect women’s health.

The authors of this bill hope that the Federal courts, most especially the United States Supreme Court, will defer to these congressional findings and conclusions, constitutional requirement, but the Court has unequivocally said that the power to interpret the Constitution in a case or controversy remains in the judiciary, and the Court has said that simply because Congress makes the law, it is not, in the Court’s opinion, make it true.

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Mr. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, this bill is unconstitutional.

The bill before us will not prohibit any abortion. Its sponsors claim it prohibits a procedure, but the abortion will still take place involving another procedure, and I will not inflame the debate by describing in detail the alternative procedures that may be used. But I will point out that Nebraska has a law barring the same procedure. Nearly 3 years ago the United States Supreme Court held in Stenberg v. Carhart that that law was unconstitutional.

The Supreme Court said five times in its majority opinion and other times in concurring opinions that in order to make a partial-birth abortion ban constitutional, the law must contain a health exception to allow the procedure, quote, “where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.” That is what five Supreme Court justices said was necessary to make the bill constitutional. All five are still on the Supreme Court.

In that case, the Court said: “The question before us is whether Nebraska’s statute making criminal the performance of a partial-birth abortion violates the Federal Constitution as interpreted in Planned Parenthood v. Casey and Roe v. Wade. We conclude that it does for at least two independent reasons. The first said the first reason was that the law lacked an exception for the preservation of the health of the mother. The Stenberg court reminded us what a long line of cases has held, that, and they say, "subsequent to viability, the State in that context, may regulate and even proscribe abortion," and they put this in italics, “except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.”

Judge Posner went on to say that if Congress could make a statute unconstitutional simply by finding that black is white and we were to say, “The statute constitutional simply by finding whereof they speak.

Again Ruth Marcus’ article points out that the political agenda is clear. Ken Connor, who is the president of the conservative Family Research Council, spelled it out in an email after the Senate voted on a measure similar to this last March. “With this bill,” he wrote, “black bricks are being taken to women’s health one by one, brick by brick, the deadly edifice created by Roe v. Wade.

As the mother of three daughters, a grandmother and a longtime advocate for women’s health, I strongly believe that this bill is a threat to women’s health and an attempt to whittle away at a woman’s constitutional right to choose.
preservation of the life or health of the mother.' Requiring such an exception in this case is no departure from Casey, but simply a straightforward application of its holding.”

Mr. Speaker, whatever our views are on the decision's issue of abortion, we ought to read the decision and apply the law. The Supreme Court in one opinion said at least five times that a health exception must be included for the statute to be constitutional. Further, they put the exact phrase to be used, “necessary, in appropriate medical judgment, for the preservation of the life or health of the mother” in italics and quotations.

The majority proposes that we consider a bill without this unqualified health exception. The Court made it clear that such a health exception is required and, therefore, this rule that requires us to consider a bill without that health exception will not pass.

Mr. Speaker, I ask the House to defeat the rule so that we can have a bill considered with a health exception that might possibly be constitutional.

Mr. Speaker, I include the following statement in the American Record A Statement of Policy from the American College of Obstetricians and Gynecologists which says that this procedure may be necessary in some circumstances.

THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS STATEMENT OF POLICY ON ABORTION

The following statement in the American College of Obstetricians and Gynecologists' (ACOG) 1993-1994 related to reproductive choice, with specific reference to the procedure referred to as “intact dilatation and extraction” (Intact D & X).

1. The abortion debate in this country is marked by serious moral pluralism. Different positions in the debate represent different but important values. The diversity of beliefs should be respected.

2. ACOG recognizes that the issue of support or opposition to abortion is a matter of profound concern to its members. ACOG, therefore, respects the need and responsibility of its members to determine their individual positions based on personal values and beliefs and law.

3. Termination of pregnancy before viability is a medical matter between the patient and physician, subject to the physician's clinical judgment, the patient's informed consent and the availability of appropriate facilities.

4. The need for abortions, other than those indicated by serious fetal anomalies or conditions which threaten maternal welfare, represents failures in the social environment and the educational system.

The most effective way to reduce the number of abortions is to prevent unwanted and unintended pregnancies. This can be accomplished by delivering honest education, beginning in the home, religious institutions and the primary schools. This education should stress the biology of reproduction and the responsibilities involved by boys, girls, men and women in creating life and the desirability of delaying pregnancies until circumstances are appropriate and pregnancies are planned.

In addition, everyone should be made aware of the dangers of sexually transmitted diseases and the means of protecting each other through the use of contraceptives. To accomplish these aims, support of the community and the school system is essential.

The medical curriculum should be expanded to include a focus on the components of reproductive biology which pertain to conception control. Physicians should be encouraged to practice their own practices and to support them at the community level.

Society also has a responsibility to support research leading to improved methods of contraception for men and women.

5. Informed consent is an expression of respect for the patient as a person; it protects the patient's right to respect for bodily integrity, to self-determination regarding sexuality and reproductive capacities, and to the support of the patient's freedom within caring relationships.

A pregnant woman should be fully informed in a balanced manner about all options, including raising the child herself, placing the child for adoption, and abortion. The information conveyed should be appropriate to the duration of the pregnancy. The professional should make every effort to avoid introducing personal bias.

6. ACOG supports access to care for all individuals, irrespective of financial status, which supports all reproductive options. ACOG opposes unnecessary regulations that limit or delay access to care.

7. If abortion is to be performed, it should be performed safely and as early as possible.

8. ACOG opposes the harassment of abortion providers and patients.

9. ACOG strongly opposes those activities which prevent unintended pregnancy.

The College continues to affirm the legal right of a woman to obtain an abortion prior to fetal viability. ACOG is opposed to abortion of the healthy fetus that has attained viability in a healthy woman. Viability is the capacity of the fetus to survive outside the mother’s body, or if this capacity exists is a medical determination, may vary with each pregnancy and is a matter for the judgment of the responsible attending physician.

INTACT DILATATION AND EXTRACTION

The debate concerning legislation to prohibit a method of abortion, such as the legislation banning "partial birth abortion," and "brain sucking abortions," has prompted questions regarding these procedures. It is difficult to respond to these questions because the descriptions are vague and do not delineate specific recognized in the medical literature. Moreover, the definitions could be interpreted to include elements of many recognized abortion and operative obstetric techniques.

ACOG believes the intent of such legislative proposals is to prohibit a procedure referred to as "intact dilatation and extraction" (Intact D & X). This procedure has been described as containing all of the following elements:

1. deliberate dilatation of the cervix, usually over a sequence of days;

2. instrumental conversion of the fetus to a footling breech;

3. breach extraction of the body excepting the head; and

4. partial evacuation of the intracranial contents of a living fetus to effect vaginal delivery of a dead but otherwise intact fetus.

Because these elements are part of established obstetric techniques, it must be emphasized that all other elements, if present in sequence, the procedure is not an intact D & X. Abortion intends to terminate a pregnancy while preserving the life and health of the mother. When abortion is performed after 18 weeks, intact D & X is one method of terminating a pregnancy.

The physician, in consultation with the patient, should consider the decision making is inappropriate, ill advised, and dangerous.


Mrs. MYRICK. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, today we are considering, as has already been said, the Partial-Birth Abortion Ban Act. I have joined with 361 Members in cosponsoring this legislation, and I commend the gentleman from Ohio (Mr. CHABOT) for bringing forward this legislation. This is the fifth Congress during which this debate has taken place, and it is my hope that this chamber will rise to the occasion, and I believe an overwhelming majority of Americans hope this will be the last and that we will pass this bill and have it sent to the President and signed into law.

I know that it has been repeated time and time again here on the floor of the House, but this afternoon I think it is important to remind my colleagues of the details of this deplorable procedure. Partial-birth abortion is a procedure in which the mother's cervix is forcibly dilated over a 3-day period. On the third day the child is pulled feet first through the birth canal until his or her entire body, except for the head, is free. As the woman's uterus is stuck in this position, dangling partly out of the mother's body and just a few inches from taking its first breath, the physician inserts and opens scissors into the base of the baby's skull, creating a hole in the baby's head.

The physician then either crushes the baby's skull with instruments or suction the baby's brain. With the head now small enough to fit through the mother's cervix, the physician pulls the now-lifeless body the rest of the way out of its mother, and discards the baby's body as medical waste.
Today you will hear some supporters of partial-birth abortion claim this procedure is a critical alternative that must remain legal to protect women's health. However, the medical profession offers no support for such claims. I urge my colleagues to vote "yes" on this bill to protect the most vulnerable in our Nation.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today in opposition to this rule. The proponents of the bill claim that it addresses partial-birth abortion, but I think the American people deserve to know what we are really voting on today. We are voting to limit a woman's access to safe and accepted medical procedures, restrictions that will subject a woman to unnecessary risks when she exercises her reproductive right.

We should be promoting a woman's health. We should not be endangering it. We should be debating concrete measures to reduce the number of unintended pregnancies and to ensure that all pregnant women have affordable access to the care they need to deliver healthy babies. Instead, here we are spending our time debating legislation that the Supreme Court has already found to be unconstitutional.

The Supreme Court has clearly recognized the need for protecting the health of the mother. Yet the anti-choice lobby has chosen to forge ahead in their attempts to politicize women's health and chip away at our constitutional rights.

As terrible as it is to acknowledge, things can go tragically wrong in the final stages of pregnancy, and in these unimaginable circumstances, a woman should not be required to risk her health and future fertility by continuing a dangerous pregnancy. I am not a doctor, so I am not going to stand here and pretend that I have the necessary expertise to make medical decisions for my constituents. Instead, I want every woman in my district and every woman in the Nation to have access to whatever procedure she and her physician feel is safest and the most appropriate way for her to settle and handle the situation.

Let us be honest. The debate today is not about aborting viable, healthy children. Few late-term abortions occur in the first place.

Those that do are tragically necessary to save the life or health of the mother. So this debate is actually about limiting a woman's right to choose by restricting access to constitutionally protected medical procedures.

The American people deserve to know what we are really doing here today. We are really desperately trying to take away reproductive choice of every woman in America. I urge my colleagues, do not let this happen. Oppose the rule, and oppose H.R. 760.

Mrs. MYRICK. 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 am pro-life. I do not apologize for it. I do not demonize people who hold a different view; but I would say respectfully to the previous speaker, to the gentlewoman, that this really is not a debate about whether or not we choose to respect the right to life. It does not really find itself divided in that way. Survey after survey proves the point.

Mr. Speaker, I rise in strong support of the rule and the underlying ban on partial-birth abortion because this is just an antiseptic term for a barbaric procedure. As the late Daniel Patrick Moynihan, a Democratic Senator, said, memorably, partial-birth abortion is "near infanticide."

We can have arguments about this bill, about its constitutionality. The gentleman from Ohio (Chairman CHABOT) has gone to great lengths to argue the case, and we are confident that it is superior to the Nebraska bill that failed constitutional muster.

We can argue the medicine, and we can argue the facts; but the one thing that is inarguable is that this practice is inherently, morally wrong. What is not arguable is that the practice of delivering a newborn child alive, feet first, holding it in the birth canal squirming while the back of its head is stabbed with a suction device is evil. That, Mr. Speaker, is not arguable.

Today we will follow our colleagues at the other end of this building to take one more step to render that practice illegal in America.

Justice has always been defined in this Nation by society by how they deal with the innocent and those who do them harm. Of the innocent and defenseless we are urged to do what we can for the least of these. Banning partial-birth abortion is the least we can do for the leases.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 15 seconds just to say to the previous speaker that we know what the agenda is. It was pointed out today, Kent Connor, the president of the Conservative Family Research Council spelled it out. He said, "With this bill we will dismantle, brick by brick, Roe v. Wade."

I hope that many of my colleagues are listening in the House, because this may be the last vote we will have on choice.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LINDA T. SANCHEZ).

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, I rise in opposition to this rule and to the underlying bill.

For 30 years, women in this country have had the right to make reproductive choices over their bodies. H.R. 760 is a horrifying attempt to seize those hard-earned rights away from women. What this legislation claims to do is ban a medical procedure used in late term pregnancies. It does not. Instead, this bill is drafted in such a way as to effectively ban a woman's right to choose at any point in her pregnancy.

Let us be clear: this bill opens the door to outlawing all abortions, regardless of the circumstances. Furthermore, this bill makes no exception for cases where a woman's health is in grave danger or when carrying a no-longer viable fetus to term would jeopardize a woman's ability to conceive children in the future.

Equally disturbing is the fact that this bill is blatantly unconstitutional. The Supreme Court has consistently ruled that, when dealing with reproductive procedures, an exception must always be made to protect both the life and the health of the mother.

I cannot support a blatantly unconstitutional bill that tells women that their health or future reproductive health must be sacrificed, nor can I support a bill that has a clear ulterior motive of banning a woman's right to make choices over her own body.

I am pro-choice and believe that the government should stay out of people's private, personal decisions. I will protect a woman's right to choose, and so I will vote against this unconstitutional, anti-woman's rights bill. I strongly urge my colleagues to do the same and not slam the door on the fundamental right that women have had in this country for 30 years.

I urge my colleagues to vote "no" on the rule and to vote "no" on H.R. 760.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. Mr. Speaker, I rise to speak in support of this rule and this bill. I am from Dayton, Ohio; and this bill is incredibly important to the people of Ohio and my district, and as a result, from our experience, I believe for the people of this country.

Ohio passed its ban on this horrific procedure known as partial-birth abortion because the people of Ohio know how inhumane and morally wrong this practice is. In my district, in Dayton, Ohio, the Women's Medical Plus Center of Dayton has performed this horrific procedure, despite the fact that the facility is not properly licensed by the Ohio Department of Health. It has nothing to do with women's health; it has nothing to do with Roe v. Wade. It has to do with late-term abortions and killing viable children.

The State Health Department attempted to close the Women's Medical Plus Center of Dayton, but has been unsuccessful. This bill is an important first step in protecting women's health from this center.
A woman 5 months pregnant came to the Women’s Medical Plus Center in Dayton, Ohio, to receive a partial-birth abortion. During the 3 days it takes to have the procedure, she began to have stomach pains and was rushed to a nearby hospital, where she was giving birth. A medical technician pointed out that the child was alive, but apparently the chances of survival from the procedure were slim. After 3 hours and 8 minutes, this baby died. The community named the baby Hope. Hope was a person, a child, a baby, that most are performed on healthy women, that most are performed on healthy fetuses.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I am always dismayed by the fact that these heinous partial-birth abortion attempts occur. Our local paper has indicated that these procedures are performed on healthy women, that most are performed on healthy fetuses.

I am appalled by the fact that these heinous partial-birth abortion attempts occur. The American College of Obstetricians and Gynecologists who perform these procedures say it may be the best or most appropriate medical care for their patients. The doctors who perform these procedures say it may be the best or most appropriate medical care for their patients.

What if your wife or your daughter is just allowed not to go through that procedure, they would get down and almost run around the room. It is not true. It is not true. The parents go through this like heartbroken over it, but it is the way they can have further children. The American College of Obstetricians and Gynecologists who perform these procedures say it may be the best or most appropriate procedure in a particular circumstance.

What if your wife or your daughter is in a particular circumstance, and you had voted to outlaw the procedure that would be the best for her future and her life and maybe even save her life? We have no right to do that, Mr. Speaker, no right at all.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, one of my fundamental principles is that government not interfere with the basic freedoms of our families, and a basic freedom for the health of women includes reproductive health choices. This legislation threatens that freedom by improperly intervening in the decisions of patients and their doctors.

Late-term abortions are, as has been demonstrated time and again, accepted medical practice that at times is the only procedure available to protect a woman’s life and her ability to safely have a healthy baby in the future.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I do not want to say anything contradictory to my friends on the other side who want to make sure these children are born; but if they are poor, they are not going to get the benefit of the tax rebate.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

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

Mr. Speaker, the supporters of this measure are so determined to end safe and legal abortion in this country, no matter what the procedure, that they are unwilling to consider reasonable amendments that would protect the health and life of the woman and also would ensure the constitutionality of the underlying bill.

We will vote shortly to reject the Greenwood-Hoyer-Johnson amendment, which would permit the particular medical procedure banned by the bill if the physician determines that it is necessary to spare the woman from serious adverse health consequences. I understand from the hearing before the Committee on the Judiciary that supporters of the bill expressed concern that the term “health consequences” could very well allow the attending physician too much latitude.

But what is fascinating is that another amendment that was proposed by my friend and colleague, the gentleman from Massachusetts (Mr. FRANK), and myself that would have placed even more stringent restrictions on the use of this particular procedure, permitting it only to protect the mother from serious adverse physical, and let me repeat, physical health consequences, was not made in order.

This rule should be defeated, Mr. Speaker, because we are talking about the language that I just enumerated, this bill can put women at risk and threaten their daughters with prosecution if they care for them in the way they determine to be medically safe and sound.

Furthermore, without this language, the bill is susceptible to being considered by the Supreme Court and ruled unconstitutional again.

Now, why pass an extreme measure that would be found unconstitutional, rather than accept an amendment that would address its potential constitutional defects? People are not serious about enacting a bill into law that passes constitutional muster, using this bill, if you will, as a pernicious political exercise.

But I would suggest that that is not what we want to be about. Let me submit that this bill, as it is presently before this body, is a disturbing example of legislative excess.

Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, today I rise in support of the rule and
of the Partial-Birth Abortion Ban Act of 2003. For the last decade, thousands of healthy babies have been tortured and murdered every year through the procedure that is commonly known as partial-birth abortion. This procedure, which is routinely used during the fifth and sixth months of pregnancy, kills a baby just seconds before he or she takes that first breath outside the womb.

Mr. Speaker, this congressional body must act now to preserve the future of the next generation of this Nation, or this Nation will reap the horrible consequences of allowing partial-birth abortion to continue.

Some opponents advocate that this bill is in violation of a fundamental right to an abortion as stated in Roe v. Wade. Mr. Speaker, they are wrong. Numerous medical practitioners and the American Medical Association have testified in committee that partial-birth abortion is never medically necessary in any situation and is severely below the standard of good medical care. In fact, partial-birth abortion can threaten the mother’s health or her ability to carry future children to term.

As representatives of the people of the United States, we are charged with the duty to protect the life and the liberty of the innocent, and passage of this bill is a prime example of fulfilling that duty.

I urge all my colleagues to remember this duty and vote for H.R. 760.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, this has become an all too familiar moment for you. See, this is the ninth time in 8 years that the Republicans have pushed a ban on so-called partial-birth abortion. Yet I continue to hold hope every year at this leadership’s self-righteous attempt to turn back the clock on women’s constitutionally protected rights, back to the time when women had to leave the country or risk their lives in dangerous back-alley procedures.

The Supreme Court agrees that medical decisions should be made by the patient and her doctor and not by a bunch of politicians in Washington and their special interests. This is why several national and health organizations, including the American College of OB-GYNs, oppose this legislation.

This legislation was wrong 8 years ago, and it is still wrong. It contains no exception whatsoever for women’s health. It simply puts women’s lives at risk. This is a perfect example of how mean-spirited and extreme this administration can be. This is a direct attack on Roe v. Wade. But more than that, it is another example in a long line of this administration’s attacks on our rights.

I cannot stand by and watch as one by one this White House and the leadership in this House chew up our rights and spit them out. I stand today as a woman and as an American to fight for our constitutionally protected rights. I urge a “no” vote on the rule and a “no” vote on the underlying bill. Wake up, America.

Mrs. MUSGRAVE. Mr. Speaker, today I rise in support of H.R. 760, the Partial-Birth Abortion Ban Act of 2003. It is true that the vast majority of partial-birth abortions are performed on healthy babies of healthy mothers. Dr. James McMahon, one of the founders of the partial-birth abortion method, in his June 15, 1995, testimony before the Committee on the Judiciary, testified that in a series of about 2,000 partial-birth abortions he performed, only 9 percent of those abortions were performed for maternal health reasons. Of that group, the most common reason given was depression.

It is clear many partial-birth abortion procedures occur for purely elective or frivolous reasons. He also cited 37 instances that he performed a partial-birth abortion on babies with no flaws whatsoever, even in the third trimester, many as late as 29 weeks, well into the seventh month of pregnancy.

No matter where we stand on the issue of life, most Americans agree that the brutal and horrific practice of partial-birth abortion must cease to exist. I urge my colleagues to pass H.R. 760 and to right the wrong that has existed for far too long.

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

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Speaker, I rise in support of the rule and in support of the Partial-Birth Abortion Ban Act of 2003.

We are told that most of these partial-birth abortions take place in the fifth and sixth month. This is the same time that I got to share in a most wonderful experience, one of the most wonderful experiences of my lifetime. My son and daughter-in-law invited me to come in for the ultrasound of my grandbaby.

It was incredible to me as the three of us were in that room and as the technician went about moving the instrument around on my daughter-in-law’s stomach. We saw the profile of a little boy, a profile that made us realize that he was going to look much like his father. We saw his little faithful heart beating away. We saw the little gestures that he made with his hands. As we looked inside that womb, we saw the profile of a little boy, my daughter-in-law and my son knew what they were going to name him. They were going to name him after his great grandfather. I left that and I went out and I bought the little outfit that that little boy would wear home from the hospital.

May we end this horrible practice in our Nation, where we are endowed by our Creator of certain inalienable rights: life, liberty, and the pursuit of happiness.

Mrs. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I want to say to my colleagues in Colorado, how happy I am that she had that experience. I am even more happy that that experience showed that that fetus was in good shape and would be able to be born and to be healthy.

Life is wrong, and we are talking about women who are faced with the fact that the fetus will not be. I think we are getting astray from that.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Georgia (Ms. Lindtke), another member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank my friend for yielding time to me.

Mr. Speaker, I rise in support of the rule. Mr. Speaker, House Resolution 257 is a fair rule that will permit the full House to work its will on H.R. 760, the Partial-Birth Abortion Ban Act of 2003. This rule makes in order the Greenwood-Hoyer amendment to H.R. 760 and provides for one motion to reconsider with or without a recommittal.

Why is the House debating this legislation yet again? Unfortunately, the answer to that is those who oppose it have claimed that Congress has no power to legislate a ban on partial-birth abortion because of the Supreme Court’s Stenberg v. Carhart ruling.

Many of these same House Members, however, had no objection to standing up to the Supreme Court on other issues. For example, 413 House Members voted to ban child pornography even after the Supreme Court held that the 1996 Child Pornography Prevention Act was unconstitutional.

Mr. Speaker, with respect to the underlying bill, any taking of innocent life is wrong. This procedure is demonstrably offensive and wrong. When a Nation puts people in jail and fines them for destroying the potential life of an unborn loggerhead turtle or bald eagle, and pays people for taking the potential life of unborn babies, that Nation has lost its way.

Mr. Speaker, I urge my colleagues to join me in voting for the rule and the underlying bill.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today in strong support of this rule and the Partial-Birth Abortion Ban Act. Since the first time I had an opportunity to vote for this ban, I have had a nephew born who is less than 2 pounds when he was born. You could hold him in the palm of your hand.

We have an estimated 3,000 to 5,000 healthy babies who become victims of this partial-birth abortion each year, many of them larger than my nephew, who lives today. In a country founded on the principle of respect for the dignity
of life, this is deplorable and must be stopped.

Doctors agree that this is not necessary, and it has been labeled not good medicine by the AMA. It can significantly threaten the mother’s health and is therefore a risk to herself and her future pregnancies; and it inflicts terrible pain upon the baby, who is a few inches from being born and taking its first breath.

Twice we have passed this and President Clinton has vetoed it. Today we have an opportunity to put this into law. Thomas Jefferson had it right when he said that liberty and the pursuit of happiness begins with life. I urge my fellow Members to support this rule and to support passage.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, today is a great day for America as we are poised to pass H.R. 760, the Partial-Birth Abortion Ban. This legislation would stop the gruesome procedure that kills a child just inches from birth.

I will not go into the gory details of this particularly cruel procedure, but we will all mention that numerous medical experts have testified that fetuses are able to fully feel pain after 20 weeks of development, at the time when most partial-birth abortion procedures occurred.

It is also important to note that health experts agree that partial-birth abortions are never needed to save the life of the mother. Even the AMA has stated that partial-birth abortions pose serious health risks to women, and indeed, are not accepted medical practice. Yet this gruesome and evil practice continues to take place.

Today, we take a giant leap forward to end this practice. I look forward for the President to sign this bill into law. I urge passage of the rule and the bill to protect the most innocent of our society.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, today we are voting on a bill to ban partial-birth abortion, called that because the baby is mostly delivered before being killed. Finally, after many years of debate and two votes by our Partial-Birth Abortion Ban, this bill is going to become law.

In a nation where we have laws to protect turtles’ eggs and the developing offspring of other endangered species, finally we will extend some modest measure of protection to our own developing young humans. Finally, the deception of those who defend this procedure has been exposed. Ron Fitzsimmons, a leader in the abortion industry, admitted that they “lied through their teeth” when they claimed this procedure was rare.

In my State of New Jersey, there are at least 1,500 partial-birth abortions done each year at one clinic alone. They admit that most of these are done on healthy mothers carrying healthy babies. Is this the best our culture has to offer? Is this the best our society can offer to those who are in need? Is this the best that our profession can do? What does it say about us as a civilized society, as a culture, if we cannot condemn and outlaw this kind of brutality?

Let us say today that we will not accept this, that we are better than this. Let us support this rule, and let us pass this bill.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, today we have the opportunity to protect the lives of women and children in the United States. We must ban partial-birth abortions.

This type of abortion procedure is gruesome. I cannot imagine how anyone could have the stomach to perform it. Who, may I ask, who could possibly put their hands in the baby’s feet first, and then stab the half-delivered child in the head and then vacuum out its brain? The child was inches from taking its first breath, but now it is dead and discarded as garbage.

The last five Congresses have supported a ban on partial-birth abortion because a partial-birth abortion is never medically necessary, and because a partial-birth abortion poses significant health risks to the mother, and because partial-birth abortion is not recognized as a valid medical procedure by the mainstream medical community.

For this reason, I support the rule. I support H.R. 760, and I oppose the Greenwood substitute. I urge my colleagues to join me in banning this inhumane procedure once and for all.

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

Mr. Speaker, I, just wanted to put into the record something that is stated in a recent New York Times article, because we keep hearing that these are babies that have extreme abnormalities. And I quote from the article, “One aspect of the debate has changed. When it began, some opponents of the ban said that an abortion was used only when a fetus had extreme abnormalities or a mother’s health was endangered by pregnancy. Now both sides acknowledge that abortions done late in the second trimester, no matter how they are conducted, are most often performed to end healthy pregnancies because the woman arrived relatively late to her decision to abort.”

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

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

Mr. Speaker, first I want to say that the statistics on the clinic in Pennsyl-

vania were really quite shocking. I thought these were all done in hospital situations. I have never heard those kinds of figures for anything.

That aside, let me read about a woman who terminated a pregnancy because, they are very rare, I still believe that that the decision to terminate a pregnant late in term is an agonizing decision for the women and their families. Listen to the story of Viki Wilson and her family as she told it in her own words: “In the spring of 1994, I was pregnant and expecting Abigail, my third child. My husband, Bill, an emergency room physician had delivered our other children and would do it again this time. At 36 weeks of pregnancy, however, all of our dreams and happy expectations came crashing down around us. My doctor ordered an ultrasound that detected that all of my previous prenatal testing had failed to detect. Approximately two-thirds of my daughter’s heart had formed in her skull. What I had thought were big, healthy, strong baby movements were, in fact, seizures.

“My doctor sent me to several specialists, including a perinatologist, a pediatric radiologist, and an obstetrician, in a desperate attempt to find a way to save her; but everyone agreed she would not survive outside my body. They also feared that as the pregnancy progressed and before I went into labor, this would probably cause increased compression in her brain.

“Our doctors explained our options, which included labor and delivery, c-section, or termination of pregnancy. Because of the size of her anomaly, the doctors feared that my uterus might rupture in the birthing process probably rendering me sterile. The doctors also recommended against a c-section because they could not justify the risks to my health when there was not any harming Abigail.

And after discussing our situation extensively and reflecting on our options, we made the difficult decision to undergo an intact D&E.

Losing Abigail was the hardest thing that has ever happened to us in our lives. I am grateful that Bill and I were able to make this difficult decision for our baby, and I am grateful that we were given all of our medical options. There will be families in the future who faced with this tragedy. Please allow us to have access to the medical procedures we need. Do not complicate the tragedies that we already face. Oppose H.R. 760.”

Mr. Speaker, for Viki and her family and for other Vikis yet to come. I hope that my colleagues will oppose this bill. I urge my colleagues to remember that once this bill passes the House, if it does, then it will be substituted for the Senate bill. The Senate bill at least
had the protection in it that was passed by Senator Dorgan on his request that says that Roe v. Wade would be preserved. Obviously, by substituting this bill for that bill, Roe v. Wade will not be preserved.

[From the New York Times, June 4, 2003]

"PARTIAL BIRTH ABORTION"

If the尔-irritated partial-birth abortion ban now career- ing toward almost certain approval by the full House this week has a de- cidedly familiar ring, it is not your imagination. The trickery here be- longs to the measure’s sponsors.

Although promoted as narrowly focused on a single late-term abortion procedure, the measure packs up to a sweeping prohibition that would, in effect, overturn Roe v. Wade by criminalizing the most com- mon procedures used after the first tri- mester, but well before fetal viability. In- deed, the measure replicates the key defects that led the Supreme Court to reject a strikingly similar state law a mere three years ago. In addition to its deceitfully broad sweep, the bill unconstitutionally omits an exception to protect the health of the woman.

Plainly, the measure’s backers are count- ing on the public not to read the fine print. Their strategy is to curtail access to abor- tion further as the inevitable legal challenge wends its way through the Supreme Court for another showdown. They obviously hope that by that time, there will have been a per- sonal change that will shift the outcome their way.

House members who vote for this bill will be participating in a cynical exercise that disrespects the rule of law and women’s health. Indeed, even as the fashioned procedure itself is determined by the disease process itself. The fate of the infant during a partial-birth abortion (defined as the fetal death, birth, and possible voluntary and possibly preserve a woman’s ability to carry another child to term. The American College of Obstetricians and Gynecologists told the justices that the partial- birth procedure “presents a variety of poten- tial safety advantages. Especially for women with particular health conditions, there is medical evidence that [it] may be safer than available alternatives.”

The legislation now before Congress tries to avoid the first problem identified by the court by defining partial-birth abortion more precisely. Opponents contend that the new definition could still apply to the more com- mon technique. The bill’s supporters argue this is not true, but they could have explic- itly exempted such abortions from the law’s reach if they really wanted to make that clear.

A bigger problem is the cavalier way in which Congress leapfrogged the court’s require- ment for a health exception: Law- en on the Partial-Birth Abortion Act 2003. As a member of the bipartisan congressional prolife caucus and as a doctor who has dedicated over 2 decades of my life to my obstetric practice, I believe this unnecessary procedure should be banned.

As a physician who has delivered over 3,000 babies, I am personally op- posed to banning any type of abortion. But in particular the only reason to select the partial-birth abortion procedure is to ensure that the baby is dead when it is delivered.

As a physician, I recognize that seri- ous complications can occur during the last trimester of pregnancy. However, if the mother’s health dictates that the pregnancy must be concluded and a normal birth is not possible, the baby, of course, may be delivered by cesarean section or hysterotomy.

Whether the infant lives or dies de- pends upon the severity of the medical complications and the degree of pre- maturity, but that outcome is dictated by the disease process itself. The fate of the infant during a partial-birth abortion procedure is predetermined by the nature of the procedure performed, and it is uniformly fatal.

During my 2 decades of the practice of obstetrics, with my share of high-risk pregnancies, I have never encountered a situation where the partial-birth abortion procedure was required. I believe that it is inhuman and never medically necessary. The procedure itself, always fatal to the baby, carries substantial risk for the mother as well.

Partial-birth abortions are done in the third trimester when an unborn child has developed organs and all the characteristics of a newborn baby. Through the use of technology, parents now have the opportunity to know how he develops before birth. Parents can now watch the beating of an un- born child’s heart as early as 20 days after conception and can see movement of the child’s arms and legs after 3 months’ gestation.

In 1995, a panel of 12 doctors repre- senting the American Medical Asso- ciation voted unanimously to recom- mend banning partial-birth abor- tion, calling it “basically repulsive.” I agree with my colleagues at the AMA that it is repulsive and unnecessary. I strongly support the Partial-Birth Abortion Ban Act of 2003. I believe the United States Constitution is
very clear when it guarantees a right to life. Partial-birth abortion has no place in a civilized society.

Mr. LARSON of Connecticut. Mr. Speaker, I regret that due to a family medical emergency, I am unable to be present for the debate and vote on H. Res. 257, the rule providing for consideration of the bill H.R. 760. However, I wish to submit this statement for the Record to ensure that my position on this legislation is clear.

While I am opposed to H.R. 760, I am encouraged that the Rules Committee has finally allowed a substitute amendment to this bill. For the fifth time in nine years, this bill has been brought to the floor of the House for a vote. But, for the first time, I would have voted in favor of H. Res. 257 to allow this compromise to be brought to the floor.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move to reluctantly recommit the bill to the Committee on Education and the Workforce, with amendment, and with a recommendation to the House of Representatives that it be recommitted to the Committee on Ways and Means for consideration.

Mrs. Slaughter. 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. The previous question was ordered.

The Sergeant at Arms will notify absent Members by message.

The Speaker pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Voting will be taken in the following order: H. Con. Res. 177, by the yeas and nays; H. Res. 201, by the yeas and nays; and H.R. 1954, by the yeas and nays.

Remaining electronic votes will be conducted as 5-minute votes.
the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and agree to the resolution, H. Res. 201, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, answered "present", not voting 16, as follows:

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HART. Mr. Speaker, on rollcall No. 237 I was unavoidably detained. Had I been present, I would have voted "yea."

SENSE OF THE HOUSE COMMENDING NATIONAL BUSINESS OWNERS FOR SUPPORT OF OUR TROOPS AND THEIR FAMILIES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 201.

The Clerk read the title of the resolution.

The motion to reconsider the question on the motion is the order of the day.

The clerk then spoke of the resolution.
The Clerk read the title of the bill. The SPEAKER pro tempore.

The question is on the gentleman from Wisconsin (Mr. SENSENBIENER) that the House suspend the rules and pass the bill, H.R. 1546, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 5, not voting 14, as follows:

[Roll No. 239]  

YEAS—414  

The answer is "yea" to "present." So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ARmed forces naturalization act of 2003

The SPEAKER pro tempore (Mr. SWEENEY) during the vote. Members are advised there are 2 minutes remaining in this vote.

□ 1713

Ms. WATERS changed her vote from "yea" to "present."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WATERS) during the vote. Members are advised there are 2 minutes remaining in this vote.

□ 1721

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.
PARTIAL-BIRTH ABORTION BAN ACT OF 2003

Mr. SENSENBRNER, Mr. Speaker, presented the bill (H.R. 760) to prohibit the procedure commonly known as partial-birth abortion, and asked for its immediate consideration.

The Clerk read the title of the bill. There was no objection. The text of H.R. 760 is as follows:

H.R. 760

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 "Partial-Birth Abortion Ban Act of 2003".

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) A moral, medical, and ethical consensus exists that the practice of performing a partial-birth abortion—an abortion in which a physician delivers an unborn child's body unit by unit, punctures the back of the child's skull with a sharp instrument, and sucks the child's brains out before completing delivery of the dead infant's body—is a gruesome and inhumane procedure that is never medically necessary and should be prohibited.

(2) Rather than being an abortion procedure that is embraced by the medical community, particularly among physicians who routinely perform other abortion procedures, partial-birth abortion remains a disfavored procedure that is not only unnecessary to preserve the health of the mother, but in fact poses serious risks to the long-term health of women and in some circumstances, their unborn child. The States Congress has determined that the procedure was banned as did the United States Congress which voted to ban the procedure during the 104th, 105th, and 107th Congresses, during extensive legislative hearings during the 104th, 105th, and 107th Congresses, Congress has determined that section 4(e) would assist the Puerto Rican community in casting System, Inc. v. Federal Communications Commission, 512 U.S. 622 (1994) (Turner I) and Turner Broadcasting System, Inc. v. Federal Communications Commission, 512 U.S. 622 (1994) (Turner II). At issue in the Turner cases was Congress' legislative finding that, absent manda- tory carry rules, the continued viability of the broadcasting business would be seriously jeopardized. The Turner I Court recognized that as an institution, "Congress is far better equipped than the judiciary to 'assess and evaluate the vast amounts of data' bearing upon an issue as complex and dynamic as that presented here". 512 U.S. at 655-66. Although the Court recognized that "[w]e owe Congress' findings deference in part because the institution 'is far better equipped than the judiciary to 'assess and evaluate the vast amounts of data' bearing upon legislative questions," id. at 195, and added that it "owed Congress' findings an additional measure of deference out of respect for its authority to exercise the legislative power." Id. at 196.

(12) Three years later in Turner II, the Court upheld the 'must-carry' provisions based upon Congress' findings, stating that Congress' "able to exercise legislative power, in formulating its judgments, Congress has drawn reasonable inferences based on substantial evidence." Id. at 656.

(13) There exists substantial record evidence which Congress has found to preserve the health of a woman, poses serious risks to a woman's health, and lies outside the standard of medical care. Congress is informed by extensive hearings during the 104th, 105th, and 107th Congresses, Congress finds and declares that:

(A) Partial-birth abortion poses serious risks to the health of a woman undergoing the procedure, including, among other things: an increase in a woman's risk of suffering from cervical incompetence, a result of cervical dilatation making it difficult to include a viable embryo or fetus, and to carry a subsequent pregnancy to term; an increased risk of uterine rupture, abortion,
amniotic fluid embolus, and trauma to the uterus as a result of converting the child to a footing breech position, a procedure which, according to a leading obstetrics textbook, "... is so... other than for delivery of a second twin..." and a risk of lacerations and secondary hemorrhaging due to the doctor blindly forcing a sharp instrument into the base of the unborn child's skull while he or she is lodged in the birth canal, an act which could result in severe bleeding, brings with it the threat of abortion could ultimately result in maternal death.

(B) There is no credible medical evidence that partial-birth abortions are safer or the medical community has recognized that partial-birth abortions are superior in any way to established abortion procedures. Indeed, unlike more commonly used abortion procedures, there are no medical schools that provide instruction on abortions that include the instruction in partial-birth abortions in their curriculum.

(C) Prominent medical association has concluded that partial-birth abortion is "not an accepted medical practice," that it has "never been, and is now not even a marginal amount of the normal medical practice development," that "the relative advantages and disadvantages of the procedure in specific circumstances remain unknown," and that "there is no consensus among obstetricians about its use." The association has further noted that partial-birth abortion is broader than other more commonly used abortion procedures. Thus, the alignment of otherwise uncommercial abortion procedures with the public, is "ethically wrong," and "is never the only appropriate procedure".

(D) Neither the plaintiff in Stenberg v. Carhart, nor the experts who testified on his behalf, have identified a single circumstance during which a partial-birth abortion was necessary to preserve the health of a woman.

(E) The physician credited with developing the partial-birth abortion procedure has testified that he has never encountered a situation where a partial-birth abortion was medically necessary to achieve a desired outcome and, thus, is never medically necessary to preserve the health of a woman.

(F) The partial-birth abortion procedure will therefore advance the health interests of pregnant women seeking to terminate a pregnancy.

(G) In light of this overwhelming evidence, Congress and the States have a compelling interest in prohibiting partial-birth abortions. In addition to promoting maternal health, a prohibition will draw a bright line that clearly distinguishes abortion and infanticide, that preserves the integrity of the medical profession, and promotes respect for human life.

(H) Based upon Roe v. Wade, 410 U.S. 133 (1973) and Planned Parenthood v. Casey, 505 U.S. 833 (1992), a governmental interest in protecting the life of a child during the delivery process arises by virtue of the fact that during a partial-birth abortion, labor is induced and the birth process has begun. This distinction was recognized in Roe when the Court noted, without comment, that the Texas parturition statute, which prohibited one from killing a child "in a state of being born but not born," was constitutionally valid. This interest becomes compelling as the child emerges from the maternal body. A child that is completely born is a full, legal person entitled to constitutional protections afforded a "person" under the United States Constitution. Partial-birth abortions involve the killing of a child that is in the process, in fact mere inches away from, becoming a "person." Thus, the government has a heightened interest in protecting the life of the partially-born child.

(I) This, too, has not gone unnoticed in the medical community, where a prominent medical association has recognized that partial-birth abortion undermines the "... public's perception of the appropriate role of a physician during the delivery process, and persuades a physician during whose life is brought into the world, in order to destroy a partially-born child.

(J) Partial-birth abortion also confuses the medical, legal, and ethical duties of physicians to preserve and promote life, as the physician acts directly against the physical life of a child, whom he or she had just delivered, all but the head, out of the womb, in order to end that life. Partial-birth abortion thus perverts the terminology and techniques used by obstetricians in the delivery of living children—obstetricians who preserve and protect the life of the mother and the child, unless those techniques to end the life of the partially-born child.

(K) Thus, by aborting a child in the manner that purposefully seeks to kill the child after her heart has stopped beating, partial-birth abortion undermines the public's perception of the appropriate role of a physician during the delivery process, and performs a procedure during whose life is brought into the world, in order to destroy a partially-born child.

(L) The gruesome and inhumane nature of the partial-birth abortion procedure and its disturbing similarity to the killing of a newborn infant promotes a complete disregard for infant human life that can only be countered by prohibiting this abortion procedure.

(M) The vast majority of babies killed during partial-birth abortions are alive until the end of the procedure. It is a medical fact, however, that unborn infants at this stage can feel pain when subjected to painful stimuli and that their perception of this pain is even more intense than that of newborn infants who nevertheless directly perform a partial-birth abortion, shall be subject to the provisions of this section.

(N) Thus, Congress finds that partial-birth abortion is never medically indicated to preserve the health of the mother; is in fact unrecognized as a valid abortion procedure by the medical community; poses additional health risks to the mother; blurs the line between abortion and infanticide in the killing of a partially-born child; perverts the role of the physician in childbirth and should, therefore, be banned.

SEC. 3. PROHIBITION ON PARTIAL-BIRTH ABORTIONS

(a) In General—Title 18, United States Code, is amended by inserting after chapter 73 the following:

"CHAPTER 74—PARTIAL-BIRTH ABORTIONS"

"Sec. 1531. Partial-birth abortions prohibited.

"(a) Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than 20 years, or both. This subsection does not apply to a partial-birth abortion that is necessary to save the life of the mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself. This subsection takes effect 1 day after the enactment.

(b) As used in this section—

"(I) the term 'partial-birth abortion' means an abortion in which—

"(A) the person performing the abortion deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and

"(B) the person intentionally vaginally delivers a living fetus other than completion of delivery, that kills the partially delivered living fetus; and

"(2) the term 'physician' means a doctor of medicine or osteopathy who is licensed to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions or exceed a behavior, however. That any individual who is not a physician or otherwise legally authorized by the State to perform abortions, but nonetheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

(c)(1) The father, if married to the mother at the time she received a partial-birth abortion procedure, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

"(2) Such relief shall include—

"(A) money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

"(B) a civil penalty equal to three times the cost of the partial-birth abortion.

(d)(1) A defendant accused of an offense under this section may delay a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

"(2) The findings on that issue are admissible on that issue at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

"(e) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section, for an offense under section 2, 3, 4, or 5 of this title based on a violation of this section.

(2) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

"74. Partial-birth abortions .......... 1531".

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in
order to consider an amendment printed in House Report 108-139, if offered by the gentleman from Pennsylvania (Mr. GREENWOOD) or his designee, which shall be considered read, and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent, without amendment and without a motion to recommit.

The gentleman from Wisconsin (Mr. SENSENBERN) and the gentleman from New York (Mr. NADLER) each will control 30 minutes of debate on the bill.

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

Mr. SENSENBERN. 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.R. 760.

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

The gentleman from Wisconsin (Mr. SENSENBERN). Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, H.R. 760, the Partial-Birth Abortion Ban Act of 2003, would prohibit the performance of the partial-birth abortion procedure. A partial-birth abortion that, unfortunately, we are all too familiar with. An abortionist who violates this ban would be subject to fines, a maximum of 2 years' imprisonment, or both. It also includes an exception for those situations in which a partial-birth abortion is deemed necessary to save the life of the mother. An identical bill, H.R. 4955, was approved by this Chamber last summer by a 274-151 vote, but the then-Democratic leadership in the other body chose not to bring it up for a vote.

A moral, medical, and ethical consensus exists that partial-birth abortion is an unsafe and inhumane procedure that is never medically necessary and is substandard. Contrary to the claims of advocates of this gruesome procedure, the procedure remains an untested, unproven, and potentially dangerous procedure that has never been embraced by the medical profession. Unfortunately, two Federal bans that were passed by prior Republican Congresses and sent to President Clinton's desk were promptly vetoed.

In June 2000, the United States Supreme Court struck down Nebraska's partial-birth abortion ban, which was similar, but not identical, to bans previously passed by Congress. The Court concluded that Nebraska's ban did not clearly distinguish the prohibited procedure from the other more commonly performed second trimester abortion procedures. The Court also held, on the basis of highly disputed factual findings of the district court, that the law was required to include an exception for partial-birth abortions deemed necessary to preserve the health of a woman.

H.R. 760's new definition of partial-birth abortion addresses the Court's first concern by clearly and unambiguously defining the prohibited procedure. The bill also addresses the Court's second objection to the Nebraska law by including extensive congressional findings based upon medical evidence received in a series of legislative hearings, that, contrary to the factual determination of the district court. In Stenberg, a partial-birth abortion is never medically necessary to preserve a woman's health, poses serious risk to a woman's health, and in fact is below the requisite standard of medical care. H.R. 760's definition is based upon Congress's factual determination that partial-birth abortion is a dangerous procedure that does not serve the health of any woman. The Supreme Court has a long history, particularly in the area of civil rights, of deferring to Congress's factual conclusions. In doing so, the Court has recognized that Congress's institutional structure makes it better suited than the judiciary to assess facts upon which it will make policy determinations.

As Justice Rehnquist has stated, the Court must be, "particularly careful not to substitute its judgment of what is desirable for that of Congress, or its own evaluation of evidence for a reasonable evaluation by the legislative branch."

Similarly in Fullilove v. Klutznick, when reviewing the minority business enterprise provision of the Public Works Empowerment Act of 1977, the Court repeatedly cited and deferred to the legislative record and factual conclusions of Congress to uphold the provisions as an appropriate exercise of congressional authority.

In addition to the health risks to women who undergo the partial-birth abortion procedure, it is particularly brutal. It involves the nearly born infant as virtually all the infants upon whom this procedure is performed are alive and feel excruciating pain. Furthermore, a child upon whom a partial-birth abortion is being performed will not be sufficiently affected by medication administered to the mother during the performance of the procedure.

As credible testimony received by the Subcommittee on the Constitution confirms, "Current methods for providing maternal anesthesia during partial-birth abortions are unlikely to prevent the experience of pain and stress" that the child will feel during the procedure. Thus, claims that a child is almost certain to be either dead or unconscious and near death prior to the commencement of the partial-birth abortion are unsubstantiated.

H.R. 760 enjoys overwhelming support from members of both parties precisely because of the barbaric nature of this procedure and the dangers it poses to women who undergo it. Additionally, the American Medical Association has recognized that partial-birth abortions are "ethically different from other destructive abortion techniques because the fetus, normally 20 weeks or longer in gestation, is killed out of the womb."

Thus, the "partial birth" gives the fetus an autonomy which separates it from the right of the woman to choose treatments for her own body.

Implicitly approving such a brutal and inhumane procedure by choosing not to prohibit it will further coarsen society to the humanity of not only newborns but all vulnerable and innocent human life. Thus, Congress has a compelling interest in acting, indeed it must, to prohibit this inhumane procedure.

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

Mr. NADLER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GREEN).

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

Mr. GREEN of Texas. Mr. Speaker, I rise today opposing H.R. 760 and supporting the substitute.

Mr. Speaker. I rise today to express my opposition to H.R. 760, the Partial Birth Abortion Ban of 2003.

This is always an ugly and difficult debate. I am not comfortable with the notion of a pregnancy being terminated when a woman is in the last trimester.

I doubt that many people believe a woman who is eight months pregnant should be able to change her mind and terminate the pregnancy. And I really don't believe that that situation happens. But there are times when late term abortions are necessary to protect the life and health of the mother, or to save the fetus from undue pain and suffering due to irreversible birth defects.

In those cases, we should make sure that women have access to safe, appropriate medical procedures.

Unfortunately, the legislation we are considering is almost identical to a Nebraska law that the Supreme Court found unconstitutional.

In Stenberg v. Carhart, the Court found that the Nebraska law outlaws several procedures, including the safest and most commonly used method for performing pre-viability second trimester abortions.

Second, the Court ruled that any ban on methods of abortion must provide an exception for women's health, and also struck down the Nebraska law for failing to include such an exception.

H.R. 760 continues to flout the Supreme Court's rulings by continuing to ban certain procedures, and failing to protect the life of the mother.
If we are serious about banning truly late-term abortions, than we should do what Texas did.

My home state has a law which says that “No abortion may be performed in the third trimester on a viable fetus unless necessary to preserve the mother’s health or prevent a substantial risk of serious impairment” to her physical or mental health or if the fetus has a severe and irreversible abnormality.

I supported this law when it passed the State Senate, and support the Hoyer-Greenwood Amendment being offered today, which provides similar protections for women facing this awful choice.

I urge my colleagues to reject H.R. 760, and instead support the Hoyer-Greenwood substitute, which is similar to common sense Texas law.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I want to thank very much the ranking member of the subcommittee on Judiciary that is managing this bill, I want to thank Mr. SENSENBRENNER, great work that he and the Judiciary staff have done in trying to bring some understanding to the significance of what we are doing today.

First of all, let us begin the discussion by recognizing that the term “partial-birth abortion” is a political term or a rhetorical term. It is not found in the textbooks on medicine. The reason is that it was invented in the Congress. Okay?

The bill before us is different from other bills that have attempted to ban abortion because this bill has now determined that they would get around the Supreme Court ban on these procedures which require the health of the mother be taken into consideration by saying, we have a bill here that has about 34 pages of findings, congressional findings, that now make it unnecessary to sue Roe v. Wade and the other major case that precludes these bills from being constitutional. They have been struck down repeatedly, repeatedly, repeatedly. But this bill is now going to be okay because we have congressional findings.

Flash to the Congress. All congressional findings are not approved by the Supreme Court. Sorry about that, gentlemen. We have here, that I will put into the Record, and I hope we will have some discussion on it, the Turner Broadcasting case, Supreme Court case; the Morrison case, the Penhurst case, we go on and on with a long list of cases that say all findings are not findings and that therefore the Supreme Court is not going to say, oh, okay, you had two or three doctors testify before your subcommittee and from this you draw findings and so, therefore, now all the Supreme Court decisions about the protection of the health and life of the mother are void.

The reason is that H.R. 760 simply states that the district court erred in its finding of fact and law, but as a matter of fact, this bill does not add a health exception, but instead simply states that the procedures covered by the bill are not necessary and that therefore their use pose no risk to the mother’s health.

We listen to some doctors, we then determine that we have now exceptions and we pack them into this bill and we say, That’s it. We don’t need to determine that the health and welfare of the mother is in the Supreme Court. We used to think because now we have findings, congressional findings. And the Supreme Court has got to follow congressional findings. Right? Wrong.

It would seem that on the basis that this was done, it will be pretty easy for the Supreme Court to look behind this bill, H.R. 760.

Mr. SENSIBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman from Michigan is right. The Supreme Court is not required to accept congressional findings. In the cases that I have cited, they have given deference to congressional findings. Here in the Stenberg case, the Supreme Court accepted the findings of the district court. We believe the district court’s findings were in error. That is why there are extensive findings contained in H.R. 760 which we hope are substantiated by extensive hearing records and that the Supreme Court will give the same type of deference that it has done in the past in civil rights and employment cases.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time. Partial-birth abortion is the termination of the life of a living baby just seconds before it takes its first breath outside the womb. The procedure is violent, it is gruesome, it is horrific, it is barbaric, it is infanticide.

I want to remind everybody that we have seen these same tactics for many years and that the misinformation touted by the abortion lobby was exposed as blatant propaganda back in 1997, when the executive director of the National Coalition of Abortion Providers admitted that he, quote, “lied through his teeth when he stated that partial-birth abortions were rarely performed.” He went on to say that the procedure is most often performed on healthy mothers who are, about 5 months pregnant with healthy fetuses.

So as we debate this compassionate bill today, I ask that you remember the truth. Partial-birth abortion represents an untested, unprecedented and dangerous procedure that has never been embraced by the mainstream medical community.

I would like to take a few minutes to discuss this legislation in more detail. Two years ago in Stenberg v. Carhart, the United States Supreme Court struck down Nebraska’s partial-birth abortion ban which was similar, but not identical, to bans passed by previous Congresses. Constitutional concerns raised by the majority in Stenberg, our legislation differs from previous proposals in two areas. First, the bill contains a new, more precise definition of the prohibited procedures than had been used in the medical testimony received by the Subcommittee on the Constitution indicated, clearly distinguishes it from more commonly performed abortion procedures.

Opponents of this legislation claim that doctors will be confused by the definition of partial-birth abortion. Despite the assertions of the abortionists who defend this procedure, the new definition provides physicians anatomical guidance so that they are no confusion about which procedure is prohibited.

Second, our legislation addresses the Stenberg majority’s opinion that the Nebraska ban placed an undue burden on women seeking abortion because it failed to include an exception for partial-birth abortions deemed necessary to preserve the health of the mother. The Stenberg Court based its conclusion on the trial court’s factual findings regarding the health and safety benefits of partial-birth abortions, findings which were highly disputed.

Under well-settled Supreme Court jurisprudence, the United States Congress is not bound to accept the same factual findings that the Supreme Court was bound to accept in Stenberg under the clearly erroneous standard. Rather, as the Supreme Court explained in Turner Broadcasting System, Inc. v. Federal Communications Commission, the United States Congress is entitled to reach its own factual findings, findings that the Supreme Court consistently relies upon and accords great deference, and to enact legislation based upon these findings so long as it seeks to pursue a legitimate interest that is within the scope of the Constitution and draws reasonable inferences based upon substantial evidence. That is exactly what we have done in this legislation.

The first section of our legislation contains Congress’ extensive factual findings that, based upon extensive medical evidence compiled during congressional hearings, partial-birth abortion poses serious risks to women’s health, it is never indicated, and is outside standard medical care. In fact, the district court’s factual findings in Stenberg are inconsistent with the overwhelming weight of authority regarding the safety and medical necessity of partial-birth abortion.

According to the American Medical Association, ‘There is no consensus among obstetricians about its use, it
has never been subject to even a minimal amount of normal medical practice development, and it is not in the medical textbooks." In addition, no controlled studies of partial-birth abortions have been conducted, nor have any comparative studies been conducted to demonstrate its efficacy compared to other abortion methods.

Leading proponents of partial-birth abortion also acknowledge that it poses additional health risks because of the numerous difficulties required in that particular procedure. It has even been called a rogue procedure.

Partial-birth abortion is truly a national tragedy. Unfortunately, the American people and the President recognize the horrors of partial-birth abortion and are waiting for Congress to again take action. On March 13, 2003, the other body passed virtually identical legislation by a 64 to 33 vote.

I urge Members to support our bill and help end this barbaric and inhumane practice once and for all in this country. It is now time for us to pass this legislation. I feel confident that we will do so today.

Mr. Speaker, today we have a very bad combination, a combination of Members of Congress who want to play doctors and Members of Congress who want to play Supreme Court. When you put the two together, you have a prescription for some very bad medicine for the women in this country.

We have been through this debate often enough to know that you will not find the term "partial-birth abortion" in any medical textbook. There are procedures that you will find in medical textbooks, but the authors of this legislation would prefer to use the language of propaganda rather than the language of medical science. This bill is so vague that it could be read to prohibit many common procedures used during the second trimester. This, the Supreme Court said, Congress may not constitutionally do.

The bill as written fails every test the Supreme Court has laid down for constitutional regulation of abortion. It reads almost as if the authors went through the Supreme Court's controlling decision in Stenberg v. Carhart and went out of their way to thumb their noses at the Court. Unless the authors think that when the Court has made repeated and clear statements over the years that the Constitution requires in this area, they were just pulling our leg, this bill has to be considered facially unconstitutional.

In addition, in just one example of an obnoxious clause, the bill allows the husband of a woman who seeks an abortion to sue her and her doctor if the husband did not consent to the procedure. This would include a husband who had abused the woman, punched her, and caused damage to the fetus, deserted her, and then allow him to realize a huge windfall after she is left alone to deal with the consequences of his wrongdoing.

This is the position of people who call themselves pro-life? It is an obscenity and people who support it should not be proud.

The Supreme Court has repeatedly said any restriction on the right to abortion must have a clear exception to preserve the life and health of a woman at any stage of pregnancy.

The bill lacks an exception for the health of the woman. I know that some of my colleagues do not like the constitutional rule that has been in place and reaffirmed by the Court for 30 years; but that is the supreme law of the land, and no amount of rhetoric, even if written into legislation, will change that. Even the Ashcroft Justice Department in its brief defending an Ohio statute before the Court has acknowledged that a health exception is required by law.

The sponsors say that findings in the bill to the effect that so-called partial-birth abortion is never medically necessary will satisfy the constitutional requirement of a health exception to any limitation on the right to choose. The Court has made clear that it now requires Congress to support our legislation with findings of fact and that the Court has arrogated to itself the right to decide whether the facts established are sufficient to establish that the legislation is appropriate and proportionate to the evil to be remedied in order to render the legislation constitutional, that is an affirmative requirement within the power of Congress to legislate.

It is not. The Court has said the opposite. The Court has not said where Congress has no power to legislate, such as abortion regulation, without an exception for the health of the woman, that findings of fact can expand the power to legislate. The fact requirement required by the Court as a limitation on Congress, not as an expansion of the power of Congress.

Whatever deference the Court may have shown to Congress' fact findings, the Court has made clear it is the final arbiter of the fact, not Congress, even if we put so-called fact findings in the bill. I do not like that anymore than other Members of the House, but there you have it; and frankly, the contentions on this bill no, that Congress has no authority to legislate the necessity for the health exception to make this constitutional is laughable, and I do not believe any Member who knows anything about constitutional law can seriously and honestly suggest anything other than that.

While I realize many of the proponents of this bill view all abortion as tantamount to infanticide, that is not a mainstream view. The proponents of this bill are attempting to foist a menacing view on the general public by characterizing it as having to do with abortions involving healthy fetuses that are already viable. But, of course, the definition in this bill will go into second trimester abortions also.

If they really wanted to deal with post-viability abortions and situations in which a woman's life and health are not in jeopardy, then let them write a bill dealing with late-stage abortions. We already have such laws in 40 States, and they would not find much opposition, if any opposition, to that. But it is clear that the majority is not interested in a bill that could pass into law and naturally be upheld as constitutional, which is why they use an inflammatory piece of rhetoric to start undermining the political support of Roe v. Wade. The real purpose of this bill is not, as we have been told, to save babies, but to save elections.

We now have a President who has expressed a willingness to sign this bill. He may in fact get his chance.

Perhaps here in the Halls of Congress the health of women takes a back seat to the most extreme views of the anti-choice movement. Perhaps the President does not care about the health of women. We will find that out, perhaps.

Let us hope that this administration does not get the opportunity to pack the Supreme Court with fanatics who have no regard for the health and welfare of the women. Until then, fortunately, the Constitution still serves as a bulwark against dangerous, malicious, destructive, and misogynistic particular bills like this one. I am thankful for that.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. Forbes).

Mr. FORBES. Mr. Speaker, what really amazes me when you listen to the debate on this bill is the huge disconnect between the rhetoric we hear and what the bill actually before us is about.

This bill is not about choice, and this bill is really not about abortion. This bill substantively, when you look at it, is about one procedure, one procedure that is so painful to an unborn baby, so barbaric, so egregious, that even the most extreme proponent of abortion has to look at it and say it shocks even their conscience.

The overwhelming testimony is that a partial-birth abortion is never necessary to protect the health of the mother. This procedure is infanticide, and its cruelty stretches the limits of human decency.

This issue comes down to one simple question: Is there no limit, is there no amount of pain, is there no procedure that is so extreme that we can apply to this unborn child or this fetus that we are willing as a country to say that just goes too far and we cannot allow that to happen? That is what partial-birth abortion does. It goes too far. That is why it is so important that we pass this bill today.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mrs. Lowey).
Mrs. LOWEY. Mr. Speaker, after commemorating the 30th anniversary of the Supreme Court's decision in Roe v. Wade just 6 months ago, we are reminded again today that the fight to preserve a woman's right to choose is far from over today. Considering a ban on so-called partial-birth abortions for the ninth time in 8 years because the proponents of this bill disagree with the Supreme Court. They want to overturn Roe v. Wade and Stenberg v. Carhart and go back to the days when women had no options, when they left the country or died in back alleys.

In reflecting on the long debate over this bill starting in 1995, I was struck by something Sandra Day O'Connor said on CNN recently. Justice O'Connor said that she was drawn to the law by something Sandra Day O'Connor said that she was drawn to the law because she saw the role it plays in shaping our society. "I don't think law often leads society," she said. "It really is a statement of society's beliefs in a way."

The proponents of this bill and I would likely agree with Justice O'Connor, except I believe that Roe v. Wade continues to express our society's beliefs, and they do not. Roe said that the decision to terminate a pregnancy is private and personal and should be made by a woman and her family without undue interference from the government. I, and the American people, still believe that. Supporters of the bill do not.

Roe and Stenberg said that a woman must never be forced to sacrifice her life or damage her health in order to bring a pregnancy to term. The woman's life and health must come first and be protected throughout pregnancy. I and the American people still believe that. Supporters of the bill do not.

Roe and Stenberg said that determinations about viability and health risks for each woman must be made by her physician. A blanket government decree about medicine is irresponsible and dangerous. I and the American people still believe that. Supporters of the bill do not.

The supporters of H.R. 760 disagree with the Court's reflection of our society and reject the principles embodied in its decisions. Holding their opinion is their right. Disregarding the Constitution is wrong.

The Supreme Court's decisions in Roe v. Wade and Stenberg v. Carhart rested on precedent, including Marbury v. Madison, decided 200 years ago this year. Marbury was critically important to the development of our democracy because it established the Supreme Court as the final and ultimate authority on what the Constitution means.

In 1803, the Supreme Court became in fact, not just on paper, an equal partner in government, co-equal with the executive and the legislature. And in 2003, this Congress has decided to ignore the Court. The Court made clear that a partial-birth abortion ban was extreme and dangerous because it limited safe options for women and failed to protect the health of women.

Yet the bill before us contains no protection for the health of the woman, leaves no role for the physician treating a woman, and never mentions fetal viability and the families, doctors and the Supreme Court, and makes all the decisions.

Congress is wrong to pass this ban and the President would be wrong to sign it. I urge my colleagues to respect the law and the American values in Roe v. Wade. Stenberg v. Carhart, leave decisions in the hands of families, protect the health of women. Please vote against this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mr. SIMPSON). The Chair would kindly ask Members to mute electronic devices while on the floor of the House.

Mr. SENSENBERNEN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH. Mr. Speaker, I thank my good friend for yielding. And I deeply appreciate both Chairman SENSENBERNEN's and Chairman CHABOT's courageous leadership on this human right issue.

Mr. Speaker, slowly, but inexorably, the movement to reinfranchise unborn children in law as respected and cherished members of the human family is growing.

The most recent issue of Newsweek, it is a cover story entitled, "Should a Fetus Have Rights; How Science Is Changing the Debate," absolutely shatters the myth that unborn children are somehow less human and less alive than their born brothers and sisters.

Indeed, a second Newsweek story also in this week's edition, "Treating the Tiniest Patients," notes that "medicine has already granted unborn babies a unique form of personhood, as patients."

Newsweek points out that, "Once just grainy blobs on a TV monitor, new high-tech fetal ultrasound images allow prospective parents to see tiny fingers and toes, arms and legs, and a beating heart as early as 12 weeks. While these images make a parent's heart leap for joy, they also pack such an emotional punch that even the most hardened and hardened abortion rights supporters may find themselves questioning their beliefs."

Mr. Speaker, let us hope so. May the questioning begin. We have lived in denial concerning the violence of abortion for far too long. We have, by our actions, or more so by our inaction, enabled and empowered abortionists to dismember, decapitate and chemically poison more than 43 million innocent and precious babies since 1973.

Today, Mr. Speaker, we can stop some of this violence against children. Today we can take one of those weapons out of the hands of the abortionist. Today we can stop America that partially delivering a baby, only to stab that child in the skull so that his or her brains can be sucked out, is the nightmarish world of a Hannibal Lecter, not American medicine or jurisprudence.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Colorado (Ms. DeGETTE).

Ms. DeGETTE. Mr. Speaker, if Members could actually wade through the absurd and fallacious rhetoric that is being bandied about today, it would not be difficult to see that this unconstitutional bill is not about so-called partial-birth abortion; it is about two things and two things only.

The first is the question of who gets to make the medical decisions about a woman's health, the actual woman, in consultation with her family and physician, or the agitated and hyperbolic politicians in attendance today? I vote for the woman.

The second is the fact that passage of this bill is one more step down the path where any woman's right to choose no longer exists, and that is clearly what the House and Senate and White House have said all along.

Do not be fooled. There is no actual procedure called this. So-called late-term abortion is quite rare, and they usually occur under the most difficult of circumstances.

To pass this legislation is to elevate the rhetoric of politicians over the sound medical advice of doctors. To pass this bill today is to deny women a safe and legal procedure when tragedy strikes.

If the other side really cared about these types of abortions, they would vote for women's health, which they do not. They would not pass an unconstitutional bill which is wasting this body's time, when we could be talking about child tax credits and other issues and not spending all of this money. They could really put their efforts on stopping unwanted pregnancies in general.

I urge my colleagues to think rationally and compassionately and vote "no" on this terrible piece of legislation.

Mr. SENSENBERNEN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, life, life is a precious gift. Life is a precious gift from God. Partial-birth abortion is a gruesome procedure that has no place in our society, has no place in a civilized society.

Partial-birth abortions are performed in the U.S. They are performed thousands of times annually on healthy babies and healthy mothers. In 1997, Ron Fitzimmons, executive director of the National Coalition of Abortion Providers, estimated that the method was used 5,000 times annually. "In the vast majority of cases, the procedure is performed on a healthy mother with a healthy fetus that is 20 weeks or more along," Fitzimmons said.
Not that polls are all that important on this issue, it is what is right or wrong, but in January of 2003 a Gallup Poll found that 70 percent of Americans favored a law making it illegal to perform a partial-birth abortion except in cases necessary to save the life of the mother.

These folks recognize the preciousness of the gift of life. H.R. 760 would prohibit the partial-birth abortion procedure unless it is medically necessary to save the life of the mother.

H.R. 760 addresses the concerns identified by the Supreme Court when it struck down Nebraska's partial-birth abortion ban by a 5-4 ruling. The five-justice majority thought that the Nebraska law was too vague. H.R. 760 contains a new and a more precise definition of the prohibited procedure.

I thank my colleague for bringing this bill forward. I hope that today this House will join the other body in moving this legislation forward and, hopefully, moving it to the President's desk. We have passed similar legislation a number of times, but never have we been able to get it on the President's desk where the President will sign it.

Let us move this bill and let us get it on the President's desk.

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

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today for my annual statement in opposition to this bill. Republicans say they are for smaller government. In reality, they want to make government just small enough to fit inside our bedroom.

This government, the government that step between pregnant mothers and their doctors, interfering with the doctor's ability to make the safest and healthiest decisions for the mother, never mind that this bill is certifiably unconstitutional.

Propponents of this bill should be ashamed to go home to their wives, their daughters, nieces, sisters, and women constituents and explain to them why they voted for a bill that not only blatantly disregards their health, but for a bill that it is not an issue; explain to them why they voted for a bill that would criminalize the behavior of their doctors, who acted in their best interests, because the law said that their health did not matter.

This bill is not about late-term abortion or even a so-called "partial-birth abortion" procedure, which has no medical definition in this bill. This bill is about banning safe abortion procedures that sometimes are the safest methods of pre-viability, second-trimester abortion illegal.

For us to be true to the Constitution, to be true to the sentiments of equality and freedom, women must have control over their bodies. Instead, proponents of this bill, including the Bush administration, are using this bill as part of a broader agenda to take away a woman's constitutionally guaranteed right to choose.

This assault on a woman's right to control her body and her health must stop. I urge my colleagues to vote "no" on H.R. 760.

Mr. SENSENBERNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we have heard from the people who oppose this legislation that it infringes on Roe v. Wade. Roe v. Wade very clearly gives Congress and the several States the right to prohibit abortions on viable babies.

There is one State in the Union, Kansas, that collects statistics on partial-birth abortions. Let me quote from page 17 of the committee report: "The experiences of the State of Kansas, the only State to require physicians to report the performance of partial-birth abortions, are instructive on this point. Under its mandatory reporting scheme for partial-birth abortions, in 1998, 58 partial-birth abortions were performed, all of which were on viable babies and all of which were necessary to prevent a substantial or irreversible impairment of a major body function, which was the impairment of the patient's mental condition. Similarly, in 1990, 182 such procedures were performed, 'all for the same reasons,' on viable babies."

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

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, let us all be clear: the bill before us is unconstitutional because it does not contain an exemption for the health of the woman who seeks to exercise her reproductive rights. There is no doubt about that. This is the S. U. S. Supreme Court has already ruled on very similar legislation in Stenberg v. Carhart. Opponents of the right to reproductive choice should know that.

This bill likely will not prevent a single abortion, but it does defeat the rights of women. I believe that equal protection under the law and the right to privacy should be freedoms enjoyed by women as well as men, but women will not be equal to men if this constitutionally protected right is denied. This bill infringes on those rights for women. That is why I will oppose it.

Throughout my career, I have worked to reduce the need for abortions by preventing unwanted pregnancies through comprehensive sex education, birth control, and increased access to health care. I think that all of my colleagues would agree that we should work to prevent unwanted pregnancies that lead to abortions.

I will catch the efforts, but the bill before us today is the wrong way to do that. Advocates of this bill who want to stand in defense of life would be helpful if they worked to support families with adequate child care funding, child tax credit relief for vulnerable families, and peace.

For some, this debate is only about politics. The fact that other abortion legislation, the Unborn Victims of Violence Act, has been advanced on the publicity of the Lac Peterson tragedy shows the unfortunate politicization of this debate.

I know there are many who are sincerely holding their desire to reduce the need for abortions. In leading this Nation towards this goal, we must preserve constitutional rights. We must respect the freedom and equality of women. The best path for our country is not to escalate the divisiveness and political nature of this debate. Rather, it is to remember the principles of this Nation and refrain from undermining freedom of choice. We must respect the basic human dignity of women to make personal, private decisions.

This House can do better to truly work to reduce the need for abortions while respecting the freedom of choice. For these reasons, I will oppose the bill today.

Mr. SENSENBERNER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, partial-birth abortion is what some call getting away with murder on a technicality. By law, a baby who has taken a breath outside the womb is considered a human being, a person. No one would think of killing it. To kill him would be murder.

To get around this technicality, abortionists turn the baby around so they can partially deliver the baby feet first, like a breech birth. While the baby's head remains in the birth canal, then they stick him in the back of the neck with surgical scissors and suck out his brain. Because the baby's head is held inside the mother's birth canal, the law does not count it as murder. Therefore, it is called getting away with murder on a technicality.

This is one of the most disgusting ways of circumventing the law I can think of. How can we justify saying a baby who can live on its own is not allowed to survive simply because someone is holding its head inside its mother's body? We cannot, not if we believe in the dignity of human life.

But we can stop this terrible procedure and save thousands of lives of healthy babies who are dying every year. Vote for this bill, and close this loophole that allows people to literally get away with murder and infanticide.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise deeply troubled that the House is again voting on this ill-conceived bill to ban a medical procedure. Let us be honest: The underlying issue is really about whether or not a woman should have the legal right to choose to end a seriously flawed pregnancy.

As my colleagues stated, the term "partial-birth abortion" cannot be
found in any medical literature. Lawmakers have continued this misnomer, “partial-birth abortion,” and have succeeded in confusing the public’s understanding of the issue.

Federal law already bans procedures performed after fetal viability unless the mother’s health is at risk. But this bill directly defies the Supreme Court because it once again lacks an adequate health exception, and it could outlaw procedures used in the first or second trimester before viability that can hardly protect the health of the mother.

By criminalizing these constitutionally protected procedures, physicians are left with limited options when treating a patient in a crisis. The ban would force a woman to undergo potentially more damaging, risky, and rarely performed procedures or otherwise continue a very unsafe pregnancy.

Sadly, there are times when it may be necessary for a woman to terminate a wanted pregnancy. It is often impossible to detect fetal abnormalities before the second trimester, and it is at this stage that certain preexisting medical conditions exacerbated by pregnancy may worsen for a woman. At these times, a woman, in consultation with doctors and families, must freely be able to determine the best course to preserve her life, her health, her future fertility.

Congress is treading in dangerous waters with this legislation. In this Chamber we often insist that we should not be telling doctors how to practice medicine, we should not usurp the opinions of medical experts when considering patient safety, standards of care for diseases, and the administration of drugs.

But with this bill today, Congress, comprised predominantly of lawyers, is entering into a hospital room, acting as a gatekeeper, and dictating what doctors can and cannot do in medical practice.

For these reasons, I support the Hoyer-Greenwood substitute. This substitute clearly and in medical terms bans all post-viability abortions except in cases where serious, adverse health consequences could result to the woman’s health, or the woman’s life is at stake.

This amendment would allow physicians to continue to make these critical medical decisions. I urge my colleagues to reject the underlying bill and to support the substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I rise in support of this important bill. Not one of us looks in society and we see the changes, the abuse against our children. Not one of us has stared in incredulity at the actions of new mothers who have disposed of their children in disposables, burned them in a wastebasket and went back to the dance.

We cannot overlook our treatment of the unborn, and especially this treat-
The bill is extreme, it is vicious, it is wasteful, anti-woman, and it is unconstitutional.

We have heard a great deal of graphic rhetoric from the majority party today. But let me tell you what we have not heard and that is their true agenda, which is to roll back, chip away at a woman's right to choose. That is what this debate is about. That is totally what it is about. And since the Republican majority came to Congress in 1994, I have kept a score card on their antichoices. Today marks their 202nd vote against a woman's right to choose. It is on my Web site.

Mr. Speaker, I ask my colleagues today to stand in defense of a woman's reproductive health and to vote against this bill which deprives women of safe, quality medical care at a time when they need it most. The right to choose is meaningless without the access to choose. And this bill is so broadly written to be so broad and, in effect, undermine a woman's legal right to abortion in this country.

When I go home, my constituents ask me about many things, but believe me, they have never asked me to be their doctor, nor do they want Members of Congress to be making medical decisions. It is unprecedented. It is wrong. It is unconstitutional. Vote against this Republican bill.

Mr. SENSENBERGREN. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY) on this bipartisan bill.

Mr. TERRY. Mr. Speaker, I rise in support of H.R. 760. The abomination of this procedure, the facts of it are undisputed. It is an inhumane practice. It cannot be tolerated in a civilized today society and it cannot be tolerated amongst people who value the sanctity of human life.

It is often overlooked that partial-birth abortion can cause physical and emotional harm. Women who undergo this procedure can have difficulty conceiving children in the future and can experience gut-wrenching guilt and regret.

In 1993, a nurse practitioner named Brenda Pratt Shaffer described such an incident in her testimony before Congress. She chose to expose one abortion clinic, who quit her job the day that she witnessed the grief of a woman who received a partial-birth abortion. She told Members of Congress, “What I saw is branded forever in my mind. The woman wanted to see her personal story of childbirth and understanding the enormous challenge, burden and emotion of that particular act or procedure along with family members encouraging and hoping for a wonderful live birth.

We listened to women from around the country who came and said that had it not been for a procedure that allowed them to live, they might not have been able to procreate ever again. They have not been told that they had to try and tried and tried to retain the pregnancy, but that under the advice of their doctors in certain months, they were asked to have that particular pregnancy terminated.

Mr. Speaker, this is not a foolish nor is it a frivolous nor is it a political question. This is a question of privacy. We recently honored the 30th anniversary of the landmark Roe v. Wade decision and that decision reaffirmed a woman’s right to choose.

I respect my opponents for they have their own reasons, but I will say that I respect life and I respect the right of a woman to make that decision between her god, her family, and her physician.

Partial-birth abortion is not a medical term. The opponents know that. They know that the Supreme Court has reaffirmed a woman’s right to choose. They also realize that it does not allow a health exemption which the Supreme Court has given. In Court in Texas, Ms. Jackson-Lee has already sued to put partial-birth abortion in any restriction on abortion. They realize that this bill is flawed. They realize that it will not save lives.

But most importantly, what we are doing here today is not promoting the sanctity of life, but we are saying to women that you do not count. They count. Vote against this bill.

Mr. SENSENBERGREN. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentlewoman from Texas (Ms. JACKSON-LEE) was not listening when I quoted the Kansas report that said of the partial-birth abortions that were reported under their State law, most of them were on viable fetuses.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman yielding me time.

Mr. Speaker, we are talking about today is extending the debate that took place yesterday in the Committee on Rules on the same subject as we were rendering a rule about this debate that would take place today.

I found yesterday, as I find today, that many of the speakers on the other side do not understand that there are three types of late-term abortions. One of those three is called a partial-birth abortion. There are two other procedures.

Today, this bill is about partial-birth abortion. And for anyone to characterize this debate as it is not going to stop another abortion, it is not going to do anything, it is meaningless, that is simply not only untruthful, but it is disregarding the facts that are being placed before our colleagues today.

What we are going to stop is a late-term abortion, and we recognize that there are two other types of late-term abortions that take place. There are some who suggest that as a result of Supreme Court laws and tests, that those abortions would take place, in essence, in the womb, that they would not be legal.

We, today, my party, this Committee on the Judiciary, this House of Representatives, is debating and will outlaw that which is known as partial-birth abortion.

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

Mr. SESSIONS. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Speaker, let me ask and I would like to have an honest debate on this. I appreciate what the gentleman has said. He has been very honest and straightforward about outlining one procedure and not two others.

My question is, if we assume a mother is going to take a perfectly healthy baby later term and have that child aborted for frivolous reasons, why would she not go and use one of the other procedures? What babies have you saved?

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. MEeks).

Mr. MEeks of New York asked and was given permission to revise and extend his remarks.

Mr. MEeks of New York. Mr. Speaker, I oppose this legislation, not because of political ideology, not because I believe my wife, my two sisters, and many other daughters should have the right to decide when to bring a child into this world, but because I read the bill. I researched the history and I understand the real issues involved here.
Unfortunately, H.R. 760, the so-called partial-birth abortion ban and, again, partial-birth abortion is not a medical term, distorts the issue. H.R. 760 is a broadly written piece of legislation that would outlaw some of the safest and most common abortion procedures and makes no exception to preserve a woman’s health or her fertility.

There are other so-called facts in this bill that are not supported by medical research. Contained in the bill, it is written that the procedure is never necessary to preserve the health of the woman. The key word here is never necessary. Well, I say ask Vikki Stella, a diabetic who, after examining all other options with her doctor, made a decision, along with her husband, to terminate her pregnancy of a much-wanted son. Vikki’s option to choose this procedure was believed to be the safest and most appropriate, leaving her the opportunity to live a healthy life with her husband and two young daughters as well as the opportunity to bear the son that they later gave birth to, Nicholas.

This bill distorts the truth and politicizes a constitutional right of all women in this country. And the in rulings that the Supreme Court has made. The Supreme Court stated that every abortion restriction must contain a health exception that allows an abortion when necessary in appropriate medical judgment for the preservation of the health of the mother.

This bill does not do it. I ask my colleagues to vote “no” on this bill in its present form.

Mr. Speaker, I come before this body with two purposes in mind. First, to discuss the comments I made as I came to a conclusion regarding my position on the legislation before us today. Secondly, to hopefully educate those listening and watching this debate taking place before us.

As I sat in my office yesterday evening confronting my long-held beliefs and realizing the possible collision that my surfacing position on this issue may have with my political ideology, I chose to delve deep into the heart of the issue and question my beliefs regarding abortion that I had never questioned before. As I further focused over the legality and morality of ending a pregnancy, the rights of a woman, and the rights of an unborn child pre-viability and post-viability, I came to the decision to oppose this legislation. No, not to oppose it because of political ideology. No, not to oppose it because I have a wife, two sisters, and three daughters should have a right to decide when to bring a child into the world. But because, I read the bill, I researched the history, and I came to terms with the real issue. Unfortunately, H.R. 760, the so-called Partial Birth Abortion Ban of 2003 distorts the real issue—preventing members in this body and constituents throughout the nation from truly understanding what is at stake.

H.R. 760 is a broadly written piece of legislation that would outlaw some of the safest and most common abortion procedures, and it makes no exception to preserve a woman’s health or future fertility. As the supporters of this bill incorrectly label the procedure of dilation and extraction, commonly known as D & X, but for the purposes of this bill as partial birth abortion, they vividly describe a procedure that they wish to ban in 2000 was found constitutional in the Supreme Court case Stenberg v. Carhart.

First, I will address the manner in which this legislation is written that the fetus as a child. Medical journals describe the object in the womb of the mother as a fetus until fully delivered. And I, like many of you, not being a member of society who holds accredited medical credentials must follow the standards put forth by the medical society. The proponents of the bill truly attempt to be creative in its attempts to have readers of the language imagine an actual child going through this procedure. It almost worked on me, but that is when I looked closer at the language and focused on Section 2, subsection 5 of the legislation. There, contained in the bill, it is written that the procedure “is never necessary to preserve the health of a woman.” And here is where H.R. 760 further distorts the truth. They key phrase here is never necessary. Well, this all depends on what one values as a necessity. Yes, one may perform the same procedure over and over in other cases. Where one doctor may prefer dilation and evacuation, commonly known as D & E, which involves a doctor inserting an instrument into a woman’s womb and dismembering the fetus, because it is the safest procedure for the mother’s life and health, that same doctor may choose D & X for another patient because it is the safest and most appropriate procedure for that particular patient to ensure the woman’s life and health. Unlike the proponents of this bill, I will not politicize a constitutional right of all women in this country.

This bill distorts the truth and politicizes a constitutional right of all women in this country. Incorrectly labeling the procedure and overriding the ruling of the Supreme Court as reaffirmed by the majority in Stenberg that a woman’s health must be the paramount consideration, women across the nation are being denied their constitutional right. As a result of the ruling by the Supreme Court, every abortion restriction must contain a health exception that allows an abortion when necessary in appropriate medical judgment for the preservation of the life or health of the mother.

My colleagues, this bill distorts the truth and politicizes a constitutional right of all women in this country. Incorrectly labeling the procedure and overriding the ruling of the Supreme Court as reaffirmed by the majority in Stenberg that a woman’s health must be the paramount consideration, women across the nation are being denied their constitutional right. As a result of the ruling by the Supreme Court, every abortion restriction must contain a health exception that allows an abortion when necessary in appropriate medical judgment for the preservation of the life or health of the mother.” H.R. 760 does not do this. And for this reason, I find the so-called Partial Birth Abortion Ban of 2003 unconstitutional and unworthy of my support, the support of my colleagues, and the support of the people of this great Nation. I ask my colleagues to vote against this bill in its present form.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, the major argument that gets to the substance of this bill that the opponents have stated in the last hour is that the findings that Congress makes that are contained in H.R. 760 the Supreme Court will just completely ignore.

I will be the first to concede that the Supreme Court does not have to accept congressional findings, nor does the Speaker. I would accept findings that have been made by lower courts either that reach their own conclusions; but there is a string of cases in
the last 20 years or so that have indi-
cated that the Supreme Court will defer to congressional fact finding, and they have been highly and historically deferential to Congress's factual deter-
mination, regardless of the legal au-
thority over which Congress has sought to legislate, as the following case quotes demonstrate.

First, "The fact that the Court is not exercising a primary judgment but sit-
ing in judgment upon those who also have taken the oath to observe the Constitution and who have their respon-
sibility for carrying on government compels the court to be particularly careful not to substitute our judgment of what is desirable for that of Con-
gress, or our own evaluation of evi-
dence for a reasonable evaluation by the legislative branch." That is Rostker v. Goldberg, 1981.

Second, "It is for Congress, as the branch that made this judgment, to as-
sess and weigh the various conflicting consider-
ations. It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did." Katzhenbach v. Morgan, 1966.

This case was decided on a considered decision of Congress and the President. We are bound to approach our task with appropriate deference to the Con-

For example, the Supreme Court "must afford great weight to the decisions of Congress. The judgment of the legisla-
tive branch cannot be ignored or under-
valued. When the Court faces a com-
plex problem with many hard questions and few easy answers, it does well to pay careful attention to how the other branches of government have addressed the same problem." Columbia Broadcast-
ning System v. The Democratic Na-

Fifth, "Considerable weight is far better equipped than the judiciary to amass and evaluate the vast amounts of data bearing upon an issue as complex and dynamic as that presented here." Turner Broad-

Finally, "We owe Congress' findings an additional measure of deference out of respect for its authority to exercise the legislative power." Turner Broad-
casting System, Inc. v. FCC, 1997, which was the second case.

What this says is that the components of this bill are not agreed to by the majority of the minority, and the majority who voted for this bill have dis-
agreed with their conclusion on those findings.

Mr. BRADY of Texas. Mr. Speaker, partial birth abortion is one of the more barbaric pro-
cedures of modern times. Doctors confirm it is never medically necessary. Never. So much so that it is not even taught in our nation's medical schools.

Yet more than 3,000 healthy babies are subject to this horrible procedure each year.

Too many of them are more than 5 months old in fetal development—able to live outside the womb if just given the same chance as you and me.

Today we have an opportunity to protect our nation's mothers.

Today we can save the lives of precious babies too tiny to save themselves.

Today we ban partial birth abortions and close this grisly chapter in America's history.

Mr. VAN HOLLEN. Mr. Speaker, today the House considers a measure which will seri-
ously impinge on a woman's right to choose a safe and legal abortion. A woman's right to choose is a fundamental one, and the Con-
gress should not tell a woman how to manage her health or reproductive care. Unfortunately, what should be a private matter between a woman and her doctor has become a political football.

Each individual case is different and in-
volve a variety of factors. The decision in each case should be left to the woman and her family, in consultation with her doctor. We must not pass this bill to deprive a woman of the ability to make a decision which might be necessary to protect the life and health of the mother.

Moreover, we cannot exert a power we do not have. The Supreme Court, in Roe v. Wade, has determined that a woman has a constitutional right to choose a safe and legal abortion during the pre-viability period. Many people have been misled into believing that this so-called "partial-birth" abortion bill is about banning late term abortions. It is not. It applies to all abortions in which a certain med-
ical procedure is used regardless of when the abortion is performed. We should leave it to the doctors—not politicians—to determine what method is necessary to best protect the health of a woman. Limiting a woman's sov-
erignty over reproductive choice and restrict-
ing access to the best health options comprises the essence of this bill. I urge my colleagues to oppose it.

Mr. FILNER. Mr. Speaker and colleagues, I rise to voice my opposition to H.R. 760, the so-called Partial Birth Abortion Ban.

This is a bill that immediately provokes strong feelings on a woman's right to abortion. No one is in favor of abortion. I am not in favor of abortion, and in Congress, I am fo-
cused on making abortions less and less nec-

essary.

However, in a few situations each year, the procedure that this bill seeks to ban is nec-

essary to protect the life or the health of the mother—or because of multiple abnormalities of the fetus, making viability virtually impos-
sible.

A woman, in this situation, has the constitu-
tional right to an abortion, and there is a wealth of credible medical evidence that this procedure in some instances is much safer than other available procedures. H.R. 760 seeks to criminalize these safe, legal, and rare abortion procedures.

A major problem with this bill is its name. The term "partial birth," is not a medical term. There is no medical definition of a "partial birth" abortion. It is a loaded, political term made up by the anti-choice movement to in-
flame the debate. It is not helpful to an enlight-
ened discussion of a woman's right to stop having children.

In addition, as has been said, the bill is uncon-
stitutional. In 2000, the Supreme Court found Nebraska's "partial-birth" abortion ban uncon-
stitutional in Carhart v. Stenberg because it prevented a woman's constitutional right to choose by banning safe abortion procedures and because it lacked the constitutionally-re-
quired exception to protect women's health. The Court noted that "the absence of a health exception will place women at an unnecessary risk of tragic health consequences". These flaws are also present in H.R. 760.

This bill definitely endangers women's health. Doctors will be forced to choose be-

tween providing care that is safe for their pa-

tients and going to jail. Despite repeated op-
portunities, anti-choice lawmakers refuse to in-
clude in their bills an exception to protect women's health.

Finally, a majority of Americans agree that government has no place in private medical deci-
sions that need to be made by a woman, her family, and her physician. Politicians should not be legislating medical care. H.R. 760 is an unprecedented intrusion into the doctor-patient relationship.

This bill is opposed by a large number of re-
spected medical and health organizations such as the American College of Obstetricians and Gynecologists, the American Medical Women's Association, the American Nurses Association, and the American Public Health Association, and the American Medical Asso-
ciation has withdrawn its support of these bans.

It is difficult as this vote may be, there is no way to vote for H.R. 760. A vote for this bill would be a vote for legislation that is unconsti-
tutional, that allows government to intervene in personal and private decisions, and that pro-
vides no protections for women's health.

Mr. FARR. Mr. Speaker, I regret that due to a family medical emergency, I am unable to be present for the debate and vote on H.R. 760, the Partial Birth Abortion Ban Act of 2003. However, I wish to submit this statement for the record to ensure that my position on this legislation is clear.

While I am against late term abortions, H.R. 760 fails to make an exception for instances where the procedure was deemed medically necessary for preservation of the life or health of the mother. If enacted, this legislation would severely threaten women's health. If enacted, this legislation would severely threaten women's reproductive rights. It would severely threaten women's health. Doctors will be forced to choose between providing care that is safe for their patients and going to jail. Despite repeated opportunities, anti-choice lawmakers refuse to include in their bills an exception to protect women's health.

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tenets of the Supreme Court's decisions in Roe v. Wade and Stenberg v. Carhart. In 1973, the Supreme Court handed down its decision, Roe v. Wade, which gave women a constitutionally protected right to an abortion. The Court allows a state to ban abortions after viability, but not earlier. The Court also held that abortion is a fundamental right that may survive independent of a woman, but not independent of technology, but only if the state provides exceptions for the protection of a woman's life and health. In 2000, in the case of Stenberg v. Carhart, the Court struck down a Nebraska ban on partial birth abortions because it did not contain an exception for the protection of the health of the woman, and utilized a vague definition of which procedures would be banned.

Disregarding 30 years of established Supreme Court precedent, the Partial Birth Abortion Ban of 2003 contains the same flaws as the ban ruled unconstitutional in Stenberg v. Carhart. H.R. 760 fails to provide an exception to protect the health of the mother. Rather, this legislation presumes that the authors of H.R. 760 are correct. The ban ruled unconstitutional in Stenberg v. Carhart.

The definition of the banned procedure in H.R. 760 is vague and could be interpreted to prohibit the least restrictive and most medically sound abortion procedures that are used before viability during the second trimester. This legislation could have been written using precise, medical terms, and exemptions for procedures that are used pre-viability. However, the bill’s unclear definition, and reliance on the broad anti-choice agenda that this bill promotes.

The Supreme Court’s decisions have clearly, and correctly protected a woman’s right to make personal, and sometimes difficult decisions regarding her reproductive health. In addition to a legal obligation established by the Supreme Court, we have a moral and ethical obligation to protect the health of the mother. Every woman deserves the honest, accurate, professional advice of her doctor, a right that is endangered by H.R. 760. There is no place for Congress in the very private relationship between doctor and patient.

Furthermore, this ban is opposed by many groups of healthcare professionals who take their responsibility to preserve the health of their patients seriously. These organizations include: the American College of Obstetricians and Gynecologists (ACOG), the American Medical Association (AMA), the American Nurses Association (ANA), and the California Medical Association (CMA).

Let me assure you that I grappled with the issue of abortion and determined that this procedure should be used only when medically necessary to protect the life and health of the mother. My decision to oppose legislation banning this procedure was based on my personal conversations with one of my constituents who faced this terrible situation and needed medical judgment of her doctor to make the only medically sound decision that preserved her ability to have children in the future.

I urge all of my colleagues to oppose H.R. 760 and vote against this harmful and unconstitutional legislation.

Mr. SOUDER. Mr. Speaker, as a cosponsor of H.R. 760, the Partial-Birth Abortion Ban Act, I strongly believe that the Congress must act now to pass this important bill. We should no longer allow the abhorrent killing of a partially-delivered baby to be lawful.

Leading up to a partial-birth abortion, a pregnant woman’s cervix is forcibly dilated over a three-day time period. On the third day, the baby is removed from the womb at which point its death is certain. The fetus is then extracted out of the womb and into the birth canal, except for the head, which the abortionist purposely keeps lodged just inside the cervix. While the fetus is stuck in this position, dangling partly out of the woman’s body, and just a few inches from a completed birth, the abortionist purposely uses a surgical instrument, such as a pair of long scissors or a pointed hollow metal tube called a trochar. He or she then inserts a catheter into the womb and removes the baby’s brain with a powerful suction machine. This causes the skull to collapse, after which the abortionist completes the delivery of the now-dead baby. The corpse is discarded, usually as medical waste.

H.R. 760 would ban performance of this heinous procedure except if it were necessary to save the life of the mother. The Court in two cases has held that the Supreme Court of that time permitted use of the procedure if “necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.”

According to Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, partial-birth abortions are performed 3,000 to 5,000 times annually, usually in the fifth and sixth months of pregnancy, on healthy babies of healthy mothers. It has also been used to perform abortions as late as in the third trimester, which is the seventh month and later. Many of these babies are old enough to survive outside the womb, and many of them are developed enough to feel the pain of this horrendous procedure.

Most of us have seen the dreadful images of these near-to-term victims of an abortionist, and while recoiling in horror, we have resolved to end this painful outrage. Twice previously, the Court held that this horrid procedure is contrary to the evidence the Court depended upon to make its ruling.

In 1973, the Supreme Court handed down the key decision in H.R. 760 that courts strictly defer to congressional findings. In numerous cases, in effect, the Court deferred to congressional findings, findings, in effect, are contrary to the evidence the Court paid great deference to in Stenberg and the findings of fact in the Commerce Clause in the face of overruling by the Supreme Court in Stenberg and the findings of fact in the Commerce Clause in the face of an attempt to overturn Stenberg. Congress cannot simply refute findings of fact made by the Court by presenting its own “findings” that are contrary to the evidence the Court depended upon to make its ruling.

As with Pennhurst, the Court in Stenberg v. Carhart overturned a decision of the Pennsylvania Supreme Court. In 1976 (“DDABRA”). §6010(1) and (2) of the DDAABRA was “the bill of rights provision,” and it “grant[ed] to mentally retarded persons a right to ‘appropriate treatment, services, and habilitation’ in the setting that is least restrictive of personal liberty.” In §6010, Congress made a series of findings that were repudiated by the Court. The Court found that §6010 “is simply a general statement of findings” and “does no more than express a congressional preference for a certain kind of treatment.” The Court held that the “bill of rights” did not create a requirement for States to provide the least restrictive environment or to provide certain kinds of treatment to the mentally retarded.

Likewise, in United States v. Morrison, the Court struck down a section of the Violence Against Women Act (“VAWA”) as a violation of the Commerce Clause in the face of overwhelming congressional findings that domestic violence affected interstate commerce. The Court stated, “[T]he existence of congressional findings is not itself, of course, enough to sustain the constitutionality of Commerce Clause legislation.” Therefore, although the Court defers to congressional findings, findings alone are not sufficient to make an unconstitutional act constitutional.

As with Pennhurst, the “findings” in H.R. 760 express a congressional preference, and it is unlikely that any court would defer to the findings. The language in the proposed bill is similar to the challenged language in Pennhurst in that the “findings” include precautionary language. For example, the “findings” in H.R. 760 state, “partial-birth” abortions are never medically necessary even though the Court in Stenberg concluded otherwise.
H.R. 760 also purports to rely on the Supreme Court’s holding in Catzenbach v. Morgan for the proposition that the Court will employ a “highly deferential review of Congress’s factual conclusions.” However, Catzenbach involved Congress’s power under section 5 of the 14th Amendment to bring a remedy to a 14th Amendment violation. Congress has not identified a Congressmen went beyond what the Supreme Court had deemed required as a remedy by the 14th Amendment. In that case, the Court held that provisions of the Voting Rights Act prohibiting the enforcement of a New York law requiring candidates to demonstrate English as a condition of voting was an appropriate exercise of Congress’s section 5 powers. Specifically, the Court said that while Congress could use its enforcement power to provide additional protections for a right guaranteed by the 14th Amendment, it could not narrow that right. H.R. 760 would do exactly the opposite of what the Court approved in Catzenbach that it narrows, rather than forces a right protected under the 14th Amendment; in this case, the right to choose as delineated in Roe.

Moreover, in the intervening years, the Court has become far less deferential to Congress’s enforcement powers under section 5, and to Congress as a finder of fact.

It is unclear what types of procedures are covered under the ban. Although those who believe the legislation would apply to an abortion technique known as “Dilation and Extraction” (D & X), or “Intact Dilation and Evacuation,” it is not clear the term would be limited to a particular and identifiable practice. For example, the American College of Obstetrics and Gynecologists has noted that the definitions in the bill “are vague and do not delineate a specific procedure recognized in the medical literature. Moreover the definitions could be interpreted to include elements of many recognized abortion and operative obstetric techniques.” As a result, the bill could well apply to additional abortion procedures known as D & E (Dilation and Evacuation), and induction.

In the wake of the controversies over partial birth abortions, a number of states have taken up legislation that the federal government has delegated to the states are vague and so broad that they cover a wide range of abortion methods.

The overwhelming majority of courts to have ruled on challenges to state so-called “partial-birth abortion” laws have declared the bans unconstitutional and enjoined their enforcement. In the last three years, medical providers have challenged the state statutes that ban “partial-birth abortion” in twenty states. In eighteen of those states—Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kentucky, Louisiana, Michigan, Missouri, Montana, Nebraska, New Jersey, Rhode Island, West Virginia, and Wisconsin—the bans are currently enjoined, in whole or in part. In a nineteenth, Alabama, the state attorney general has limited the ban’s enforcement to post-viability abortions. In only one state, Virginia, has a court considered the constitutional challenges but nevertheless permitted enforcement of the statute pending further proceedings. Six federal district courts have entertained permanent injunctions against statutes that are virtually identical, word for word, with H.R. 760.

The reality concerning quantitative data is that there is no national figures on the abso-

H.R. 760 could ban what may be the safest procedure that is being targeted today, which is so narrowly used in the third trimester when the life or health of the mother is in danger. But this bill put forward by pro-choice proponents goes far further than that. Their ban would not just apply to procedures performed in the third trimester. It criminalizes numerous abortion procedures—including the safest and most commonly used methods of abortion that are performed in the second trimester. If this legislation passes, it opens a Pandora’s box of restrictions on the rights of women, and on the ability of doctors to practice medicine. It is a bill that would allow our country we will live in. In communities across the nation, law enforcement officers will be conducting sting operations in doctors’ offices to arrest pregnant women and their physicians. Is that what we want for America? I certainly don’t.

This bill isn’t about banning one procedure. Let’s be honest. It is an attempt to re-ignite an anti-abortion campaign to eviscerate Roe v. Wade.

Just 3 years ago, the Supreme Court in Stenberg v. Carhart, struck down as unconstitutional a Nebraska law virtually identical to the bans currently enjoined, in whole or in part. In a ruling that constitutionally should never have occurred. The best solution, of course, is not now available to us. That would be a Supreme Court that recognizes that for all criminal laws, the several states retain jurisdiction. Something that Congress can do is remove the issue from the jurisdiction of the lower federal courts, so that states can deal with the problems surrounding abortion, thus helping to reverse some of the impact of Roe v. Wade. Unfortunately, H.R. 760 takes a different approach, one that is not only constitutionally flawed, but flawed in principle, as well. Though I will vote to ban the horrible partial-birth abortion procedure, I fear that the language used in this bill does not further the pro-life cause, but rather cements fallacious principles into both our culture and legal system.

For example, 14G in the “Findings” section of this bill states, “...such a prohibition [upon the partial-birth abortion procedure] will draw a bright line that clearly distinguishes abortion and infanticide ...” The question I pose in response is this: Is not the fact that life begins at conception the main tenet advanced by the pro-life community? By stating that we draw a line between conception and birth, one is implying that the child is a human, whereas I fear that we simply reinforce the dangerous idea underlying Roe v. Wade, which is the belief that we as human beings can determine which members of the human family are “expendable,” and which are not.

Another problem with this bill is its citation of the interstate commerce clause as a justification for a federal law banning partial-birth abortion. This greatly stretches the definition of interstate commerce. The abuse of both the interstate commerce clause and the general welfare clause is precisely the reason our constitution limits the federal government’s power under section 5 of the 14th Amendment to craft a remedy to a 14th Amendment violation. Congress.

The reality concerning quantitative data is that there is no national figures on the abso-

H.R. 760 could ban what may be the safest choice to protect a woman’s life and health. Once again, this difficult decision is one I believe belongs in the hands of those who have the skills to make these medical determinations, and those patients and families the decision is affecting—not Congress.

Vote no on H.R. 760. Mr. PAUL. Mr. Speaker, like many Americans, I am greatly concerned about abortion. Abortion on demand is no doubt the most serious sociopolitical problem of our age. The lack of respect for life that permits abortion significantly contributes to our violent culture and our careless attitude toward liberty. As an obstetrician, I know that partial birth abortion is never a necessary medical procedure. It is a gruesome, uncivilized solution to a social problem.

Whether a civilized society treats human life with dignity or contempt determines the outcome of that civilization. Reaffirming the importance of the sanctity of life is crucial for the continuation of a civilized society. There is already strong evidence that we are indeed on the slippery slope toward euthanasia and human experimentation. Although the real issue for those within the halls of power is whether the people, the legal problems of protecting life stem from the ill-advised Roe v. Wade ruling, a ruling that constitutionally should never have occurred.

The best solution, of course, is not now available to us. That would be a Supreme Court that recognizes that for all criminal laws, the several states retain jurisdiction. Something that Congress can do is remove the issue from the jurisdiction of the lower federal courts, so that states can deal with the problems surrounding abortion, thus helping to reverse some of the impact of Roe v. Wade. Unfortunately, H.R. 760 takes a different approach, one that is not only constitutionally flawed, but flawed in principle, as well. Though I will vote to ban the horrible partial-birth abortion procedure, I fear that the language used in this bill does not further the pro-life cause, but rather cements fallacious principles into both our culture and legal system.
intervention into every medical procedure through the gross distortion of the interstate commerce clause.

H.R. 760 also depends heavily upon a “distinction” made by the Court in both Roe v. Wade and Planned Parenthood v. Casey, which states that a child within the womb is not protected under law, but one outside of the womb is. By depending upon this illogical “distinction,” I fear that H.R. 760, as I stated before, ingrains the principles of Roe v. Wade into our justice system, rather than refutes them as it should.

Despite its severe flaws, this bill nonetheless has the possibility of saving innocent human life, and I will vote in favor of it. I fear, though, that when the pro-life community uses the arguments of the opposing side to advance its agenda, it does more harm than good.

Mr. STEARNS. Mr. Speaker, today opponents of the proposed ban on partial birth abortion will levy a great deal of unfair derision against those of us who will stand today to speak on behalf of the unborn. These same opponents repeatedly deny the terrible facts regarding partial birth abortion despite overwhelming evidence. They fight against common sense efforts such as parental notification and demonstrate, through their actions, that the unborn are not worthy of protection in their eyes. I emphatically disagree.

The phrase “partial-birth abortion” describes the process employed in this late-term abortion procedure. It refers to any abortion in which the baby is delivered “past the navel . . . outside the mother’s body” and then is killed by any means effective. This method is usually employed after 24 weeks gestation at which point these babies have eyebrows and eyelashes and have been shown to be sensitive to pain.

It is difficult and painful for all of us to hear of the violence against these unborn children. It is mornful that any child has ever known such brutality and in this case with the permission of the law.

Opponents of the ban have a difficult task before them because the truth of the matter is so painfully clear. They attempt to rationalize their position by arguing that if the baby’s head and shoulders are still inside of the mother that it is worthless tissue to be discarded without regret. Is the line between murder and medical procedure really only five inches? Such an argument is baseless and preposterous.

I am hopeful that this year’s debate will be our last and we will finally ban this abhorrent procedure.

Mr. PORTMAN. Mr. Speaker, as an original co-sponsor of the Partial-Birth Abortion Ban Act, I wish to express my strong support for outlawing the troublesome practice of partial-birth abortions.

Opponents of the ban suggest that partial-birth abortions are needed to protect mothers with pregnancy-related complications, but this argument simply does not hold up to the testimony of abortion providers and medical experts. Former Surgeon General of the United States C. Everett Koop has said that there is “no way” he can see a medical necessity for this barbaric procedure. The American Medical Association’s legislative council has unanimously supported the partial-birth abortion ban.

Mr. Speaker, I ask you: What will future generations think of a society that allows this practice? For the moral health of our country, and for future generations, we should take action today to ban partial-birth abortions.

Congress has the opportunity today to do the right thing by banning partial-birth abortions. We have a duty to protect the unborn from this horrific procedure. My colleagues will listen to their consciences and vote to make partial-birth abortions illegal once and for all.

Mrs. MALONEY. Mr. Speaker, I rise in opposition to H.R. 760. Again, we are facing a bill that deprives women of safe, high quality medical care at a time when they need it most. And yet again, this bill places undue burden on a woman’s right to seek an abortion.

Let’s put this bill in perspective. Since the majority party took power in 1994, I’ve kept a scorecard. This is their 202nd strike against reproductive rights, and you can check the list at any website www.house.gov/maloney.

Language similar to this bill has already been struck down in Stean v.ooter Roberts, and I have support on the grounds that it fails to take the health of the woman into account.

What this bill is about is the right to choose. The bill is extreme, it’s vicious, and it’s unconstitutional.

Mr. Speaker, I ask permission to place a copy of the Times and Post editorials in the RECORD.

The fact is this bill says it’s banning intact dilation and extraction, a procedure acknowledged by the experts, the American College of Obstetrics and Gynecology, as safe to end late-term pregnancy—when it’s necessary, the opposition shows horrible pictures and yells about how grotesque this procedure is. It is, but so are lots of medical procedures.

But they’re still good care. This bill flatly disrespects medical opinion.

My constituents ask my opinion on important things—like low income women asking where their child tax credit went; like the Federal Communications Commission’s ruling to consolidate cordless phones in the hands of a few. That’s important, that’s dangerous. But, I gotta tell you, not one of my constituents has asked me to be their doctor.

The Supreme Court has said that neither the Court nor Congress may ban a medical procedure purely to save the woman’s life and health. Period.

The blatant disregard for this fact and for the rights of women to choose is astonishing. I urge you all to vote “no” on this measure.

[From the New York Times, June 4, 2003]

PARTIAL TRUTHS

PARTIAL/MORBIDITY, AGAIN

If the so-called partial-birth abortion ban now caring toward almost certain approval by the full House this week has a decidedly familiar ring, it is not your imagination playing tricks. The trickery here belongs to the measure’s sponsors.

Although promoted as narrowly focused on a single late-term abortion procedure, the measure’s wording adds up to a sweeping label is misleading. The procedure isn’t routinely described as a late-term procedure, it’s already legal for states to prohibit abortions once a fetus is viable, at about 24 weeks. More than 40 states have such laws, and President Bush is hopeful that the Supreme Court has said that abortions must be available even after fetuses are viable if necessary to protect the life or health of the mother, and it may be that the health exception ought to be stricter. But this has nothing to do with a partial-birth abortion ban. The law would not prevent any abortion, before viability or before. Instead, it would make one particular procedure—one that may be the safest method for some women—a criminal act.

Indeed, even as they dwell on the gory details of the partial-birth procedure, the groups pushing for a ban on it don’t seem to be doing anything to make it easier for women to obtain abortions earlier. Rather, the rest of their antiabortion agenda has been devoted to putting practical and legal roadblocks in the way of women seeking abortions at any stage of pregnancy. Thus, a pregnant teenager faced with multiple hurdles—no abortion provider nearby, no money, a parental consent law—may end up letting her pregnancy progress to the point where she is seeking a second-trimester abortion.

Then there are situations arising from the availability of medical technology that permits a previously impossible glimpse inside the womb. Amniocentesis, which doctors used to use only after the 20th week of pregnancy, is now performed as early as the 15th or 16th week of pregnancy. Thus, a pregnant woman who could not obtain a late abortion at all a few years ago. In addition to its deceptively broad sweep, the bill unconstitutionally limits an exception to protect the health of the woman.

Plainly, the measure’s backers are counting on the public not to read the fine print.
inexactly that it could also apply to the most common—though scarcely less grisly—technique for second-trimester abortions, dilation and evacuation, in which the fetus is dismembered before being removed from the womb. Such a bar, the court said, would be unconstitutional because it imposes an "undue burden" on a woman's right to abortion because viable.

Second, the ban made no exception that would allow the procedure to be performed when necessary to protect the health of the mother in cases of medical emergency, for example, partially delivering the fetus and then collapsing the skull can reduce damage to the cervix—and possibly preserve a woman's ability to bear another child to term. The American College of Obstetricians and Gynecologists told the justices that the partial-birth procedure "presents a variety of potential safety advantages. Especially for women with particular health conditions, there is medical evidence that [it] may be safer than available alternatives."

The legislation now before Congress tries to avoid the first problem identified by the court by defining partial-birth abortion more precisely. Opponents contend that the new definition could still apply to the more common technique. The bill's supporters argue this is not true, but they could have explicitly excluded procedures from the bill's reach if they really wanted to make that clear.

A bigger problem is the cavalier way in which Congress has pushed the courts' requirement for a health exception: Lawmakers simply declared that partial-birth abortion "is never medically indicated to preserve the health of the mother." As Justice Clarence Thomas wrote in a different context, if Congress "could make a statute constitutional simply by 'finding' that black is white, the forlorn and wretched legal reasoning would be an elaborate farce." What if Congress, in the aftermath of Brown v. Board of Education, "found" that segregated schools could be equal after all?

The political agenda is clear. Ken Connor, president of the conservative Family Research Council, spelled this out in an e-mail shortly after the Senate vote last March. "With this bill," he wrote, "we are beginning to dismantle, brick by brick, the deadly edifice created by Roe v. Wade."

Indeed, in the overturning of partial-birth abortion laws in Illinois and Wisconsin, federal appeals court Judge Richard Posner, one of the nation's most prominent conservative jurists, said such statutes have nothing to do with protecting fetuses. Rather, said the judge, "they are concerned with making a statement in an ongoing war for public opinion... . The statement is that fetal life is more valuable than women's health."

Mrs. EMERSON. Mr. Speaker, I rise today to speak in support of a measure soon to be considered by this legislative body, H.R. 760, the Partial Ban Act, a bill I have long held to attention the moral duty of the United States House of Representatives to ban this procedure.

It is not necessary for me to walk you through the gruesome steps required for a physician to perform the partial-birth abortion procedure as you are certainly well familiar with it from the testimony of previous speakers today. While the means of the procedure need not be repeated, the end to these means must be restated. Simply put, this procedure results in the end of a human life. A life that was moments away from entering the world—a path leading toward a life of loving, dreaming, learning—a path of potential. No, I do not need to define for you the cold, methodical death procedure that is a partial birth abortion or the pain experienced by the fetus. A child is deprived of a future; that should be moral reason enough to suspend the practice.

For this fetus, this baby, all rights are forbidden in order to force her to waive her right to personal privacy under the Fourteenth Amendment. In America, we do not hold the rights of one person over those of another; there is equal treatment under the law. This is of course with the exception of abortion, where restrictions cannot be made on an abortion procedure to protect the life of the fetus is considered "viable." Even though I do not personally require the fetus to be viable in order for a life to be significant, it is an important justifying factor to the Supreme Court that many partial-birth abortions are performed on viable fetuses. A legal reason to suspend the practice.

I do not believe that we, in Congress, are in any position to pick one life over another, which is why I believe that when the life of the mother is in danger, abortion should remain the option. Mr. Speaker, I know that I do not favor legislation that would decide for a family who should die, the mother or the child, but H.R. 760 is careful to address this issue. This measure includes a factual finding demonstrating that partial-birth abortion is never necessary for preserving the health of a woman.

Mr. Speaker, this legislation not only protects the rights of the unborn, but it is also a carefully crafted piece of legislation that addresses the concerns of the U.S. Supreme Court in Stenberg v. Carhart. For a few thousand children, upon whom the partial-birth abortion procedure will be committed in the next year, H.R. 760 is not just legislation; it is life. Mr. Speaker, I urge my colleagues to pass H.R. 760.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H.R. 760. By debating this bill, this Chamber is once again considering an anti-choice legislation which is unconstitutional and dangerous to women's health. As I have in the past, once again I oppose this legislation.

We recently honored the 30th anniversary of the landmark Roe v. Wade decision. This decision reaffirmed a woman's right to choose. H.R. 760 is not only unconstitutional but it is yet another attempt to ban so-called "partial birth abortions." This is a non-medical term. The U.S. Supreme Court struck down a similar statute in Stenberg v. Carhart. The Court invalidated a Nebraska statute banning so-called "partial birth abortions." So, this legislation is at odds with the court's ruling. In Roe v. Wade, the court held that women have a privacy interest in selecting to have an abortion, based on the 5th and 14th Amendments' concept of personal liberty.

Despite the fact that the Supreme Court struck down legislation virtually identical to H.R. 760 in the year 2000, anti-choice Members of Congress continue to jeopardize women's health by promoting legislation to advance their ultimate goal of eliminating a woman's right to choose altogether.

H.R. 760 is unconstitutional for the same two reasons the Supreme Court found other statutes attempting to ban partial birth abortion unconstitutional. H.R. 760 lacks a health exception, which the Supreme Court unequivocally said was a fatal flaw in any restriction on abortion. Second, the non-medical term "partial birth abortion" is overly broad and would include a ban of safe, prevailing abortions. Banning the safest abortion option imposes an undue burden on a woman's ability to choose.

There are several safe procedures at issue in H.R. 760, the intact dilation and extraction, or dilation and extraction ("intact D&E" or "D&E"), the dilation and evacuation ("D&X"), and induction abortions. The proponents of H.R. 760 claim the bill would ban only the D&X procedure, but medical experts argue otherwise. D&E is the most commonly used procedure for second-trimester abortions. Together, D&E and D&X abortions comprise approximately 96 percent of all second-trimester abortions performed in this country. Induction abortions account for the majority of the remaining 4 percent of second-trimester abortions, require hospitalization, and are more expensive than D&E or D&X abortion. While induction is a safe procedure, for some women, it poses unacceptable risks.

Indeed, the vast majority of second-trimester abortion procedures performed using the D&E or D&X methods or by induction, banning these procedures would ban virtually all previability second-trimester abortions in this country. If H.R. 760 passes, physicians will be left with very few options to protect the safety and health of their patients. Patients have to choose between performing practically all second-trimester abortions under threat of criminal and civil prosecution, changing their medical practices to the detriment of the maternal health and financial health of their patients, or simply providing second-trimester abortions altogether.

Forcing physicians to choose from these limited options, prevents physicians from exercising a procedure that is within the accepted standard of care, is safe, and for some women may be safer than the options remaining. The D&X abortion procedure offers a variety of safety advantages over other procedures. Compared to D&X abortions, D&E involves less risk of uterine perforation or cervical laceration because the physician makes fewer cuts into the uterus with sharp instruments. There is substantial medical evidence that D&E reduces the risk of retained fetal tissue, a complication that can cause maternal death or injury. The D&X procedure is a safer option than other procedures for women with particular health conditions. Finally, D&X procedures usually take less time than other abortion methods used at a comparable stage of pregnancy, which can have significant health advantages.

In fact, as the American College of Obstetricians and Gynecologists (ACOG) has concluded, D&X may be "the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman."

H.R. 760 would improperly put the legislature in the physician's office. Allowing physicians to exercise their medical judgment is not only good policy—it is also the law. In Stenberg v. Carhart, 530 U.S. 914 (2000), the Supreme Court rules that all abortion legislation must allow the physician to exercise reasonable medical judgment, even where medical judgment may differ. Physicians will have exceptions to an abortion ban cannot be limited to situations where the health risk is an "absolute necessity," nor can the law require
The proponents of H.R. 760 have further compromised the medical safety of women by refusing to draft an exception to the ban on certain abortion procedures to protect women’s health. This exception is required under the Constitution. The Supreme Court has concluded in several cases that a woman’s health is always the physician’s primary concern and that a physician must be given the discretion to determine the best course of treatment to protect women’s lives and health. The drafters of H.R. 760 have failed to draft the abortion procedures that are within the standard of care strips physicians of the discretion they need to make critical medical judgments. This will result in an unacceptable risk to women’s health. Given the safety advantages of D&E, D&X and induction procedures over other abortion procedures, banning these procedures will necessarily harm women and deprive them of optimal care. As a physician and a woman, I consider this result unacceptable.

The findings to H.R. 760 attempt to justify the ban directly conflicts with Carhart by suggesting that the Supreme Court must defer to Congressional fact-finding, even if Congress’s so-called “facts” conflict with the preponderance of evidence in litigation before the Court. But the drafters of H.R. 760 are wrong in their interpretation of the constitutional structure, which establishes three separate branches of the Federal government, that Congress can enact laws, but it cannot decide whether those laws are constitutional. The power to decide what laws are constitutional is exclusively the Supreme Court’s role.

Second, the Supreme Court is not required to refer to Congressional fact-finding. Rather, the Court has the power and the duty to independently assess the evidence that is presented to it, as it did in Carhart, and has no obligation to defer to Congressional findings on “partial birth abortion.”

The drafters of H.R. 760 are clearly wrong in asserting that they can override Carhart through legislation. Prior attempts by Congress to undo disfavored Supreme Court rulings have failed. The ACOG’s attempt to overturn Miranda v. Arizona, 384 U.S. 436 (1966), and Employment Division, Dep’t of Human Resources v. Smith, 494 U.S. 872 (1990) have been soundly rejected by the Supreme Court. Given the utter absence of legal support for this bill, it must be seen as a purely political gesture, not as a serious attempt at legislation.

The ACOG, whose more than 44,000 members represent approximately 95 percent of all board-certified obstetricians and gynecologists practicing in the United States, opposes abortion but has stated that “[t]he intervention of legislative bodies into medical decision making is inappropriate, ill advised, and dangerous.”

In addition to ACOG, other medical groups have opposed attempts by Congress to enact abortion ban legislation. These include the American Nurses Association, the American Medical Women’s Association, the California Medical Association, Physicians for Reproductive Choice and Health, the American College of Nurse Practitioners, the American Medical Student Association, the Association of Reproductive Health Professionals, the Association of Schools of Public Health, the Association of Women Psychiatrists, the National Asian Women’s Health Organization, the National Association of Nurse Practitioners in Reproductive Health, the National Black Women’s Health Project, the National Latina Institute for Reproductive Health, and the Rhode Island Medical Society.

Mr. Speaker, the medical community has voiced widespread opposition to H.R. 760. Likewise, the Supreme Court has opposed the bans on abortion procedures proposed in H.R. 760. I join the medical community and the Supreme Court in urging my colleagues to do the same.

SHAYS. Mr. Speaker, I rise in support of H.R. 760, the Partial-Birth Abortion Ban Act. I am pro-choice, but believe late-term abortions are wrong. Abortion is a personal decision and a woman’s right to choose whether to terminate a pregnancy subject to the restrictions of Roe v. Wade must be protected. In my judgment, however, the use of this particular procedure is never medically necessary.

The debate of “partial birth” abortion has been difficult for me. I voted against the ban back in 1996 believing this procedure was rare and used mostly in cases where it was necessary to save the life of the pregnant woman, to prevent severe consequences to her health, or when severe fetal genetic deformities exist. After voting, I learned this procedure was not as uncommon as it was made out to be; rather than a few hundred partial birth abortions each year, there have been thousands.

Now, choice advocates acknowledge this procedure is often used for elective abortions of healthy fetuses. For this reason, Mr. Speaker, I have voted for the ban since 1997 and urge my colleagues to support this bill.

Mr. CRANE. Mr. Speaker, as a cosponsor of H.R. 760, I rise in strong support of the Partial-Birth Abortion Ban Act of 2003. By passing this legislation we will once again take a step towards banning the truly horrifying practice whereby an innocent life is taken in a most gruesome way.

During this procedure, which is used in second and third trimester abortions, the infant’s body is delivered, leaving only the head in the womb. At that point the abortionist pieces the back of the infant’s skull with a sharp instrument and then proceeds to vacuum out the infant’s brain tissue, thus collapsing the skull, allowing the now-dead infant’s body to be extracted.

This legislation makes it a federal crime for a physician, in or affecting interstate commerce, to perform a so-called partial birth abortion, unless it is necessary to save the life of the mother. Under H.R. 760, anyone who knowingly performs a partial birth abortion would be subject to fines and up to two years in prison. The bill provides that a defendant could seek a hearing before the state medical board on whether his or her conduct was necessary to save the life of the mother, and further that the results of those findings may be admissible at trial.

The House has passed legislation in each of the last four Congresses banning partial-birth abortions. In the 104th and 105th Congresses, President Clinton vetoed the partial-birth abortion bans. Both times the House voted to override the veto, but the Senate sustained it.

Mr. Speaker, I urge my colleagues to vote in favor of this very important legislation. The 106th Congress has an opportunity to finally ban the gruesome procedure without the threat of a presidential veto. By passing H.R. 760 today, we will take a giant step towards protecting innocent babies who, through no fault of their own, have their lives taken.

Mr. EVANS. Mr. Speaker, I believe that the decision to terminate a pregnancy is one that should be made between a woman, her doctor, and her God. Ending a pregnancy is not one lightly; it is the most difficult decision a woman can make. As a Member of Congress, I do not believe that it is the role of this legislative body to make deeply personal, medical decisions for the women of this nation.

Three years ago, the Supreme Court heard a case involving late-term abortion. In Stenberg v. Carhart (2000), the Court found a Nebraska law banning a specific late-term abortion procedure to be unconstitutional because the statute lacked any exemption for the preservation of the health of the mother. It also found that the laws in question, including the partial-birth abortion ban of 1997, in that the language in the law was vague that it may be applied to a common, safe, early-term abortion practice as well as a late-term abortion procedure.

Today, we see on the floor an attempt to make this rare, life-saving medical procedure into a criminal act. The circumstances that make late-term abortions necessary are largely due to a tragic illness or event that compromises either the health of the fetus or its mother. This bill, H.R. 760, cannot interfere with a woman’s access to necessary health care services by making doctors criminally liable and subject to imprisonment. This is the punishment for performing a procedure that is in the doctor’s judgement the best option for the mother’s life or health.

I cannot support H.R. 760; I stand by American women’s right to safe and legal reproductive health care.

Mr. LANTOS. Mr. Speaker, I deeply regret that once again the time-honored and its meaning will be spent dealing with the so-called “partial birth abortion” issue. I would emphasize that the term “partial birth abortion” is not a medical term, but rather a political term which the sponsors of this legislation have created in order to shock people into supporting this legislation.

I will not be able to cast my vote today when the roll call is taken on this pernicious piece of legislation, so I would like to take this opportunity to indicate my views on the underlying issue. I would like to indicate my views on the underlying issue.
Mr. MILLER of Florida. Mr. Speaker, I rise in strong support of H.R. 760, the Partial Birth Abortion Ban Act. I would like to thank Mr. CHABOT for introducing this important legislation and for his leadership in protecting the life of the unborn.

As the Commerce Committee Chair, Mr. Chairman, I rise in strong support of H.R. 760, the ban on the procedure known as partial birth abortion. It seems to me that it is not particularly useful for the Congress of the United States to tell physicians how to practice medicine. The matter of terminating a pregnancy is a deeply personal and private matter, and it ought to be left to the woman and her physician. It is not a matter for the Congress of the United States to decide. I find it hypocritical that most members of the majority party in this body are anxious to keep the federal government out of other people's lives, yet in case of this most personal and most private of decisions, they seek to have the federal government take over that decision.

Mr. Speaker, I urge my colleagues to vote “no” on this amendment.

Mr. COLLINS. Mr. Speaker, America has always been a nation which values human life. We have spent trillions of dollars, and sacrificed the best and bravest of our men and women in far-flung lands to prevent the destruction of innocent life. We as a nation fight for the right of every man and woman to live without tyranny.

Our foundational document, the Declaration of Independence states “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life…”

The issue before us today is not about choice. It is not about convenience. It is not about privacy. The issue before us today is whether the United States will live up to its responsibilities, its foundational principals, and protect innocent human life.

I won’t describe the brutal and barbaric practice of Partial Birth Abortion. What I will do is urge every person within the sound of my voice to consider what allowing this practice to continue says about the American people.

In the most prosperous nation in the world, we currently allow 4,000 to 5,000 infants each year to be brutally murdered in this manner moments before they take their first, liberty laden breath.

On September 11, 2001, more than three thousand Americans lost their lives. This terrorist attack to tremendous devastation, military action, and was the tragic experience this nation has ever faced. Yet each year we allow the brutality of between four and five thousand partial birth abortions to occur.

Mr. Speaker, I am proud to be an original cosponsor of this bill. I am proud that the American people have said “enough” and elected us to represent them here today so that we can prevent any more needless, tragic, painful, barbaric deaths from partial birth abortion.

I urge my colleagues to defend these innocent ones. I urge the Members of this House to support this ban on partial birth abortion.
performing partial-birth abortions, a horrific and heinous procedure.

Mr. Speaker, there is overwhelming evidence that shows that partial-birth abortion is not medically necessary to preserve the health of the woman, but rather poses serious con-
sequences to her health.

Even organizations such as the AMA have said that this procedure is “not good medi-
cine” and is not medically necessary.

Partial-birth abortion is a gruesome and in-
humane procedure in which the child is forc-
libly pulled from the mother, with only the head remaining inside the cervical canal. The head of the child is then punctured at the base of the skull, and the brain is removed with a powerful vacuum. This is a barbaric act that is a grave attack against human dignity and jus-
tice, and it must be banned. Life is a gift, and it must be embraced and respected at all stages.

In a country which espouses the importance of protecting the inherent rights of every per-
son, partial-birth abortion denies the rights of our most innocent and vulnerable members, our children. We, as legislators, must strive to uphold the truths upon which our great Nation was founded, especially that every individual is entitled to life, liberty, and the pursuit of happiness.

Partial-birth abortion is not a sign that women are “free to choose.” It is a sign that women have been abandoned. They have not had the support and care that they so des-
perately need. Rather, abortion is the only op-
tion offered. There is increasing evidence that abortion causes extreme emotional and psy-
chological damage. It has been determined that abortion causes extreme emotional and psy-
chological damage. It has been determined that many abortions occur later in pregnancy when women do not want an abortion at all, but rather feel pressure to hide their pregnancy from their boyfriends or parents.

We must strive to ensure that each and every person is guaranteed the most basic human rights, the right to life. Women deserve better than to endure the physical and emo-
tional pain and suffering associated with par-
tial-birth abortion, and children deserve the chance to live. I am opposed to efforts to protect the dignity of women and children. As women, we have a unique role in society, to nurture and protect that dignity. Such dignity is only pos-
sible if it is promoted on every level.

It is time for partial-birth abortion to stop. We must have the courage and the strength to fight against the greatest of all human rights violations—partial-birth abortion. Women de-
serve better than abortion. I urge my col-
leagues to vote in favor of H.R. 760 the Par-
tial-Birth Abortion Ban. A vote for the ban is a vote for life.

Mr. FRANKS of Arizona. Mr. Speaker, I rise today in support of legislation offered by col-
league, Mr. CHABOT, to ban the procedure known as partial-birth abortion. Over the past 30 years, abortion has placed 42 million sepa-
rates scars on America’s soul. Each time, a nameless baby died a tragic and lonely death and all the gifts the child might have brought to humanity were lost forever. Mothers were impoverished while doctors were enrich-
ed.

I recently read the story about Samuel Armas, a three and a half year old from Villa Rica, Georgia. Samuel underwent experimental surgery at 21 weeks of gestational age
to close a hole at the bottom of his spinal cord. An astonishing photo from this surgery shows Samuel’s innocent and curious little hand emerging from his mother’s womb during the surgery—an irrefutable example of just how precious and fragile a human life can be. The photo, which I have placed in the record, trivi-
antly illustrates the miracle of life within the womb. The unspeakable and far-reaching cost of diminished respect for human life, born and unbound, is beginning to dawn in the hearts of us all. I urge my colleagues to vote in favor of this legislation, this moral legislation, and oppose any amendment that would allow for exceptions. I commend my colleague Mr. CHABOT for this gallant legislation made in the interest of children and humanity everywhere.

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

DEBATE

The SPEAKER pro tempore. Is there unanimous consent to yield 15 min-
utes to Mr. GREENWOOD?

Mr. GREENWOOD. Mr. Speaker, I offer an amendment in the nature of a sub-
stitute. 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 offered by Mr. GREENWOOD:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Late Term Abortion Restriction Act.”

SECTION 2. PROHIBITION ON CERTAIN ABORTIONS.

(a) IN GENERAL.—It shall be unlawful, in or affecting interstate or foreign commerce, knowingly to perform an abortion after the fetus has become viable.

(b) EXCEPTION.—This section does not pro-
hibit any abortion if, in the medical judg-
ment of the attending physician, the abor-
tion is necessary to preserve the life of the woman or to avert serious adverse health consequences to the woman.

(c) CIVIL PENALTY.—A physician who viol-
ates this section shall be subject to a civil penalty not to exceed $10,000. The civil penal-
ty provided by this subsection is the exclu-
sive remedy for a violation of this section.

The SPEAKER pro tempore. Pursuant to House Resolution 257, the gentle-
man from Pennsylvania (Mr. GREEN-
wood) and a Member opposed each will control 30 minutes.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the Green-
wood substitute and claim the time in opposition.

The SPEAKER pro tempore. The gent-
leman from Wisconsin (Mr. SENSENBRENNER) will control the time in oppo-
sition.

The Chair recognizes the gentleman from Pennsylvania (Mr. GREEN-
wood). Mr. Speaker, I ask unanimous consent to yield 15 min-
utes to the gentleman from Maryland (Mr. HOYER) for the purposes of control.

The SPEAKER pro tempore. Is there objection to the request of the gen-
tleman from Pennsylvania?

There was none.

Mr. GREENWOOD. Mr. Speaker, I yield myself such time as I may con-
sume.

Debates as the one we are having today always focus on the differences between us; and there are, in fact, dif-
fferences between us.

We who offer this substitute amend-
ment believe that the 90 percent of the abortions that occur in the first tri-
semester of pregnancy should be private and legal. The proponents of this bill do not. We believe that the 99.6 percent of all abortions performed in the coun-
try that are not affected by this legis-
lation at all should be private and legal. They do not.

But there are points of agreement. We all believe that abortions that might be performed post-viability, that are not done to protect the life or pre-
serve the health of the woman, should be illegal. We agree on that; and now let us see which of these bills, theirs or ours, actually accomplishes this goal.

Proponents of the underlying bill claim that their legislation will stop a particular type of abortion. They are wrong. It will not.

Thirty-one States have passed this legislation and the United States Su-
preme Court in the famous case of Stenberg v. Carhart deemed those bills, which are essentially identical to this bill, unconstitutional; and fundamen-
tally, they said that what was wrong with those bills was that they made no exceptions for when the woman’s health was a serious issue. Our sub-
stitute, not the underlying bill, com-
pletely fulfills what the Court said must be a health exception.

Secondly, proponents claim that they want this dilation and extraction pro-
cedure, which is what it is actually called, they say it is being performed on healthy women. Yet their bill makes no exceptions for sick women. We have heard over and over again this procedure is done on healthy women with healthy babies. Then put a bill in, as we have, that talks about making the procedure illegal for women who are healthy, but allows it for those who are sick and need it.

Third, the proponents of this legisla-
tion claim that they want to eliminate late-term abortions. Yet their bill fails to accomplish this not once, but twice. First, it does not limit itself to post-vi-
bility pregnancies, late-term abor-
tions; but it reaches way back into the first trimester of pregnancy. We who offer this substitute amendment call for equal protection for all women, regardless of whether they are healthy, or need the procedure.

Secondly, proponents claim that they want this dilation and extraction pro-
cedure, which is what it is actually called, they say it is being performed on healthy women. Yet their bill makes no exceptions for sick women. We have heard over and over again this procedure is done on healthy women with healthy babies. Then put a bill in, as we have, that talks about making the procedure illegal for women who are healthy, but allows it for those who are sick and need it.

Debates as the one we are having today always focus on the differences between us; and there are, in fact, dif-
fferences between us.

We who offer this substitute amend-
ment believe that the 90 percent of the abortions that occur in the first tri-
semester of pregnancy should be private and legal. The proponents of this bill do not. We believe that the 99.6 percent of all abortions performed in the coun-
try that are not affected by this legis-
lation at all should be private and legal. They do not.

But there are points of agreement. We all believe that abortions that might be performed post-viability, that are not done to protect the life or pre-
serve the health of the woman, should be illegal. We agree on that; and now let us see which of these bills, theirs or ours, actually accomplishes this goal.

Proponents of the underlying bill claim that their legislation will stop a particular type of abortion. They are wrong. It will not.

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bility pregnancies, late-term abor-
tions; but it reaches way back into the first trimester of pregnancy. Secondly, it fails to ban post-viability abortions by healthy women, as has been said repeat-
edly. So women who seek post-viability abortions for important medical rea-
sons, who would be denied access to dil-
ation and extraction procedures under this legislation, would still be perfectly free to use other, albeit more dan-
gerous, procedures.

Our substitute bill bans all post-vi-
bility abortions by any means, not just one means but all means, unless the woman has a serious medical reason for needing that procedure. Our substitute substitutes policy for politics, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.
Mr. SENSENBERN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this substitute is identical to H.R. 809, and that bill is a phony ban which would grant a giant loophole that allows abortionists to perform partial-birth abortions at will. The substitute, which would prohibit the performance of an abortion after the unborn infant became viable, would not prohibit any abortion, from the substitute, "if, in the medical judgment of the abortionist, the performance is necessary to preserve the life of the woman or to avert serious adverse health consequences to the woman." The proponents of this substitute admit that their measure would allow any abortion at any stage of pregnancy if the mother's mental health is at risk. Thus, by its own term, this bill would not prohibit partial-birth abortio

nors, nor would it prohibit late-term abortions because it grants the abortionist, the abortionist, who has a financial interest in performing as many abortions as possible, unbridled discretion to determine whether a partial-birth or third-trimester abortion may be performed. Abortionists have demonstrated that they can and will justify any abortion on the grounds that it, in the judgment of the attending physician, is necessary to avert serious adverse health consequences to the woman. For example, Dr. Warren Hern of Colorado, the author of the standard textbook on abortion procedures who also performs many third-trimester abortions, has stated, "I will certify that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health." This is a man who has a financial interest in performing the abortion, and this is the physician who under the Greenwood substitute would be able to certify that the loophole is proper and the abortion can be performed.

I will quote from Dr. Hern again: "I will certify that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health." The substitute sponsors have stated that even psychological trauma caused by the pregnancy could justify an abortion, including a partial-birth abortion at any stage of pregnancy, including the third trimester. The substitute would also have no effect on most partial-birth abortions because the bill only prohibits abortions after the fetus is viable in the vast majority of partial-birth abortions are performed on babies 4½ to 5½ months in development. Before it can be proven beyond a reasonable doubt that a given baby is viable, remember we are dealing with criminal statutes here; and prosecution, if this bill becomes law, the substitute becomes law, must prove that the fetus is viable in order for the law to apply.

The lung development of babies at 20 weeks of pregnancy is such that most of them cannot survive if delivered from the mother's womb prematurely. Many of them can survive, but the percentages are such estimates of 39 percent of babies born at 23 weeks that it would be impossible for the government to prove beyond a reasonable doubt that any given one of these babies would have survived in a given case.

Given the substitute's failure to define the term "viable," it would not be sufficient to show that the baby had a one in two or even three in four chance of survival. Unless the baby was in the seventh month of pregnancy or later, reasonable doubt would remain as to whether that particular baby would have survived outside the womb.

Furthermore, the notion that viability is a prerequisite for giving any legal protection to a child is misguided. Premature infants who are born before the third trimester with little or no chance of survival are fully entitled to the protections of law while they are alive. A person could not, for example, just walk into a neonatal intensive care unit and kill an infant because the infant was born too early to the pregnancy and is in an incubator struggling to survive. That child has only a 39 percent chance of surviving, but his ultimate viability has no bearing on whether or not he is entitled to the protections of the law.

In the same way, partially born children with little or no chance of survival outside the womb are entitled to the protections of law. Viability is simply not a prerequisite for legal protection of born or partially born children. For these reasons, I urge my colleagues to vote against the substitute. Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, first, let us stipulate, I hope, that no one on this floor is pro-abortion any more than George Bush is pro-war. I supported President Bush, and I am not pro-war. There are times, though, when the health of the mother, her life, and, yes, her psychological health require and dictate, and the Supreme Court has upheld her right to seek, the termination of a pregnancy. I do not believe that anyone here truly believes in his or her heart that a justice that I do not usually support could talk about a woman's pregnancy. And I think, Mr. Speaker, without question, that this belief is even stronger when an abortion is obtained in the late stages of pregnancy. Yet the authors of the Partial-Birth Abortion Ban Act cannot escape the indisputable fact that their legislation would not prevent one late-term abortion or, I suggest, any other abortion at any other time, period. Not simply because the legislation they offer is undoubtedly unconstitutional, but also for alternative ways to terminate a pregnancy.

If my colleagues' interpretation of their legislation is that it precludes all types of termination of pregnancy, then they ought to state it as such. If, however, as they state, it is simply the elimination of a procedure, with admittedly alternative procedures available, then it does not prevent any abortion. And I think, Mr. Speaker, on another order of this magnitude, an issue that is fraught with emotion, that is susceptible to demagoguery and that requires us to balance a woman's right to personal autonomy with the rights of an unborn fetus, this House should seize what common ground we all have.

Common ground, we do not find common ground in this House very often. We ought to find it on this issue. That is precisely what this bipartisan substitute, the Late-Term Abortion Restriction Act would do.

In short, this substitute addresses the very heart of the matter in this contentious debate, the termination of viable fetuses in the late stages of pregnancy. Like the Partial-Birth Abortion Ban Act, this bill focuses on when abortions are performed rather than how they are performed. It would ban all late-term abortions. Hear me: It would ban all late-term abortions constitutionally. That is to say, the authors of the Partial-Birth Abortion Ban Act, which states that even psychological trauma caused by the pregnancy could justify an abortion, and this is the physician who under the Greenwood substitute would be able to certify that the loophole is proper and the abortion can be performed.

I do not believe that anyone here truly believes in his or her heart that a justice that I do not usually support could talk about a woman's pregnancy. And I think, Mr. Speaker, without question, that this belief is even stronger when an abortion is obtained in the late stages of pregnancy. Yet the authors of the Partial-Birth Abortion Ban Act cannot escape the indisputable fact that their legislation would not prevent one late-term abortion or, I suggest, any other abortion at any other time, period. Not simply because the legislation they offer is undoubtedly unconstitutional, but also for alternative ways to terminate a pregnancy.

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Mr. Speaker, I urge my colleagues to vote for this substitute, which resembles the law in 41 States of the Nation, including the
called pro-choice people, but I cannot.

song for us, and I am trying to think of

World.

People Are the Luckiest People in the

through your head. I was thinking of

marks.)

marks.

from Illinois (Mr. HYDE).

er, I yield 4 minutes to the gentleman

my time.

a physical exception.

results from rape or incest. That, of

dence to an exception for abortion if it

make a determination that there was

not the risk of serious adverse health

consequences to the mother and, there-

fore, in that instance, a late-term abor-

tion was not appropriate.

I am not for late-term abortion ex-

cept in an instance where the life of

the mother must be saved or serious

health care consequences must be

avoided. But let me say this. Not all of

my colleagues, some are, I think, intel-

lectually consistent, but some give cre-

cence to an exception for abortion if it

results from rape or incest. That, of

course is a medical exception not a

physical exception.

Mr. Speaker, I reserve the balance of

my time.

Mr. SENSENBERGREN. Mr. Speak-

er, I yield 4 minutes to the gentleman

from Illinois.

(Mr. HYDE asked and was given per-

mission to revise and extend his re-

marks.)

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

Mr. Speaker, I was just thinking, an

idle mind, I guess crazy thoughts go

through your head. I was thinking of

theme songs, and I was thinking for

the pro-life people, “People Who Need

People Are the Luckiest People in the

World.” I think it is a great theme

song for us, and I am trying to think of

a funeral dirge that will fit the so-
called pro-choice people, but I cannot.

My good friend, the gentleman from

New York (Mr. NADLER), said this is de-
signed to undermine Roe v. Wade. Not

at all. This is designed to say there

ought to be civilized limits on the exer-
cise of the abortion license. With 1.5

million abortions a year, one would

think somebody would look at that and

say, now that is something we ought to

stop.

We are talking about human life. We

are talking about death. We are talk-

ing about abortion, which does not ter-

minate a pregnancy, it exterminates a

pregnancy. And we are talking about a

particularly hideous, gruesome form of

abortion called partial birth abortion.

Yesterday, we decided that flags were

not for burning. I hope today we decide

that little infants are not for killing.

Partial-birth abortion is exactly what

the pro-choice late Senator from New

York said it is: infanticide.

The substitute offered by my friend

from Maryland is a tactical maneuver

in the ongoing war between the qual-

ity-of-life people, who think if you can-

not have a decent quality of life, life is

not worth living; and the sanctity-of-

life people over here who think every

life is important and has intrinsic

value.

The victim is a nearly-delivered

baby, four-fifths delivered out of the

birth canal. The doctor takes a Metzen-

baum scissors, jams it in the neck of the

little baby, sucks out the brains and
collapses the skull. How can we defend

a process that we would not impose on

a innocent child? Cruel? Can we under-

stand the pain that that little one must

feel? Oh, my colleagues might deny it, but

the medical texts are clear, absolutely.

The law exists to protect the weak

from the strong. I cannot think of any-

thing weaker than a little baby, a little

nearly born infant, with little legs

flailing, little arms flailing waiting for

the knife to hit him in the back. The

people we pretend to defend, the pow-

ers, the ones who cannot escape, who can-

cannot rise up in the streets, those are the

ones that ought to be protected by the

law. The law exists to protect the weak

from the strong.

Let me just say this: The great Hor-

ace Mann said something interesting.

He said, “You ought to be ashamed to
die unless you have achieved some vic-

tory for mankind.” Well, I think if we
can put partial-birth abortion into the

torture chamber, where it belongs, and

get rid of it, that may not be a major

victory, but it will be a victory for hu-
nanity. I want to be on that side.

Mr. GREENWOOD. Mr. Speaker, I

yield myself 30 seconds, and our theme

song is “We Trust the Women of Amer-

cica to Do What Is Right.”

But to respond to my friend, the

chairman of the Committee on the Ju-
diciary, who argued that our health ex-

ception is too broad and allows loop-

holes. Their response is to have no

health exception at all. If the issue here

is that we want to make sure that this

procedure is only used where health re-

quirements demand it, then we should

be working together to create a very tight

health exception not eliminating one

entirely.

Mr. Speaker, I yield 3 minutes to the
gentleman from Illinois (Mr. KIRK).

(Mr. KIRK asked and was given per-

mission to revise and extend his re-

marks.)

Mr. KIRK. Mr. Speaker, I want the

gentleman from Illinois (Mr. HYDE) to

know that he is still my hero, and with

a gentle heart, I rise in opposition to

the position he outlined.

Mr. Speaker, our goal is to end late-
term abortions, and therefore, we must

pass legislation that will be upheld by

the Supreme Court. If we are to save

babies, then we must do it effectively.

When the underlying bill passes the

House today, it will sit for 2 years

while lower courts enjoin it, the Su-

preme Court in Stenberg gives us a clear
direction. We will lose a major victory.

Passage of the Greenwood substitute

would mean a quick end to litigation

and a rapid change in U.S. law.

Failure to pass the substitute means

continuing litigation and defeat at the

hands of the Supreme Court.

Mr. SENSENBERGREN. Mr. Speak-

er, I yield 2 minutes to the gentleman

from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, make no

mistake about it, the Greenwood-Hoyer

substitute is not a real ban at all. It is a

giant loophole that allows partial-

abortionists and third-trimester

abortionists on demand. The substitute

contains no definition of “viable.” It

imposes no objective criteria that would

bind an abortionist. An abortion-

listionist has unconstrained discretion to

define and declare whether or not any
given child is deemed to be viable.

If Members vote for this substitute,

they might as well vote against the

The Supreme Court of the United

States clearly indicated in Stenberg

that any law prohibiting late-term

abortions “requires that the statute in-

clude a health exception from the ma-

jority holding.” H.R. 760 does not in-

clude that. It declares far too late to
declare that the procedure is “never

medically necessary.” We are setting

Congress up for a defeat at the hands of

our highest Court, rendering the action

we take today totally ineffective and the

current law permitting late-term

abortions unchanged.

I was not elected to Congress as a

medical doctor and do not intent to tie

the hands of physicians who should

have the right to discuss all available

options with their patients. Are Con-

gressmen competent to regularly vote

now on common medical procedures as

never medically necessary? If we set

this massive precedent to declare what

a physician can and cannot do in their

medical judgment, then we have the

awesom power to future Presidents and

Congresses that will not share our gen-

tle philosophy or our calm responsibil-

ity. Congressmen cannot suddenly declare they

have medical degrees and are

board certified to practice medicine.

If my wife and I were faced with this di-

lemma, I would certainly hope that our

physician was not hamstringed by dis-

tant Congressmen in Washington.

I urge my colleagues to support the

Greenwood substitute, which effec-

tively bans late-term abortions. To do

otherwise only serves the interest of

pressure groups and lawyers that will

make a killing as the Supreme Court

reviews it and eventually passes the

bans late-term abortions. To do

effectively bans late-term abortions. To do

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unlawful.” The law, which is the law and

make the ban effective.

Unlike H.R. 760, the Greenwood sub-

stitute bans late-term abortions in a

way the Supreme Court will un-

questionably find constitutional. Pas-

tage of the Greenwood substitute

would mean a quick end to litigation

and a rapid change in U.S. law.
ban on partial-birth abortion. Why do so many Members want to ban this horrific procedure? I have never seen one. I would venture to say nobody in this room has probably seen one before, but one person did. Brenda Schaefer who was a nurse in Dayton, Ohio, who is credited with developing this horrible practice.

She describes it as follows: “Dr. Haskell went in with forceps and grabbed the baby’s legs and pulled them down into the birth canal, and then he delivered the baby’s body and the arms, everything except the head. The doctor kept the head just inside the uterus. The baby’s little fingers were claspings and unclaspings, and his little feet were kicking. Then the doctor stuck the scissors in the back of his head, and the baby’s arms jerked out like a struggle reaction, like a flinch, like a baby does when he thinks he is falling. The doctor opened up the scissors, stuck a high-powered suction tube into the back of the baby’s head, and sucked and sucked the baby’s brains out. Now the baby went completely limp. He cut the umbilical cord and delivered the placenta. He threw the baby in a pan along with the placenta and the instruments he had just used. I saw the baby move in the pan. I asked another nurse, and she said it was just Reflexes. That baby boy had the most perfect, angelic face I think I have ever seen in my life.”

This is what Brenda Schaefer witnessed with her own eyes, and that is why so many of us want to pass this today, and pass it in a form that will really mean something; and that means passing it without this phony ban, without this substitute.

Mr. Speaker, if Members vote for this substitute, they might as well vote against the bill.

Mr. HOYER. Mr. Speaker, I yield 2½ minutes to the gentleman from Virginia, Mr. Moran.

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Maryland for introducing this substitute along with the gentleman from Pennsylvania (Mr. Greenwood).

I have voted for the ban on partial-birth abortion at every other point when it has come up. We are talking about a procedure that represents less than one-fifth of 1 percent of the abortions that are performed in this country. Everyone of us wants abortions to be rare; none of us favor abortion. We would love to see not just the issue taken off the floor, but that option taken off the table so that every family could have a healthy baby and every mother could continue to live a full life.

I am changing my vote, and I could suggest it is for legalistic intellectual reasons. I could cite the Stenberg v. Carhart decision in Nebraska where the so-called partial-birth abortion law was struck down. The Supreme Court has already deemed it unconstitutional. But my decision is not coming from the mind as much as the heart. It is because I have talked to too many families I know that I represent.

These are devoted parents, loving partners that want their children, who place their family above everything else; but when a family finds that they have a seriously deformed fetus or where they find that the mother has a very serious illness, cancer, heart disease, any number of other possible illnesses, that couple sits down at the kitchen table, or lies together at night cogitating, and the decision as they could make, and what right do we have to barge into their bedroom, to sit down at their kitchen table and put our hands on their hips and preach to them what they should do?

Do we for a moment think that they love their child in the concrete less than we do in the abstract? We are talking about the abstract here. They are talking in the concrete. We have no conception of the gravity of the American family. That is what this is about. They have the right to make this decision, and only they do in the context of their religion, their family, what is right for their child, what is right for each other. They know best; they know better than we do. Support the substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. Hart).

Ms. HART. Mr. Speaker, I rise in opposition to the substitute and in support of the original bill, H.R. 760, the Partial-Birth Abortion Ban Act.

Supporters of the substitute claim it would restrict late-term abortions, meaning after a child is viable unless a physician determines that the abortion is necessary to avert a serious health consequence to the woman; but it leaves so many doors open to the exception that I have no confidence in any practical effect whatsoever. It would do nothing to ban the partial-birth abortion procedure which is what we are trying to accomplish today.

As a sponsor of the substitute he has stated, health consequences can mean almost anything, a level of mental health problem or a psychological trauma. The substitute also does nothing to ban a gruesome procedure known as partial-birth abortion which is shamefully legal in this country. It simply refers to late-term abortions. Seventy percent of the American people understand that this procedure is horrific, and they want it banned. The substitute ignores this.

If this substitute becomes law, partial-birth abortions would continue to be performed, which is especially troubling at a time when this procedure has become even more common. Since 1994, the Alan Guttmacher Institute noted that the number of partial-birth abortions has tripled. In fact, the substitute places no restrictions on these abortions in the fifth or sixth month of pregnancy when the vast majority of these abortions are performed. The main health reason for performing these is mental health, but it is undermined in the law.

Under Kansas law, abortion providers must report the reason for this type of abortions. Of the 182 performed last year, none of these were performed because of a problem with health of the mother or the child. It was simply and only because “I want a healthy baby.” What does this mean? According to testimony before the Committee on the Judiciary, Dr. James McMann, who developed the procedure, said the most common reason for performing this procedure was depression.

Finally, as the findings in the bill noted, partial-birth abortions are a health risk to the mother. We have had endless testimony in the last several sessions stating this. Our bill will ban it; the substitute will not. In a country where we allow such things, we should be ashamed. We should take the opportunity now to support the bill and say no to the substitute.

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

Mr. Speaker, I would state that the gentlewoman from Pennsylvania (Ms. Hart) indicated that the people of this country are calling for this kind of a law. In the three States where this has been on a referendum, it has been defeated in each case.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. Johnson).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the Committee on Rules for making this amendment in order. This is a very important issue because it involves the balancing of conflicting rights, the right of the fetus and the right of the mother; and it is because balancing rights is the very hardest thing a democracy has to do that this is a constitutional issue. It ought to matter to the proponents that every single State has found wanting and been overturned because it does not balance these rights fairly. It does not allow the mother, the woman, to consider her health; but the system can only consider her life and even the court has overturned every single State law for this constitutional deficiency.

Some Members wonder why I am so passionate about this subject. I can tell Members it is not because I am pro-abortion. I oppose abortion. I do not like abortion. But my husband trained as an obstetrician and gynecologist in this country when abortion was illegal. I do not know what song, Henry, you would like to have on your side, but I wonder what song you would sing to this family. My husband stood by the bed side of a woman, the mother of five children with her husband sitting there weeping as she died of an aseptic abortion.

I do not want what song you would sing to this family. My husband stood by the bedside of a woman, the mother of five children with her husband sitting there weeping as she died of an aseptic abortion because abortions were not legal and she could not get the care she desperately needed. But the one who stood in accord with their beliefs and conscience, had sought a very early termination to preserve their ability to parent their five children.
And, yes, he saw a beautiful young woman, 22 years old, single, die of an aseptic abortion.

This bill, because it is so broad, will have such a chilling effect on the availability of abortions that there will be many, many back alley abortion and women will die as a consequence. I think that matters. I think there is a balance of competing rights here. That is why the American College of Obstetrics and Gynecology said D&C may be the best and most appropriate procedure in a particular circumstance. That is life or preserve the health of a mother. A particular circumstance. We do not know that circumstance. We will not be in the operating room when that circumstance comes up, and yet we are going to tell the physician you cannot do this.

Do Members know what the physician might do instead that would be perfectly legal? He can do a hysterectomy. He will have taken care of what he considers to be a life-threatening situation without running the risk of suit, which we are putting on him now; without running the risk of jail time, which we are putting on him now. This is not in the interest of the woman's health.

In my substitute, we take a very evenhanded approach. We balance the rights, we allow the exception for life and serious adverse health consequences. This is not lighthearted, and serious adverse health consequences. That is ridiculous and it is de-meaning to women. But in certain situations you need to be able to consider health as well as life. Our amendment is evenhanded. It bans all forms of abortion after viability and all procedures equally.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. Hyde), whose name was taken in vain.

Mr. HYDE. Mr. Speaker, my name was not taken in vain. The gentlewoman is incapable of taking a name in vain.

Mr. Speaker, I just want to say that it is tragic that that woman died from a bungled abortion; but every abortion is lethal and fatal to the baby, so that is a greater tragedy in my opinion.

By the way, I thought of the theme song for the pro-choice people, “Mahler’s Tenth.” You ought to hear it. It will really make you feel sad.

Mr. SENSENBRENNER. Mr. Speaker, the example of the gentlewoman from Connecticut (Mrs. Johnson) gave cause to have fallen under the exception that is contained in H.R. 760. The subsection which is the ban does not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered, 1 minute to back alley abortion and will die as a consequence. Including a life-endangering physical condition caused by or arising from the pregnancy itself.

The real-life story that the gentlewoman from Connecticut’s husband faced would have fallen under the exception and would have allowed a partial-birth abortion. That is why this bill should pass and the substitute should be defeated.

Mr. Speaker, yield 3 minutes to the gentleman from Iowa (Mr. King).

Mr. KING of Iowa asked and was given permission to revise and extend his remarks.

Mr. KING of Iowa. Mr. Speaker, I very much appreciate the gentleman yielding me this time.

As I looked at this situation, there were two things that jumped out at me that cried to be answered. One of them was, as I thumbed through the Washington, D.C., phone book, I came across, by accident, “Abortion Services.”

And we talk about viability, there is ad after ad after ad in there, multiple pages, that advertise they will provide abortions up to 24 weeks. It is in print, it is standard practice, and that is past that point of viability that has been talked about here.

It is chilling to realize that, for someone who comes from the Middle West where we do not have such a thing. There is nothing in any phone books that I have seen in the Middle West. But it shocked me.

Another issue, as I sat in the Committee on the Judiciary and listened to the remarks, and I am going to speak specifically to the remarks that were made by the gentleman from New York who said that we were cynical about this, that we simply wanted to ban partial-birth abortion for political reasons and that 41 States have banned late-term abortions, and that if we were serious, we would just go forward and do that. And that is what this amendment seeks to do. I rise in opposition to this substitute. It is a ghastly, ghoulish procedure and that child is screaming. I yield at this point.

I am not a lawyer. I grew up in a cornfield and rode out on a bulldozer, but I can tell you I know this much about law. How did we get here to this point? I do not think anybody has referenced it now, and that is the case in 1965. Griswold v. Connecticut, right to privacy, when Connecticut outlawed contraceptives and the Supreme Court ruled that the State of Connecticut had no business getting into the privacy of the family and, therefore, found their law that outlawed contraceptives unconstitutional. That is the foundation for right to privacy.

Just a few years later, 8 years later, along came Roe v. Wade. That was the piece that said, well, that right to privacy extends to the woman’s womb and in our declaration where it defines life, liberty, pursuit of happiness, those rights are. But except that the concept of the liberty of the pregnant female takes priority over the life of the unborn. And then Roe v. Wade, of course, outlawed, though it did not make an exception for, late-term post-viability abortions.

But same day, concurrent decision, Doe v. Bolton gave that definition that I think we have heard that addresses the health of the mother. It does not prohibit any abortion if in the medical judgment of the attending physician the abortion is necessary to preserve the life of the woman or to avert serious adverse health consequences to the woman, a hole you could drive a truck through. That is also what this amendment seeks to do, and that is another reason that I oppose it.

Planned Parenthood v. Casey re-affirmed Roe v. Wade. That is what it looks like to this fellow who did not go to law school, but does read the cases and that precedent of right to privacy takes us to the floor of this House Chamber tonight to debate something that would be a chilling concept to us if we had been confronted with that in the environment when we were children.

And so Stenberg v. Carhart. I will just say this, it is a ghastly, ghoulish, gruesome procedure and that child is screaming. It is chilling to see that, for someone who comes from the Middle West, that would be a chilling concept to us if we had been confronted with that in that environment when we were children.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. Edwards).

Mr. EDWARDS. Mr. Speaker, I support the Hoyer-Greenwood amendment for two reasons. First, this amendment makes illegal all late-term abortion procedures, unlike the underlying bill that only outlaws one late-term abortion procedure while, amazingly, allowing all other late-term abortion procedures to be left perfectly legal.

Second, passing an unconstitutional bill is not going to save one child’s life. Not one. We know what the Supreme Court decision has said. It said it June 28 of 2000. The Supreme Court said, even in italics, that if you do not have a constitutional exception, it will not become law. To put it in italics by the Supreme Court makes it about as clear as we can make the English language be.

I find it, Mr. Speaker, amazing that those who say their goal, and I trust their convictions, is to save babies’ lives, why would you not want to ban all late-term abortions? If you assume these women are such monsters that just seconds before a perfectly healthy child birth they would want to kill that baby, then I guess you could also assume very understandably she would just ask the doctor to use one of the other late-term abortion procedures.

Sixty years ago, as a member of the Texas Senate, I was not interested in sound bites or partisanship. I was interested in banning all late-term abortion procedures, because no matter how a baby dies, if he dies frivolously, that abortion was wrong in the past. But we know that today and that is, if you tonight have a health exception, your bill will not be law.
I ask once again, to the supporters of this bill, the question that has never been answered. If you assume a woman wants to kill a baby in the last seconds before a normal childbirth, why are you allowing her to do that under your bill just procedures?

This bill is a false promise. Vote for the Hoyer-Greenwood amendment and we can stop all late-term abortion procedures.

Mr. SENSENBRENNER. Mr. Speaker, I rise in strong opposition to this substitute amendment. The Greenwood-Hoyer substitute, make no doubt about it, will gut this bill to ban late trimester pregnancy termination just as surely as the procedure itself barbarically guts the life out of nearly born healthy children.

There are physicians who, unfortunately, and for a generous consultation fee, will readily certify that a woman’s health is endangered by the pregnancy. In fact, the coauthor just a few minutes ago said that health exceptions would include psychological syndromes such as, you name it, extreme anxiety, as well as nebulous physical syndromes, such as chronic adult fatigue.

So, in essence, the mother’s health exception could be claimed literally in every one of these cases if we approved this substitute amendment and we would have no bill.

You talk about the fact that the Supreme Court could possibly rule this ban on partial-birth abortion as unconstitutional. If we vote in support of this substitute amendment, the bill dies right here tonight. In fact, the so-called consultant that I mentioned theoretically could come into the delivery room and declare the woman’s health to be endangered within minutes of a spontaneous live birth.

The gentlewoman from Connecticut talked about sepsis. I have actually seen these tools that are used to perform this abominable procedure called partial-birth abortion. And you talk about the risk of sepsis developing after that type of a procedure. The gentleman from Virginia talked about the loving parents who would want to terminate the life of a child who was not going to be born perfect. A loving parent would allow their child an opportunity for life no matter how short it may be.

Mr. HOYER. Mr. Speaker, I yield myself 1 minute.

I ask this because I believe it is the nub of the debate. Does the gentleman from Georgia believe there is a procedure to terminate a pregnancy that is more humane or more appropriate than the partial-birth abortion?

Mr. GINGREY. If the gentleman will yield, will the gentleman mind repeating that question?

Mr. HOYER. Do you believe there is a procedure that is more humane or more acceptable than partial birth for the termination of a pregnancy?

Mr. GINGREY. The gentleman from Texas earlier talked about other late-term pregnancy termination procedures other than this one we know as partial-birth abortion. I do not know exactly what he or you are referring to.

Mr. HOYER. Reclaiming my time, and obviously I do not have more time, I wish I had more time because this is an important debate. My question to you is, A; let me ask you this, yes or no, if you cannot literally find the only way to terminate an abortion is late term, the procedure referred to in this bill?

Mr. GINGREY. I do not believe there is another way to terminate a pregnancy in late term.

Mr. HOYER. In late term than this? Is that correct?

Mr. GINGREY. I am sorry. I am not understanding you.

Mr. HOYER. In late term, this is the only way to terminate a pregnancy?

Mr. GINGREY. It is the only way to terminate a pregnancy without delivering a live born child. These pregnancies can be terminated by injecting saline or they can be terminated by perforating the sonogram section, but the problem there is it is a live child.

Mr. HOYER. In which case, reclaiming my time, the child would not be alive; am I correct?

Mr. GINGREY. In those instances, the child would be alive.

Mr. HOYER. You believe that that is more humane.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I rise today in support of the Hoyer-Greenwood substitute. As a pro-choice, pro-child Member of Congress and mother, I believe that abortions should be safe, legal and rare. For more than a quarter century, the Supreme Court has drawn a very clear line on this issue. As Americans and lawmakers, we are bound by the Constitution and we must realize that a ban on specific late-term procedure that fails to include the life-and-health-of-the-mother standard the Supreme Court established in Roe and upheld in both Casey and Webster will be overturned by the Supreme Court.

What is wrong with the underlying bill? First, it does not take into consideration the health of the mother. Second, it bans an overly broad class of medical procedures that are also useful during pre-viability stages.

The Hoyer-Greenwood substitute gives Congress an opportunity to do the right thing. This bipartisan bill would prohibit all late-term abortions, but it makes the constitutionally required exception for when it would be necessary to save the mother’s life or the pregnancy is threatened. It requires the Congress should leave it to the women and her health care providers to make that decision as deeply personal as whether to have an abortion to a woman, her family, her doctor and her God.

My colleagues, this vote is a test. Are we interested in banning late-term abortions? Or are we just wasting everybody’s time and beating our chests just to pass something that we know will be overturned by the Supreme Court?

Let us do the right thing. Let us ban these procedures in late term. I urge my colleagues to vote for the Hoyer-Greenwood substitute.

Mr. GINGREY. Mr. Speaker, all of us love this Nation. But how can all of us love this land unconditionally when there exists a law on the books that allows partial-birth abortion?

In America today, an abortionist begins partial-birth abortion by causing a woman to go into labor. Involuntary contractions then begin to push a pre-born American child’s brainstem into the birth canal. This law, as shown on this diagram, then allows an abortionist to pull the baby almost the whole way out of its mother, and as shown here on this diagram, insert his scissors into the base of this pre-born American child’s brainstem and vacuum out its brains.

This is abuse of pre-born American children. This is violence against pre-born American babies. This is the torture and murder of future American patriots who deserve this Nation. And it is a corrupt law forced upon the land by the Supreme Court. This amendment says that an abortionist may continue to conduct this violence if he is trying to avert serious health consequences. This exception is so big that it is nothing but a giant loophole.

It once again allows the abortionist, the very menace to the child that is waiting to be paid, to define what averting serious health consequences means.

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Think about it. The possibility of serious pain, serious stress, the possibility of serious health consequences, is what women endure in labor and in giving birth. Therefore, the very act of childbirth under this amendment would trigger the exemption. Those words have not been written down, or, if loosely defined, allow the possibilities of that which is endured during the very act of childbirth itself to be enough of a standard by which this amendment would allow an abortionist to continue.

As the father of 12 children, I want to teach my children to love our Nation unconditionally, to revere her, to respect her laws and to be drawn into complying with the laws of this Nation, because her laws reflect goodness, because they are filled with integrity, and because we are bound by a moral sense of obligation to abide by them.
Let us love our Nation unconditionally by removing these decrepit and immoral corrupt laws from the same books that contain our sacred rights and liberties. Stop the torture and in-fanticide of our preborn American children and our future patriots by which this Nation needs to be born. Let them have life. Oppose this amendment.

Mr. GREENWOOD. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, the previous speaker used very good words. Unfortunately, the bill that he advocates will not ban the procedure he advocates. Our amendment will.

The previous speaker talked about the blemishes of our health exception. If the proponents of this legislation wanted to make sure that no healthy woman could ever get a late-term abortion, they would be advocating legislation that would require a second doctor’s opinion, or list of medical conditions. That is what they would be doing if they were serious about that. But because they are opposed to abortion under any circumstances virtually at all, they cannot do that.

Now, they are very good at describing the gruesome details of abortion. Let us talk about the gruesome realities that sometimes make abortion necessary.

In March 1995, Tammy Watts from Arizona and her husband Mitch made the agonizing decision to end a wanted pregnancy at 28 weeks gestation. It would have been their first child. The fetus had serious anomalies. Ultimately, lethal anomalies related to a genetic condition known as trisomy-13. The Watts daughter, which they had already named McKenzie, was missing chambers in her heart, her brain was severely damaged and her skull had not formed in the back. Her liver and kidneys were oversized and already failing irreparably. Her bowel, bladder and intestines were formed on the outside of her body. They proposed to her parents that they bring into existence this functioning mass of tissues. Doctors also told the couple that Tammy’s health was at risk from a continued pregnancy, especially if the baby died in utero.

They decided to terminate the pregnancy, and Tammy and Mitchell were able to conceive again and announced the birth of their daughter, Savannah Whitnee, last July.

These are the realities that American women face. It is not something to which they are not subject to in consultation with their physicians, and that is why, in cases where their life or their health is at risk, this is none of our business and we do not belong in this decision.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in opposition to the substitute amendment to H.R. 760, the Partial-Birth Abortion Ban Act of 2003.

The partial-birth abortion procedure is a brutal and violent act that kills a living baby just seconds before it takes its first breath outside the woman. We must call partial-birth abortion what it really is, the murder of a baby during delivery.

Former Surgeon General C. Everett Koop says that “Partial-birth abortion is never medically necessary to protect a mother’s health or future fertility. On the contrary, this procedure can pose a significant threat to both.”

The substitute amendment being offered today called health exception or list of medical conditions. That is what they would be doing if they were serious about that. But because they are opposed to abortion under any circumstances virtually at all, they cannot do that.

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Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Speaker, I rise to support the underlying bill and to strongly oppose the substitute amendment.

Mr. Speaker, I just want to point out that this substitute amendment is built on two myths. The first is the myth that this specific procedure we are talking about is somehow medically necessary in certain circumstances. It is not.

The American College of Obstetricians and Gynecologists states, “There are no circumstances under which the procedure would be the only option to save the life of the mother and preserve the health of the woman.”

In 1995, a panel of 12 doctors with the AMA voted unanimously to ban the procedure, calling it “basically repulsive.”

As one of my colleagues mentioned, former Surgeon General C. Everett Koop says that this procedure is “never medically necessary to protect a mother’s health or future fertility. On the contrary, this procedure can pose a significant threat to both.”

So if we want to follow medical advice, let us do that and admit this procedure is never medically necessary.

The second big myth is that somehow this exception in the substitute amendment will in fact allow a real ban, and it will not. The health exception, you can drive a truck through it. That is clear in 41 states, and it will be no ban whatsoever.

Mr. HOYER. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, the last speaker just read part of the American College of Obstetricians and Gynecologists’ statement. He said that they could identify no circumstances under which the procedure identified above could be the only option to save the life of the mother or preserve the health of the woman. Then he stopped. The rest of it is, “However, it may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of the woman, and only the doctor, in consultation with the patient, based on the woman’s particular circumstances, can make that decision.”

We just want the whole statement in the Record.

Mr. HOYER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the AMA opposes this bill. The Organization of Obstetricians and Gynecologists, you heard their statement. We are speaking past one another and we are not speaking to the American public.

Your bill is unconstitutional. You know it. You tried in 17 or 18 pages to restore it. You cannot do it, because you do not include what the Supreme Court requires, protecting the health of the mother.

Our bill is constitutional, and, except for the premise that you make that
doctors are charlatans and will not be held accountable for breaking this law, which has to be proved only by a preponderance of the evidence, you say this law does nothing. In fact, it is the only statute on this floor which will prohibit abortions at late-term being performed by any procedure; by any procedure.

Now, I tried to get the gentleman from Georgia (Mr. GINGREY) to respond. He would not respond. Why would he not respond? Because my friend, the gentleman from Illinois (Mr. HYDE), whom I have unrestrained respect, believes the termination of a pregnancy, the taking of a life of a fetus, is wrong, however you do it. He is shaking his head affirmatively. That is an intellectually honest position. I respect it.

Partial-birth as described is an awful procedure. Abortion is an awful procedure. I accept that. And I personally oppose late-term abortions. When I am accused of being for abortion on demand at the 6th month, 29th day, I am not. We ought to protect those lives. But we have to balance it. That is what the Court says, that is what the Constitution of the United States says.

Support the Greenwood-Hoyer alternative is the only legislation that will be effective in trying to make some sense of this issue that so vexes America.

Mr. GREENWOOD. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, why are we here? Are we here because we are about to vote on a piece of legislation that will become law? No, we are not. It will not. It has been abundantly clear. The Supreme Court has voted on this issue. It has nullified every identical state law, and, as sure as God made little green apples, if this bill goes to the United States Supreme Court, by a vote of 5 to 4 it will be discarded.

So we have engaged in a political issue. I know what the political issue is. The political issue is to try to make those of us who are pro-choice appear to be extreme. Good politics, lousy use of this Chamber. It is a lousy use of this Chamber.

If Members who propose this legislation were serious about limiting late-term abortions and joining us in that effort, what would they do? They would help us create a tight, tight law that makes it clear that healthy women with healthy fetuses cannot get late-term abortions. We would all be in agreement. We would get something done.

We would make sure all of this talk of a loophole big enough we can drive a truck through would be gone. We would settle that.

But they cannot go in because they do not believe in a woman’s right to choose at all, so they cannot craft reasonable legislation that would take care of the late-term issue. They cannot do that. So all they can do is go to the extreme, create the most exagger-ated circumstances, and point to the most gruesome photographs and drawings.

I submit that this is an exercise in futility and urge Members to support the Greenwood-Hoyer-Johnson substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Speaker, I appreciate the chairman bringing this bill to the floor.

Mr. Speaker, as I have watched the debate, and it has been a good debate, what I have heard from the proponents of the substitute are two factors. One is that this is unconstitutional, theirs is constitutional, and they have made a decision for the courts. I did not come to the House to make a decision for the courts. I came to the House to pass very strong, important legislation, and then to fight in the courts for my position. I do not let the courts decide what direction I go. I do not make those decisions in this Chamber. If Members want to make decisions for the courts, then go down to the White House and get a nomination from the President.

The second is that their amendment will end late-term abortions, as if they are more pro-life than the gentleman from Illinois (Mr. Hyde). It is amazing to me. A woman would have to go to six states and put it out here freestanding as a bill, which we may get the opportunity to do, they would vote against it and their outside groups, their pro-abortion groups and pro-choice groups, would be railing outside these doors against their substitute.

So, Mr. Speaker, we have, though, a chance today to make the world a little less cruel for the defenseless. Opponents of this bill have condemned it to die in its own body. Yet we have a majority to pass this bill. It has been abundantly clear. The Supreme Court has voted on this issue. It has nullified every identical state law, and, as sure as God made little green apples, if this bill goes to the United States Supreme Court, by a vote of 5 to 4 it will be discarded.

We should set aside the politics for a moment and just close our eyes and try to imagine what it is we are talking about. Think of the grip of the doctor’s hands, like a vice, pulling a frightened baby, pulling on a frightened baby’s legs out of the womb and into the world. Think of the frantic wriggling of that little body in that gloved hand. Think of that moment of pure terror when those sanitized scissors puncture the baby’s neck. Then ask yourself, is this the best that we can do for unborn children, however unwanted; for pregnant women, however desperate; for the American people, however divided? Hot air. Hot air. Hot air. Hot air. Hot air. Hot air.

We cannot in good conscience allow our legislature to pass very strong, important legislation that would take care of the late-term issue. They cannot do that. So all they can do is go to the extreme, create the most exagger-ated circumstances, and point to the most gruesome photographs and drawings.

I submit that this is an exercise in futility and urge Members to support the Greenwood-Hoyer-Johnson substitute.

Mr. Speaker, it is just not true, but it is an untruth we will not have to bear or hear again after today. After 8 long years and many partial-birth abortions, Congress will finally send the Partial-Birth Abortion Ban Act of 2003 to the President’s desk to sign.

When he does, abortion will still be with us. The debate over the rights of the unborn will continue and new battles will be fought. But in the meantime, in the meantime, the American people will take this one stand, this one stand on behalf of the innocent, to tame the savageness of man and to make gentle the life of this world.

Take that stand with them now. Vote against this substitute and vote for the bill.

Mr. MENENDEZ. Mr. Speaker, I rise today in strong support of the Hoyer-Greenwood substitute. It is refreshing to finally give policy a chance over politics. By allowing us the opportunity to vote on the Hoyer-Greenwood alternative as a substitute, the debate today is about making good public policy.

Our goal should be to increase services that prevent unwanted pregnancies. However, when the unintended happens, let us remember that the decision to have an abortion is an extremely difficult and personal one. I believe it is a decision that is best left to a woman in consultation with her doctor, her family, her loved ones, and her faith.

The Hoyer-Greenwood substitute is a superior alternative providing the most broad-based restriction on late-term abortions of any bill being considered in the House.

This proposal ensures that no healthy women with a healthy fetus can terminate her pregnancy in the third trimester, regardless of the type of procedure used. I strongly support these restrictions and always have. But for the life and extreme health threats to the mother, I know of no compelling reason to terminate a pregnancy at his late stage, and Hoyer-Greenwood substitute would ban all such procedures.

Evidently, my Republican colleagues oppose what President Bush governed under in Texas. The Texas laws is even broader than the Hoyer-Greenwood substitute we are now considering. It says that no abortion may be performed in the third trimester, regardless of the type of procedure used. I strongly support these restrictions and always have. But for the life and extreme health threats to the mother, I know of no compelling reason to terminate a pregnancy at this late stage, and Hoyer-Greenwood alternative would ban all such procedures.

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Mr. KIND. Mr. Speaker, I rise today in support of the Hoyer/Greenwood/Johnson substitute, the Late Term Abortion Restriction Act, and in opposition to the underlying bill.

In June 2000, in Stenberg v. Carhart, the U.S. Supreme Court invalidated a Nebraska statute prohibiting "partial-birth" abortions. The court based its decision on two determinations: (1) the statute lacked any exception for the preservation of a woman's health; (2) the statute placed an "undue burden" on the right to choose abortion because its vague definition of "partial birth" abortion could encompass a broad range of procedures, at times during a pregnancy, regardless of viability. Due to these determinations, the court found the Nebraska statute unconstitutional.

Justice Sandra Day O'Connor, however, indicated that if changes were made in the legislation to address these concerns, restrictions on late-term abortions could be found constitutional. Unfortunately, the authors of H.R. 760, the underlying bill, failed to follow the outline by Justice O'Connor.

The legislation I support, the Hoyer/Greenwood/Johnson substitute, is a bipartisan effort that meets the Supreme Court's criteria. This substitute would ban all abortions after fetal viability, allowing an exception to protect the life or health of the mother. This bill did not eliminate a particular procedure; it would prohibit all late-term abortions by whatever method or procedure.

Most people, even those who oppose abortion, would make allowances for pregnancies as a result of rape or incest. There is no doubt that a young girl who becomes pregnant as the result of rape or incest can medically carry the pregnancy to term. However, many of us would say that that young girl should have the option to terminate that pregnancy as a means to safeguard emotional well-being—that is an argument in favor of recognizing the traumatic impact of a pregnancy due to rape or incest.

Some would argue that the pregnancy could be terminated earlier. We would hope so. However, the psychiatric and sociological record is replete with scientific and anecdotal evidence that even in the most supportive environment, the victims of rape or incest are reluctant to reveal their abuse, leaving them vulnerable to emotional and mental breakdown, self-destructive behavior, and, in the worst case, unrecognized or unacknowledged pregnancies up until the last trimester. Only the Hoyer/Greenwood/Johnson substitute would adequately address this serious issue.

While this has been a difficult issue, I must oppose H.R. 760. This bill does not recognize the constitutionality issues raised by the Supreme Court. It does not contain an exception for a woman's health, nor does it adequately define "partial birth" abortion in such a way as to address the issue of "undue burden." I am confident that if this bill is signed into law, the Supreme Court would strike it down.

As a Member of the U.S. Congress, I took an oath to uphold the Constitution of the United States. I will not betray that oath. Now that the Supreme Court has determined the constitutional parameters for a partial-birth abortion ban in the Stenberg case, I must adhere to that decision and cannot vote for a bill that is blatantly unconstitutional. H.R. 760 does not comply with the Court's decision.

Mr. KOLBE. Mr. Speaker, I rise today in support of the Greenwood, Hoyer, and Johnson amendment to the Partial-Birth Abortion Ban Act of 2003, H.R. 760.

For several years, Congress and the American people have endured a wrenching debate concerning abortions. Although I believe in a woman's right to determine her reproductive destiny, I do not support partial-birth abortions. In fact, I am opposed to any post-viability abortion by whatever method, unless it is performed to save the life of the woman or to avert serious adverse consequences to her health.

To date, congressional debate has centered on legislation that would federalize the regulation of abortion, a matter historically left to the discretion of the States. And, for the first time in medical history, it would ban a specific procedure, known medically as a dilation and extraction, D&E. I cannot support this legislation because of its uncompromising language banning this specific late term abortion method even in a case where a pregnancy goes tragically wrong and the woman's health is placed in serious peril.

Recognizing the need for some answers in a debate that has generated more heat than light, I join my colleagues, Congressman Jim Greenwood, and Steny Hoyer, and Congresswoman Nancy Johnson in support of an amendment that would prohibit all late-term abortions, regardless of the method used to terminate the pregnancy. The Greenwood, Hoyer, and Johnson amendment correctly puts the emphasis on health and in opposition to the underlying bill. It is a bipartisan substitute that would ban all abortions after fetal viability, defined as that time when a fetus is able to survive outside the womb. The amendment provides an exception only in cases where it is necessary to save the life of the woman or to avert serious adverse consequences to her health.

The Greenwood, Hoyer, and Johnson amendment amendment correctly puts the emphasis on when abortions are performed, not how they are performed. This amendment does not try to put Congress in the inappropriate role of determining the correctness of one particular medical procedure. Instead, this amendment makes clear that throughout the course of a pregnancy, prior to viability, medical decisions regarding a woman's personal care and treatment must lie with the patient, her physician, and her family—not lawmakers in Washington. Mr. Chairman, the Greenwood, Hoyer, and Johnson amendment would prohibit all post-viability abortions even if the woman suddenly decided she no longer wanted the child or was emotionally unable to care for a child. I cannot and I will not justify a late-term abortion in these instances. However, when an abortion is medically necessary, I want every woman to have available to her the procedure that is the safest. I encourage all my colleagues, Republicans and Democrats alike, to support this amendment.

Mr. LEVIN. Mr. Speaker, I rise in support of the Greenwood-Hoyer Substitute, the Late Term Abortion Restriction Act, and in opposition to the underlying bill.

I oppose all late-term abortions with exceptions only when the woman's own life is at risk or to prevent serious adverse consequences to her health.

Federal courts have ruled unconstitutional at least 19 different State laws with similar or identical language to the underlying bill because they do not contain adequate health exceptions. In Stenberg v. Carhart, the U.S. Supreme Court noted that "a State may promote but not endanger a woman's health when it regulates the methods of abortion" and that "the absence of a health exception will place women at an unnecessary risk of tragic health consequences." Despite this clear Court opinion, the bill's sponsors refuse to allow an exception to protect against inadequate health consequences to women's health.

We should be working together to approve legislation that bans late-term abortions in a manner which protects the mother's health and which is consistent to the decisions of the Federal courts and the Supreme Court. The Late Term Abortion Restriction Act, which I co-sponsor, does just this.

Mr. HOSTETTLER. Mr. Speaker, I rise in opposition to the amendment in the nature of a substitute. This amendment inserts a so-called exception.

I hope my colleagues will realize that this substitute would completely destroy the ban on partial-birth abortions. The amendment relies upon an outrageously broad definition of health that would effectively allow the doctor to determine that any circumstance qualifies for a "health exception."

That means that a doctor could prescribe a partial-birth abortion because a mother is suffering from temporary depression or any number of other such circumstances.

The mother's depression should be taken seriously and she should receive the best care possible, but snuffing out the life of her child is not a good cure for depression.

In fact, partial-birth abortion has a great likelihood of being injurious to a woman's health—the child, the doctor, while jabbing a pair of scissors into the child, could also stab the mother, as well.

The Subcommittee on the Constitution held hearings on the Partial Birth Abortion Ban on March 25, and during that hearing, Dr. Mark Neerhof testified that hemorrhage, infection, and uterine perforation are all possible results of partial birth abortion. These women are put at greater risk of severe bleeding, uterine rupture, and death, as well.

Women deserve better. Do not sell women short by making them pawns of abortion providers. It is not right to murder children—we should make strides to help these mothers without killing their children.

Every child is precious in God's eyes, and we must learn to look at all children and their parents through God's eyes.

I urge my colleagues to support the ban on partial-birth abortion, and to oppose the substitute.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate on the amendment offered by the gentleman from Pennsylvania (Mr. GREENWOOD) has expired.

Pursuant to House Resolution 257, the previous question is ordered on the bill and on the amendment offered by the gentleman from Pennsylvania (Mr. GREENWOOD).

The question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania (Mr. GREENWOOD).

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

Mr. Hoyer. 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 133, nays 287, not voting 14, as follows:

[H] YEA 133

[45x74]June 4, 2003
[45x78]Cannon
[45x81]Buyer
[45x84]Burns
[45x87]Burgess
[45x90]Brown-Waite,
[45x97]Bono
[45x103]Bonner
[45x106]Bonilla
[45x110]Blunt
[45x114]Bishop (GA)
[45x116]Bilirakis
[45x119]Berry
[45x122]Barton (TX)
[45x125]Alexander
[45x128]Filner
[45x131]Evans
[45x134]Etheridge
[45x138]Dooley (CA)
[45x142]Delahunt
[45x145]Davis (IL)
[45x148]Davis (CA)
[45x151]Cummings
[45x154]Clyburn
[45x157]Clay
[45x160]Carson (IN)
[45x163]Cardin
[45x166]Capuano
[45x169]Capps
[45x172]Boehlert
[45x175]Blumenauer
[45x178]Bishop (NY)
[45x181]Boehner
[45x184]Boucher
[45x187]Boren
[45x190]Brown-Vaile,
[45x193]Ginn

287, not voting 14, as follows:

—

The SPEAKER pro tempore. Evi-

YEAS

and read a third time, and was read the

reading of the bill.

The SPEAKER pro tempore. The

result of the vote was announced

as above recorded.

So the amendment in the nature of a

'motion to recommit' offered by Ms. BALDWIN, Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the
gentlewoman opposed to the bill?

Ms. BALDWIN. I am, Mr. Speaker.

The SPEAKER pro tempore. The

 Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. BALDWIN moves to recommit the bill

H.R. 760 to the Judiciary Committee with instructions to report the same back to the House forthwith with the following amendment:

Page 17, line 2, strike "abortion" and all that follows through "isself" in line 6, and insert "abortion is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother'.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 5 minutes in support of her motion. Ms. BALDWIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to offer a motion to recommit that would provide an exemption to protect the health of the woman.

Women do face profound medical crises during pregnancy. Conditions like hypertension, heart defects, diabetes, and breast cancer can cause catastrophic trauma to a pregnancy. These potential traumas demand a health exception.

The consequences of this sweeping ban are profound. Women face severe health consequences such as death, infertility, paralysis, coma, stroke, hemorrhage, brain damage, infection, liver damage, and kidney damage.

Ms. BALDWIN. This amendment

is an engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes are reserved in this vote.

NAY—287

Mr. Speaker, the list of consequences becomes even more horrifying when we realize that the families faced with crisis pregnancies are real.

Allow me to tell my colleagues the story of a Wisconsin family, Kathy and her husband, Chris. Kathy was over 6 months into her pregnancy when doctors discovered through ultrasound that their baby had no brain. There was a tumor in the baby's brain cavity, and the ultrasound revealed other factors that would complicate the delivery and jeopardize Kathy's health. Her doctor recommended that she have an abortion. After the procedure, Kathy was in tears for weeks suffering from depression. She felt alienated and shamed, even though she had done nothing wrong.

The women who face this terrible decision want nothing more than to have a child and are devastated to learn that their baby cannot survive outside the womb. In consultation with their doctors and families, they make this difficult decision to preserve their own health and in many cases to preserve their ability to have children in the future.

How can we look a woman like Kathy in the eye and tell her that she cannot have a safe procedure that would preserve her health and give her the best chance to have children in the future?
Simple humanity alone should be sufficient to justify a health exception; but if my colleagues need more, the U.S. Supreme Court has made it clear that such an exception is legally required. In Stenberg v. Carhart, the Court ruled that the ban was unconstitutional because there was no health exception for the mother.

Language in this motion is taken directly from the Supreme Court ruling. Denying a health exception is wrong and unconstitutional. If this bill passes today, we can expect extraordinary, unwanted pregnancies will have their health put in serious danger.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. Scott). Mr. SCOTT of Virginia, Mr. Speaker,
I thank the gentlewoman for yielding time to me.

Mr. Speaker, even if this bill were constitutional, it would not stop any abortions, just a procedure. The abortion would still take place using an alternative procedure. I am not going to inflame the debate by describing those alternative procedures; but this bill in its present form, without this amendment, is clearly unconstitutional.

This amendment would make it constitutional. The Supreme Court said in Stenberg v. Carhart that the ban on partial birth abortions was unconstitutional because the law lacked any exception for the preservation of the health of the mother, and, reading out of the case, it says subsequent to viability the state, in promoting the interests of the potentiality of human life, may, if it chooses, proscribe an abortion and in italics it says except where it is necessary in appropriate medical judgment for preservation of the life or health of the mother. This is what this amendment says. That was in italics. Later down it says the governing standard requires an exception, and it says, whereas it is necessary in appropriate medical judgment for preservation of the life or health of the mother. That is the language of this amendment. It also says, our cases have repeatedly invalidated statutes, and the process of regulating the methods of abortion imposed significant health risks.

Finally, it says, but where the substantial medical authority supports the opposition, a partial-birth abortion procedure could endanger women’s health. The case law requires the statute to include a health exception when the procedure is, and listen up, necessary in appropriate medical judgment for the preservation of life or health of the mother.

That is what the Supreme Court said in June 2000. Five judges found that opinion. All five are still on the Court. They used the same language in this amendment. It is exactly in print, in italics and in italics. They were serious when they carried this legislation. We ought to read the case and apply the law and adopt the motion to recommit.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman’s time has expired.

Who claims time in opposition? Mr. SENSENBRINNER. Mr. Speaker, I rise in opposition to the motion.

This motion to recommit should be rejected for several reasons. The overwhelming weight of evidence compiled in a series of hearings indicates that partial-birth abortions are never necessary to preserve the health of a mother and, in fact, pose substantial health risks to women undergoing the procedure.

No controlled studies of partial-birth abortions have been conducted nor have any comparative studies been conducted to demonstrate its safety and efficacy as compared to other abortion methods. There have been no articles published in peer review journals that establish that partial-birth abortions are superior in any way to establish abortion procedures.

Furthermore, experience indicates that partial-birth abortions are not performed to preserve the health of a woman. The late Dr. James McMahon developed this method and performed the last abortion in late 1992, measured 9 months. In 1995, Dr. McMahon submitted to the Committee on the Judiciary a graph and explanation that explicitly showed that he aborted healthy babies even in the third trimester which begins after the 26th week of pregnancy. His own graph showed, for example, that at 29 or 30 weeks one-fourth of the aborted babies had no flaw.

Furthermore, leading proponents of partial-birth abortion acknowledge that it could pose additional health risks because, among other things, the procedure requires a high degree of surgical skill to pierce the infant’s skull with a sharp instrument in a blind procedure.

Mr. Speaker, even if this bill were constitutional, it would not stop any single-birth abortion; and for that reason, I would urge a "no" vote on the motion to recommit.

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

The SPEAKER pro tempore. The motion to recommit passed without objection and was ordered to the Calendar.
The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

So the motion to recommit was re- 

The result of the vote was announced as above recorded.

The yeas and nays were ordered.

The yeas and nays were ordered.

So the motion to recommit was re-

The result of the vote was announced as above recorded.

The yeas and nays were ordered.

The yeas and nays were ordered.

So the motion to recommit was re-
The Court struck down the State of Nebraska's ban on partial-birth abortion procedures, concluding that it placed an "undue burden" on women seeking abortions because it failed to account for the medical necessity of partial-birth abortions deemed necessary to preserve the "health" of the mother.

(4) In reaching this conclusion, the Court deferred to Congress's fact findings that the partial-birth abortion procedure was statistically and medically as safe as, and in many circumstances safer than, other abortion procedures.

(5) However, the great weight of evidence presented at the Stenberg trial and other trials challenging partial-birth abortion bans, and the constitutional and non-constitutional holdings, demonstrates that a partial-birth abortion is never necessary to preserve the health of a woman, poses significant health risks to a woman upon whom the procedure is performed, and is outside of the standard of medical care.

(6) Despite the dearth of evidence in the Stenberg trial, the Court did not defer to the district court's findings, the United States Court of Appeals for the Eighth Circuit and the Supreme Court refused to set aside the district court's factual findings because, under the applicable standard of review, they were not "clearly erroneous". A finding of fact is clearly erroneous "when although there is evidence to support the finding, the reviewing court on the whole record is left with the definite and firm conviction that the mistake has been committed". Anderson v. City of Oberlin, 483 U.S. 262 (1987). Under this standard, "if the district court's account of the evidence is plausible in light of the record viewed in its entirety, it will be presumed to be correct. Where the district court's account of the evidence is clearly erroneous, or when the evidence could support either outcome, we reverse the judgment of the district court even if convinced that had it been sitting as the trier of fact, it would have weighed the evidence differently" (Id. at 574).

(7) Thus, in Stenberg, the United States Supreme Court was required to accept the very questionable findings issued by the district court judge—the effect of which was to render null and void the reasoned factual findings and policy determinations of the United States Congress and at least 27 State legislatures.

(8) However, under well-settled Supreme Court jurisprudence, the United States Congress is not bound to accept the same factual determinations because it is bound to accept in Stenberg under the "clearly erroneous" standard. Rather, the United States Congress is entitled to reach its own factual determinations that the Supreme Court accords great deference—and to enact legislation based upon these findings so long as it seeks to pursue a legitimate and reasonable end and is far better equipped than the judiciary to "assess and evaluate the vast amounts of evidence in the manner best adapted to the making of administrative decisions dynamic as that presented here" (512 U.S. at 655-66). Although the Court recognized that the deference afforded to legislative findings does not "foreclose our independent judgment of the facts bearing on an issue of constitutional law," its "obligation to exercise independent judgment when First Amendment rights are implicated is not a license to reweigh the evidence de novo, or to replace Congress' factual predictions with our own. Rather, it is to assure that, in formulating its judgments, Congress has drawn reasonable inferences based on substantial evidence." (Id. at 666).

(10) Katzenbach's highly deferential review of Congress's factual conclusions was relied upon by the United States District Court for the District of Columbia when it upheld the "must-carry" provisions of the Voting Rights Act of 1965, 42 U.S.C. 1973c, stating that "congressional fact finding, to which we are inclined to pay great deference, strengthens the presumption of legitimacy. In this case the Court of Appeals deferential view of the Act, state actions discriminatory in effect are discriminatory in purpose". City of Rome, Georgia v. U.S. (472 F. Supp. 1080 (S.D. Ga. 1977)).

(11) The Court continued its practice of deerring to congressional factual findings in construing the must-carry provisions of the Cable Television Consumer Protection and Competition Act of 1992. See Turner Broadcasting System, Inc. v. FCC, Communications Commission (552 U.S. 622 (2009) (Turner I)) and Turner Broadcasting System, Inc. v. Federal Communications Commission (550 U.S. 180 (1997) (Turner II)). At issue in the Turner cases was Congress legislative finding that, absent mandatory carry rules, the continued viability of local broadcast television would be "seriously jeopardized". The Turner I Court recognized that "the deference afforded to legislative findings does not "foreclose our independent judgment of the facts bearing on an issue of constitutional law,"" its "obligation to exercise independent judgment when First Amendment rights are implicated is not a license to reweigh the evidence de novo, or to replace Congress' factual predictions with our own. Rather, it is to assure that, in formulating its judgments, Congress has drawn reasonable inferences based on substantial evidence." (Id. at 666).

(12) Three years later in Turner II, the Court upheld the "must-carry" provisions based upon Congress' findings, stating the Court's "sole obligation is to assure that, in formulating its judgments, Congress has drawn reasonable inferences based on substantial evidence." (520 U.S. at 195). Citing its ruling in Turner I, the Court reiterated that "we owe Congress' findings deference because it is better equipped than the judiciary to "assess and evaluate the vast amounts of data" bearing upon legislative questions," (Id. at 195), and observed that it "owes the Congress an additional measure of deference out of respect for its authority to exercise the legislative power." (Id. at 196).

There exists substantial record evidence upon which Congress has reached its conclusion that a ban on partial-birth abortion is not required to contain a "health" exception, and that a partial-birth abortion is never necessary to preserve the health of a woman, poses serious risks to a woman's health, and lies outside the scope of the Constitution, and draws reasonable inferences based upon substantial evidence.

In Katzenbach v. Morgan (384 U.S. 641 (1966)), the Court stated its highly deferential review of Congressional factual findings when it addressed the constitutionality of section 4(e) of the Voting Rights Act of 1965. Regarding Congress' factual determination that section 4(e) would assist the Puerto Rican community in "gainning nondiscriminatory treatment in public services," the Court said that Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations. . . . It is not for us to review the judgment of these factors. It is enough that we be able to perceive a basis upon which Congress might resolve the conflict as it did. There the Court deferred to Congress's fact finding in section 4(e) in the application in question in this case." (Id. at 653).
(A) Partial-birth abortion poses serious risks to the health of a woman undergoing the procedure. Those risks include, among other things: an increase in the risk of serious complications such as infection, some of which may be life-threatening; a result of cervical dilation making it difficult or impossible for a woman to successfully carry a subsequent pregnancy to term; an increased risk of uterine rupture, abruptio placentae, or amniotic fluid embolus, and trauma to the uterus as a result of converting the child to a footling breech presentation, a position which requires a reading obstetrics textbook, “there are few very, if any, indications for ... other than for delivery of a second twin” lacerations and secondary hemorrhaging due to the doctor blindly forcing a sharp instrument into the base of the unborn child’s skull while he or she is in the birth canal, an action which could result in severe bleeding, brings with it the threat of shock, and could ultimately result in maternal death.

(B) There is no credible medical evidence that partial-birth abortions are safe or are safer than other abortion procedures. No controlled studies of partial-birth abortions have ever been conducted nor have any comparative studies been conducted to demonstrate its safety and efficacy compared to other abortion methods. Furthermore, there have been no articles published in peer-reviewed medical journals that establish that partial-birth abortions are superior in any way to established abortion procedures. Indeed, the other more commonly used abortion procedures, there are currently no medical schools that provide instruction on abortions that include the instruction in partial-birth abortions in their curriculum.

(C) A prominent medical association has concluded that partial-birth abortion is “not an appropriate medical practice,” that it has “never been subject to even a minimal amount of the normal medical practice development,” that “the relative advantages and disadvantages of the procedure in specific circumstances remain unknown,” and that “there is no consensus among obstetricians about its use.” The association has further noted that partial-birth abortion is broadly disfavored by both medical experts and the public, is “ethically wrong,” and “is never that appropriate for fetal life.”

(D) (i) Neither the physician in Stenberg v. Carhart, nor the experts who testified on his behalf, have identified a single circumstance during which a partial-birth abortion is necessary to preserve the health of a woman.

(E) The physician credited with developing the partial-birth abortion procedure has testified that he had never encountered a situation where a partial-birth abortion was medically necessary to achieve the desired outcome and, thus, is never medically necessary to preserve the health of a woman.

(F) A ban on the partial-birth abortion procedure will therefore advance the health interests of pregnant women seeking to terminate an unwanted pregnancy.

(G) In light of this overwhelming evidence, Congress and the States have a compelling interest in prohibiting partial-birth abortions. In addition to promoting maternal health, such a prohibition will draw a bright line that clearly distinguishes abortion and infanticide, that preserves the integrity of the medical profession, and promotes respect for human life.

(H) Based upon Roe v. Wade (410 U.S. 113 (1973)) and Planned Parenthood v. Casey (505 U.S. 823 (1992)), the Court has recognized that the life of the child at the time of delivery is and should be protected. The only exception allowed to any act that would impact on the life of a child at the time of delivery is acts done for the purpose of preserving the life of the mother; blurs the line between abortion and life, undermines the vitality of the child that is completely born is a full, legal person entitled to constitutional protections afforded a “person” under the United States Constitution; and poses additional health risks to the mother for the purpose of performing the delivery process, and if the mother has not at the time she receives a partial-birth abortion, shall be subject to the provisions of this section.

Sec. 3. Prohibition on Partial-birth Abortions

(a) In General.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

“CHAPTER 74—PARTIAL-BIRTH ABORTIONS

“Sec. 1531. Partial-birth abortions prohibited. 

“(a) Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby subjects a person entitled to constitutional protections under this title or imprisoned not more than 2 years, or both. This subsection does not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself; this subsection takes effect 1 day after the date of enactment of this chapter.

(b) As used in this section:

(1) The term ‘partial-birth abortion’ means an abortion in which—

(A) the person performing the abortion delivers a partially formed infant alive and intends to effects a physical disposition of the infant that is complete when the child emerges from the maternal body. A physician during the delivery process, and if the mother has not at the time she receives a partial-birth abortion, shall be subject to the provisions of this section.

(2) The term physician means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions: Provided, However, that any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

(c) Any money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

(b) Statutory damages equal to three times the cost of the partial-birth abortion.

(1) A defendant accused of an offense under this section may seek a hearing before the State Medical Board on whether the physician in question is performing an abortion that is necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

(2) The findings on that issue are admissions for all purposes of the case.

(3) A physician who is convicted of an offense under this section; or for an offense under section 2, 3, or 4 of this title based on a violation of this section..."
The Speaker pro tempore. The gentleman from New York (Mr. NADLER) is recognized for 30 minutes.

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

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

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

Mr. SENSENBRENNER. Mr. Speaker, as I understand the motion says that the conferences should be open, and I am pleased to support the motion.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume, and I just want to say that I support the motion, and hope it passes.

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

The SPEAKER pro tempore. The motion to instruct offered by the gentleman from New York (Mr. NADLER).

The motion to instruct was agreed to.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: From the Committee on the Judiciary for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. SENSENBRENNER, HYDE and NADLER.

There was no objection.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on Monday June 2, 2003, I was unavoidably detained in my district in House business and missed the following roll call votes: Roll call vote 227, H. Res. 159, if I had been present, I would have voted aye; roll call vote 228, H. Res. 159, if I had been present, I would have voted aye; and roll call vote 229, H. R. 3499, if I had been present, I would have voted aye.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 898

Mr. McIntyre. Mr. Speaker, I ask unanimous consent to have the gentleman from Missouri (Mr. GEPHARDT) removed as a cosponsor of H.R. 898.

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

There was no objection.

PARTIAL-BIRTH ABORTION BAN UNCONSTITUTIONAL

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, in an intent to correct the record, in the debate that we just finished, H.R. 760, I was taken to task of being wrong for a proposition that I raised on this floor.

Let me correct the record and say I was not wrong, I was right. This partial-birth abortion bill, H.R. 760, is unconstitutional for the same two reasons that the Supreme Court found other statutes attempting to ban partial-birth abortions unconstitutional.

First, H.R. 760 lacks a health exception which the Supreme Court unequivocally was a fatal flaw in any restriction on abortion.

Second, the nonmedical term partial-birth abortion is overly broad and would include a ban of safe pre-viability abortions. Banning the safest abortion option imposes an undue burden on a woman's ability to choose, and the life of the mother and the health of the mother, and the mother's ability to give birth in the future.

Finally, let me say this: We want to save lives, H.R. 760 does not.

SPECIAL ORDERS

The SPEAKER pro tempore. The Speaker announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DISPARITY OF COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. The Speaker pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes. Mr. GUTKNECHT. Mr. Speaker, I rise tonight again to talk about the issue of the disparity between the price that Americans pay for prescription drugs and what the rest of the world pays for the same drugs.

On several occasions I have used articles from the newspapers, whether it be the New York Times or the Wall Street Journal, other newspapers, and I started many of my conversations with something that Will Rogers said so many years ago, and that is "All I know is what I read in the newspapers."

Today I read in one of the publications up here on Capitol Hill a story that really surprised me, the first story that they have actually done on the whole issue of prescription drugs, and they decided to do essentially a piece that destroys the credibility of one of the groups that I have gotten much of the research information that I have gotten in the past from, and that is the Life Extension Foundation, and I want to talk about some of the numbers that they have sent me.

I have never personally met anybody from Life Extension, but everything they have sent me out. So I have used their statistics in the past, and I will use them in the future. I have also been quoting from a book by...
Katharine Greider. The title of the book, and I recommend it to all of my colleagues, is “The Big Fix: How the Pharmaceutical Industry Rips Off America.” I do not know what her philosophy is. I do not know what her politics are. I do not know what religion she practices, but I have to say that the research that she has done is extremely good and it raises some very difficult questions.

The other thing that I have been doing is talking to Members about these huge disparities between what we pay in America and what the rest of the world pays for the same drugs. Let me give my colleagues some examples. These are my own research, drugs that we actually bought at the Munich airport in Munich, Germany, and then we compared what the price is in the United States. Let us take the drug Glucophage. Glucophage is a wonderful drug, particularly for those people suffering from diabetes. Glucophage in the United States, 30 tablets, 850 milligrams, sells for about $30. That same drug in Germany sells for $3.50.

We go on down the list. I will not read the whole list tonight, but the one that really chaps my hide is this drug right here. This is Tamoxifen. We bought this drug at the airport pharmacy in Munich, Germany, for $59.05 American. In this quantity, 100 tablets, 20 milligrams, in the United States this same drug sells for $360. $60 in Germany, $360 here.

The real point is this. I have shared this story, too. If you go to Tokyo, Japan and you order a steak dinner, about the cheapest you will find it in Tokyo is about $100. You can buy an equal quality, in fact perhaps a better quality steak anywhere here in the United States for probably $20. Why is there so much difference between what you pay for a steak in Tokyo versus here in the United States? The answer is simple. The people of Japan are a captive market. They do not allow other products to come in. That is what we have done with drugs in this country. We literally have made Americans a captive market.

We are talking about a prescription drug benefit and everybody is talking about coverage. Ladies and gentlemen, the issue is not so much coverage, because every senior in America has at least the opportunity to buy prescription drugs through the AARP and lots of other organizations. The problem is not coverage. The problem is affordability. We will never solve the entire problem for all of those seniors.

One of the points that is made by Ms. Greider in her book, she mentions a study that was done. This is one of the most damning studies and every one of us should be ashamed. The study says that 29 percent of seniors say that they have had prescriptions that went unfilled because they could not afford them.

A couple of weeks ago I was addressing community pharmacists, and asked them the question: Have you ever had a senior come in and give you their prescription and you told them that this is how much this was going to be and they sort of dropped their head and said, well, maybe I’ll be back tomorrow. And they do not come back because they cannot afford it. That is something we can change, that is within our power to change. Shame on us if we do not. I hope you will cosponsor my bill to give Americans access to world class drugs at world market prices.

**VETERANS BUDGET CUTS**

The SPEAKER pro tempore (Mr. Osè). Under a previous order of the House, the gentlewoman from Florida (Ms. Corrine Brown) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to remind my colleagues who yesterday were an untold number of their constituents that we are the most socially fortunate people in the world. We have the best health care system in the world. We have the best educational system in the world. We have the best social security system in the world.

Unfortunately, it is also the most unjust system in the world. Fifty percent of our seniors are cut off from medical coverage that they need to live in dignity. Fifty percent of our veterans are cut off from the care that they need.

The other thing that I have been doing is talking about America. We literally have made America captive market. They do not allow their love of the flag to put their money where their mouth is. Everybody can talk the talk. It takes a real patriot to walk the walk. I stand in protest of this House being derelict in its duties and leaving our veterans behind. Wake up, America.

**REGARDING THE CHILD TAX CREDIT**

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

Mr. CULBERSON. Mr. Speaker, once again this week the Republican majority showed its true colors, a party looking out for the well being of middle- and low-income working families. During the final negotiations on their tax package, Republicans deliberately chose to leave more than 12 million children behind.

The omission of a provision that would have extended a $400 child tax credit to working families making $10,000 to $26,000 a year was neither an accident nor an oversight. The provision, which had not been included in President Bush’s initial $726 billion proposal or the House Republicans’ $350 billion package, was added in the Senate by a Democrat, Senator Blanche Lincoln. Why did this considerably small provision, $3.5 billion out of a giant $350 billion tax bill, make the Republicans’ chopping block during their final negotiations with each House? As my colleagues already know, not one Democrat was allowed to negotiate the differences between the House and the Senate bill.

White House press secretary Ari Fleischer probably explained it best when he said, “Does tax relief go to people who pay income taxes or does it go above and beyond and the forgiving of
Mr. Speaker, what the President's press secretary seems to forget and what the majority leader seems to ignore is that these workers do pay Federal income taxes. In fact, unlike some of his colleagues around here. In fact, unlike some of his middle-class people will come to an end, but so far they are not coming to an end and I expect them to continue with this Republican leadership.

REPORT CONCERNING IRAQ'S WEAPONS OF MASS DESTRUCTION

Mr. Bolton spoke before us today of the efforts within Iraq, the Iraq survey group, that he believed would bear fruit soon, in his words, in finding both evidence of a WMD program and also ultimately weapons of mass destruction themselves. He said that he believed that we would be soon finding weapons and the means of production in due course. But where does this confidence, Mr. Speaker? Perhaps it comes with a brief recitation of the history of the region. People are very quick to forget, especially in the European press that seems to suggest that this idea of Iraq having weapons of mass destruction was somehow invented out of whole cloth.

Many seem to forget that it was Iraq themselves, 18 April 1991, that provided an initial declaration required under U.N. resolution 687 declaring themselves, Iraq declared themselves in the possession of chemical weapons and materials and 53 al Hussein and Scud type long-range ballistic missiles. At that point in April of 1991, they denied the presence of any chemical and informed us. By May, Iraq submitted a revised declaration covering additional chemical weapons and a refinement of the missile declaration. And then after pressure from UNSCOM, Iraq admitted in August of 1991 that they had a biological and chemical program for defensive military purposes.

According to UNSCOM estimates, Iraq acknowledged that they were in possession of 10,000 nerve gas warheads, 1,500 chemical weapons and 412 tons of chemical weapon agents. 1991. As Under Secretary Bolton said today, it has been the unchanged position throughout the Clinton administration and the Bush administration that these weapons are accounted for to this day. Both administrations held, in Mr. Bolton's words as a representative of the State Department, precisely the same view of these weapons, that were not invented by some political spinmeister in the run-up to Operation Iraqi Freedom, were invented by the regime in Baghdad, who went on year after year delaying inspections, denying their presence and refusing to prove their destruction, leading up to the 1998 expulsion of U.N. weapons inspectors, resulting in President Clinton's attack on Iraq with cruise missiles. And President Clinton, of course, gave the reason at that time that he needed to "attack Iraq's nuclear, chemical and biological programs and their capacity to threaten their neighbors."

And so I thought it important tonight, after hearing on the International Relations Committee, Mr. Speaker, from John Bolton, the Under Secretary of Arms Control, that there is confidence that the Iraq survey group at the State Department will bear fruit. We will seek the evidence, like the mobile labs, like the unarmed aerial vehicles, we will continue to find evidence of a WMD program in Iraq.
REPORT ON RESOLUTION ESTABLISHING JOINT COMMITTEE TO REVIEW HOUSE AND SENATE MATTERS ASSURING CONTINUING REPRESENTATION AND CONGRESSIONAL OPERATIONS FOR THE AMERICAN PEOPLE

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108-141) on the concurrent resolution (H. Con. Res. 190) to establish a joint committee to review House and Senate rules, joint rules, and other matters relating to continuing representation and congressional operations for the American people, which was referred to the House Calendar and ordered to be printed.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H. CON. RES. 190, ESTABLISHING JOINT COMMITTEE TO REVIEW HOUSE AND SENATE MATTERS ASSURING CONTINUING REPRESENTATION AND CONGRESSIONAL OPERATIONS FOR THE AMERICAN PEOPLE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it shall be in order, at any time without intervention of any point of order to consider House Concurrent Resolution 190;

The concurrent resolution shall be considered as read for amendment;

The concurrent resolution shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and

The previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion.

The SPEAKER pro tempore (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, yesterday those opposed to tax relief came to this House to wage an orchestrated campaign of disinformation against the Jobs and Growth Act. Having lost the battle to convince the voters that tax relief is fundamentally bad, and unable to win the legislative battle over passage of the tax cuts, Democrats are resorting to rumor mongering and distortion. That means that they will lie, distort the truth about the benefits of the plan, and spread false hope to nearly every person who actually pays Federal income taxes.

They were on the wrong side of the issue then, and they are on the wrong side of the issue now. At least they are consistent.

Fortunately, Republicans have the truth on our side and we are also consistent. We are consistently supporting legislation that will give working families tax relief.

The facts are that the tax cuts Republicans passed will do these things: First, it will take an additional 3 million low income families off the Federal tax rolls completely. Let me repeat this, because I know as soon as I am finished, an opponent of tax relief will say this bill does nothing for the working poor. This bill takes an additional 3 million low income families off the Federal tax rolls completely.

Second, we have also expanded the 10 percent tax bracket and increased the standard deduction for married couples. Both of these provisions are targeted to low and middle income families.

Third, the decision at the center of this maelstrom of misinformation, the child tax credit. Republicans raised the child tax credit from $600 to $1,000 effective immediately. All those families with children who pay Federal taxes will be able to take advantage of this credit.

Those who oppose the tax relief plan are claiming this provision ignores some families. Absolutely untrue. Families that pay zero Federal taxes will not get this tax credit because they are already exempt from paying any Federal taxes. This credit is for the millions of families that do pay Federal taxes, giving them tax relief.

The frantic attempts to discredit the jobs and growth plan are proof of just how great these tax cuts are for hard working Americans. Those who oppose tax relief know that they have made a mistake and, instead of owning up to that mistake, they are trying to cover it up.

Mr. Speaker, taxpayers should immediately adjust the amount withheld from their paychecks for Federal income taxes so that they feel the tax relief as soon as possible. When Americans start to keep more of their paychecks, we will know they are going to remember who stood here and told them they did not deserve tax relief, and it was not the Republicans.

WHERE IS THE JUSTIFICATION FOR WAR

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

Mr. WAXMAN. Mr. Speaker, today we have an opportunity to ask the President, where is your justification for war?

Where are the weapons that President Bush promised? Saddam is gone. For several weeks, American troops have been free to search Iraq. They have been free to search Iraq virtually at will. Today we find no weapons of mass destruction. No chemical weapons, no biological weapons, no nuclear weapons. Nothing.

Where are the weapons? Where is the threat? Mr. President, where is your justification for war? The credibility of this administration is at stake.

Americans died in Iraq because President Bush told us that Iraq had weapons of mass destruction. Children lost their mothers and fathers. Parents lost their sons and daughters. Women lost their husbands, and husbands lost their wives.
For what? Excuses and explanations cannot answer this question. We need, we deserve, we demand justification.

What justified the loss of American lives? What justified taking $100 billion out of our pockets, our children's, our grandchildren's and unborn generations?

Three major American news organizations have cited leaks from Federal intelligence officials that the Bush administration manipulated intelligence about weapons of mass destruction, that our advisors and his advisors told the intelligence community to provide evidence to support the war in Iraq.

In Britain, senior war correspondent Max Hastings, who supported the war against Iraq, wrote that "the Prime Minister committed British troops and sacrificed British lives on the basis of a deceit, and that stinks."

These accusations cannot go unanswered. We are not just talking about the veracity of the Bush administration. We are talking about the credibility of the United States of America. Our Nation's reputation is at stake.

The next time we go to our allies, the next time we go to the United Nations, they will doubt what we say. Our enemies will be safer, and our citizens will be less secure.

The President and members of his administration have an obligation to come clean, to put their cards on the table and level with the American people. What did they really know and when did they know it?

They are the ones who toured the country, beating the drums of war. They are the ones who told the American people that we needed to go to war. They are the ones who traveled the globe campaigning for a war to save us all from weapons of mass destruction.

In the name of our fallen soldiers, in the name of the credibility of the United States of America, in the name of what is right and just and true.

Mr. Speaker, number one, they are number one, they are number one. We need an answer, and we need it now.

JOBS AND GROWTH, TAX CREDITS AND SMALL BUSINESS

The SPEAKER pro tempore (Mr. Bishop of Utah). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Mr. Speaker, Ms. WOOLSEY, Mr. Speaker, last Wednesday President Bush signed the Jobs and Growth Act of 2003, a bill that I was proud to cosponsor. As a former businesswoman, I know something about what it takes to help build businesses and create jobs. Yet although our bill had to be compromised, it still has the ability to create more and better jobs for the American people.

Yet there are some in this body who say that this legislation is not fair. They say there is not sufficient tax relief for low income Americans.

Mr. Speaker, number one, they are wrong; and, number two, this is just another example of Democrats trying to foment class warfare in America.

Let us get beyond the usual class warfare rhetoric and examine the facts. First of all, for all practical purposes, low-income 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 torn up, thrown away, abandoned?

These Americans join millions of other low-income Americans who have already been taken off the tax rolls in recent history.

Additionally, Mr. Speaker, by lowering marginal rates, other low-income Americans benefit as well. Millions who were in the 15 percent tax bracket last year are now in the 10 percent tax bracket. More tax relief for low-income families.

The net result now is this: The bottom 50 percent of wage earners in America pay only 3.9 percent of the income taxes. In other words, half of all Americans, low-income Americans, pay almost none of the national income tax burden. In contrast, the top 10 percent of wage earners in America pay almost two-thirds of the income taxes.

Mr. Speaker, the critics of the jobs and growth bill fail to appreciate two other important facts:

Number one, the relief is for taxpayers. If you do not pay taxes, you should not expect tax relief.

Number two, if you want jobs, give job creators tax relief. Tax relief is about capital. You cannot have capitalism without capital. You cannot claim to love jobs and then vilify job creators.

Mr. Speaker, it is clear that some in this body want to turn our Tax Code into a welfare system. Well, guess what? We already have a welfare system. It's called TANF. In this bill, in the House of Representatives and the Senate, in the Republican Congress we have continued to move millions of Americans from welfare to work. And, to dispel the Democrat's disinformation campaign, we have increased Federal child care funding by 166 percent. We have increased Federal funding for housing by 75 percent. And, just this past year, we committed $17 billion to the TANF welfare program.

Tax relief is different from welfare. Tax relief is about allowing taxpayers to keep more of their own money, earned through their hard work, helping to keep them keeping more of their own wages for their own families.

Tax relief is different from welfare. Tax relief is about allowing taxpayers to keep more of their own money, earned through their hard work, helping to keep them keeping more of their own wages for their own families.

Mr. Speaker, let us not forget, it is not the government's money, it is the American family's money.

Furthermore, if critics of the Jobs and Growth Act truly care about low-income people, they should join us and help us roll up our welfare checks and onto paychecks, move them up from smaller paychecks to bigger paychecks. In other words, these criticals should help us join together and create more jobs.

But Mr. Speaker, jobs are not created here in Washington, D.C. They are not created by the Federal Government. Jobs are created by hardworking risk-takers who know who, when granted access to capital, will roll up their sleeves and work hard to create that next generation of software or that new automobile repair shop or that innovative sign painting company, or any other enterprise. That is where jobs come from.

But Mr. Speaker, the number one impediment to launching new job-creating enterprises in America is access to capital. That is why we cut capital gains and dividend taxes in this bill. Additionally, we have lowered marginal tax rates. That is important because 80 percent of the tax relief at the top marginal rate goes to small businesses and entrepreneurs.

If we truly care about low-income families in America, let us quit trying to turn the Tax Code into a welfare system. If we want jobs, tax relief should go to job creators. If we want job fairness, then tax relief should go to taxpayers.

CHILD TAX CREDIT

The SPEAKER pro tempore (Mr. Bishop of Utah). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, our working families need a break. They need a break more than anyone in this country, especially since they bear the brunt of this weak economy. But, for some reason, the Bush administration continues to cast them aside in favor of the privileged few.

Working men and women are the backbone of this Nation. They are the ones who struggle day in and day out to provide the bare necessities for their families. They are the ones who know how hard it is to balance work and family, and they need our support.

The Bush administration, however, and the Republican leadership, in their faux “compassionate conservatism,” continue to slap working families in the face. They said that the recent tax cut bill would provide relief for all Americans. But here is the truth: increases to the child tax credits were given to the families who need it the least, while low-income families were left with nothing. Worse hit were working families earning between $10,500 and $26,600 a year. Working families in this tax bracket were completely ignored. The Republican leadership denied them their fair share.

Mr. Speaker, I want Members to hear about a mother from my district, the Sixth District of California north of San Francisco across the Golden Gate Bridge. Cori and her family were cast aside by the Republicans.

Mr. Speaker, I want Members to hear about a mother from my district, the Sixth District of California north of San Francisco across the Golden Gate Bridge. Cori and her family were cast aside by the Republicans.

Let me tell the Members about Cori. Cori came to a local Head Start program at a low point in her life. She was
a single parent without a support system and with very little money and very little self-esteem. She had just completed a recovery program and was seeking to put her life back together. It was the first time in years that she felt respectable, and good about herself and her life.

Cori went on to volunteer for Head Start. She then completed an AA degree in early childhood development because she wanted to give back to the program that got her on her feet. Now Cori has been a Head Start employee for the past 3 years, with the goal of getting a Bachelor of Arts degree.

Mr. Speaker, why should Cori be denied the child tax credit, while those making more than $1 million a year received overall tax cuts totalling $93,500 each? What definition of compassion are we using here?

This attack on our working families must end. Passing legislation on working families does not stop with denying the child tax credit to Cori. Sometime soon we will debate a Republican bill to deny workers the benefits of overtime pay, the heart of the very Fair Standards Act.

If the poorly named "Family Time Flexibility Act" passes, the Republican leadership will take a step to undermine protection of the 40-hour work week, so employers can avoid paying their workers like Cori overtime. This is not only poor economics for struggling families who count on overtime, it is just plain bad public policy.

It is time that we restore the balance for families so they can earn a living and meet family demands at the same time. We must pass H.R. 2296, which will expand the child tax credit and marriage penalty relief for lower-income families like Cori and her two children. This legislation can be the first step in reversing the wrong done to these hard workers.

In the coming year, I plan to introduce legislation called the Balancing Act, which would improve the lives of working families and their children. That would mean providing paid family leave after the birth of a child, increasing the funding for child care, granting school breakfasts for all students, and helping with the care of aging parents. I urge my colleagues to join me in that effort.

Mr. Speaker, it is time to restore compassion for our Nation's working families, rather than our Nation's millionaires. Our families need to know that we have not forgotten them.

THE HAND OF HOPE

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

Mr. FRANKS of Arizona. Mr. Speaker, it is often repeated that a picture is worth a thousand words. A very powerful picture exemplifying that statement began circulating across America this last November. I would cite the commentary that accompanied it.

It should be the picture of the year, or perhaps the picture of the decade, but it will not be. In fact, unless Members obtain a copy of the U.S. paper in which it was published, they probably never saw it.

The photo was that of a 22-week-old unborn baby boy named Samuel Alexander Armas. He was being operated on by a surgeon by the name of Dr. Joseph Bruner. The baby was diagnosed with spina bifida, and would not have survived if the operation on his mother's womb. But little Samuel's mother, Julie Armas, was an obstetrics nurse in Atlanta and she knew of Dr. Bruner's remarkable surgical procedure. Practicing at Vanderbilt University Medical Center in Nashville, he performs these special operations while the baby is still in the womb.

During the procedure, the doctor removes the uterus via the C-section, and makes a small incision to operate on the baby. As Dr. Bruner completed the incision, nurses on the operating table reached for the tiniest little baby. There is the picture, the picture of the decade, the picture of the year, the picture that little voice in our own hearts.

The photograph captures this amazing event with perfect clarity. The editors titled the picture "hand of hope." They said that this tiny little hand seemed to emerge to grasp the finger of Dr. Joseph Bruner, as if thanking him for the gift of life. Little Samuel's mother said they wept for days when they saw the picture. She said the photo reminds us that pregnancy is not a certainty. It is about little person. The operation was 100 percent successful, and little Samuel was born in perfect health.

Mr. Speaker, when Republican negotiators went behind closed doors without any Democratic conference, suddenly the families of approximately 12 million children were excluded from the tax credit. Nationwide, this means that one out of every six American children were excluded.

What the Republicans did here is really revealing on two different levels. First, it says that their credibility really is an issue. Second, even worse, it says that they think that the priorities of the country should focus on fat wallets and fat pockets, not helping those who need help the most.

The Republicans' actions clearly represent a credibility gap, also. When the tax plan first came through the House and Senate it included the child tax credit, but apparently that credit did not fit with the numbers that they needed. It did not fit with their effort to provide tax cuts for the wealthiest Americans. They needed $3.5 billion more for the cuts for the wealthiest Americans, so they eliminated the credit for all families making between $20,500 and $26,625. What a terrible thing to do.

The Republicans, with the blessing of the White House, clearly recognized...
the possibility of a backlash, I assume. Otherwise, why did they hide their actions from public view? President Bush said that all Americans would receive tax relief, but that was not the case. This sort of double-talk is not the way to run a country, not the way to run this country.

This double-talk also reflects the misplaced priorities that the Republicans and their leadership have for this country. What they are telling us is that they cannot afford to have a dividend tax break for people who live well, extremely well. What they are also telling us is that it is not important to help those people who are struggling to find adequate housing, enough food, or a decent job.

Of course, children, unfortunately, are hit the hardest. These children come from families where the parents work hard and play by the rules. They deserve the same tax credits that other children get, and they, of course, need much more. Their families do not have the advantages that others have.

In a jobs depression like President Bush has put us in, the loss of the $400 tax credit is really rubbing salt into their wounds. 8.1 million taxpayers will receive no relief under the Republican tax cuts, and 1.6 million of these taxpayers are Hispanic. 8.1 million represents 44 times the number of taxpayers who have incomes exceeding $1 million, yet the President and the Republicans have gone out of their way to help the wealthy.

In fact, those people with incomes over $1 million will receive an average tax cut of $93,500 in 2003. In terms of the child tax credit, one-half of all African-American families will not get the full tax credit and one-quarter will receive no tax credit.

For Hispanic families, 40 percent will not get the full tax credit, while one-fifth of Hispanic families will receive no child tax credit at all.

What message does this send to minorities? Of course, the Republicans have a checkered history of offending minorities, so perhaps this behavior is to be expected. But interestingly enough, the Republicans’ actions on the child tax credit also offend military families. According to the Washington Post, as many as 200,000 military families were excluded from the increased child tax credit by the actions of the last few weeks.

This is just downright wrong. We should move immediately to pass legislation to restore the child tax credit and we should do it now.

The SPEAKER pro tempore (Mr. Bishop of Utah). Under a previous order of the House, the gentleman from Georgia (Mr. Collins) is recognized for 5 minutes.

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

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

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

MISREPRESENTED JOBS AND GROWTH PACKAGE

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

Mr. Burgess. Mr. Speaker, I rise tonight to discuss some of the recent misrepresentations of the jobs and growth package, a package that this Congress passed before the Memorial Day recess.

Last night I had the opportunity to listen to many of our friends on the other side characterize the tax cuts as misdirected and targeted to the wrong people.

According to the Joint Economic Committee, this tax bill provides the largest percentage reductions in the income taxes of low and middle income Americans, thereby shifting the tax burden upward. The jobs and growth tax act exempts another 3 million workers entirely from Federal tax liability. And low income families in particular benefit from this economic and growth tax package relief through a number of provisions.

First, there is the acceleration of the 10 percent rate bracket which means that workers can earn more before they get moved into the 15 percent and 25 percent tax brackets, elimination of the marriage penalty, and the acceleration of the President’s 2001 tax cut provisions to increase the child tax credit to $1,000.

Accelerating the expansion of the child tax credit will provide 26 million families with an average tax cut of over $600. This could mean a great deal to a family of 4 working to make ends meet each year. Even families who do not owe taxes may benefit from the increase in the child credit to $1,000 because of the current refundable feature of the credits.

Some ask, What benefits from this credit? Well, what about 44 million children who will benefit? So, Mr. Speaker, do not be fooled when certain groups do not explain the whole story. Some low income Americans are not included in this credit because their family income is low, but qualify for other, more beneficial anti-poverty programs. And let us not forget that that group of low income taxpayers received significant benefit from the tax cuts that passed in this Congress in 2001, and they continue to benefit from that legislation today.

The fact is, Mr. Speaker, we cannot continue to punish those who work hard, take risks and are subsequently successful. We need their success for the economy to recover. The country needs the jobs their success will generate.

I remember a few weeks ago when the folks on the other side of the aisle opposed a tax cut of any kind during the debate on the economic stimulus bill. Well, Mr. Speaker, the time has come for them to figure out where they stand.

TAX CUT HURTS LOW INCOME CHILDREN

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

Mr. Miller. Mr. Speaker, when the President and the Republican party made a decision that they would not extend the financial benefits of the increase in the child tax credit to all families, they essentially made a decision that they would leave out millions of young children who live in families who earn between $10,000 and $25,000 a year.

What they said was somehow those families were not worth as much as the rest of children and families in this country. Thirty years ago we made a decision to have a child tax credit to help families with the cost of raising their children, to ease the burdens of raising their children, educating them, providing health care, and it was extended to all Americans with children.

Over time we have increased that child tax credit, and this year a decision was made to increase that child tax credit by $400 for each child, and those checks would go out this summer. But, tragically, in a back room, in the late night, in negotiating the bill under the leadership of Vice President Cheney, the Republicans made a decision that low income working families would not get that child tax credit for their children. They will not get that $400 per child increase this summer.

Erin Doyel of Vallejo, California, in the district in which I represent and her daughter, Adrienne, will not get that tax cut. Erin is going to work every day and earning $12,675 as a financial administrative assistant. Erin is doing everything that this Federal Government told her to do: To get off of welfare, to take responsibility for her child and to get a job. And she has been doing it and she is doing it well.

But as we can see here, Erin and her daughter Adrienne, Erin is asking the question, What about the children? Is not my kid worth the same tax credit as the other children? Because I only make $12,000 a year?

She needs this help for her family. She needs this benefit for her family so that she can provide the education, she can provide the wherewithal to hold her family together. She knows how much she needs it. She says they made a big mistake when they left her daughter out of the tax cut. She needs this money to help her pay the rent, to put food on her car, to pay for her job expenses.

That is what she would do with that money. She would immediately put it
back into the economy. That is why that tax credit was given to help those families with those expenses in a difficult environment.

Some people say that this was a mistake by the Republicans, but the fact is we know now as the facts have come out it was a mistake. The Senate, in fact, put this tax credit in for Erin and her daughter, Adrienne. But the Republicans in the House decided they were not going to accept it. They wanted to use the money that that tax credit would have gotten to help those people making over a million dollars. If they had given a $400 tax credit to Erin and her daughter, Adrienne, and to other similarly situated families and children, those millionaires would have only gotten a tax cut this year of $88,000 as opposed to $93,000.

So the Republicans in the House made a choice that they were going to deny Erin and Adrienne the tax credit. They were going to give it to the millionaires.

Now, we understand that the Senate is going to change this. The Senate has come to its senses. The Senate now understands what they have done to Erin and her daughter, Adrienne, and the impact that they are having on her ability to hold their family together. But we are also told that the majority leader, the Republican majority leader, the gentleman from Texas (Mr. DELAY) has said he is not going to do that. He is not going to pass that tax cut to Erin and her daughter, Adrienne. He is not going to do it. Republicans in the House who sponsored it originally, who voted for it, who participated have said we wanted to do this. It is a matter of equity. It is a matter of fairness. It is a matter of justice and decency for all families and all children.

It is not going to pass that tax cut to Erin and her daughter, Adrienne. He is not going to do it. Republicans in the House who sponsored it originally, who voted for it, who participated have said we wanted to do this. It is a matter of equity. It is a matter of fairness. It is a matter of justice and decency for all families and all children.

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

Mr. TANCREDO. Mr. Speaker, it is an interesting use of words that are used to describe this event, this process, this phenomenon we call a tax cut, and those who are helped and those who are hurt. And we sit here tonight and we listen to people describe the people of those who do not receive a “tax cut.”

Tax cut. Now, let us analyze those two words. A tax. Something people pay. A cut. A reduction in that amount. In the case that was just brought to us and the case that, in fact, has been characterized over and over again as the people who do not, who will not be getting this tax cut, who are purposefully left out of this tax cut. So hard-hearted on our side, we are so mean and hateful to people who make a little bit of money, very poor people, so that we decided, I know what. Let us make their life even more miserable. We will not give them their tax cut.

Mr. Speaker, it has nothing to do with this process of a tax cut. Because, of course, the people that we are talking about here, the people that are suggested are not participating in this, do not pay taxes; therefore, we cannot cut the taxes they pay. And they do not get a refund of those taxes because, in fact, they do not come to the government in the first place.

So now if you want to simply move money from one source to another, if you want to redistribute the wealth, which is, of course, part of our great tax scheme and something the Democrats have been so cozy with for so long, something they feel strongly about, something they can endorse wholeheartedly, moving money from people who pay taxes to those who do not pay taxes, that is okay. We do it all the time. It is called welfare. And that is, of course, an acceptable thing in this Nation. It is just not part of a tax cut plan.

The reality is that this is a problem we face with more than just this issue. The whole concept of what we are doing for working Americans, what we are doing with a tax cut proposal that is designed to increase the number of jobs out there. I certainly support this idea. I certainly supported the job stimulus package that was passed here in the House, and I hope that it works. It is designed to do just that. If we leave more money in the hands of the people out there to invest, to, in fact, take those jobs, I am happy.

Then people like the ones that we were talking about here earlier and that had been brought to our attention who are in the lower income levels of society, those people benefit also and that is the whole purpose of a stimulus package. It is to increase the economic benefit to all Americans, to all working Americans. That is the whole idea.

Now, let us look at another aspect of this that I never ever see in terms of this being discussed, in terms of what really could help American jobholders or those people who are job seekers, the millions of Americans who are today unemployed or underemployed, the people who are making minimum wage, the people who are desperately looking to better their lives and are wondering about, in fact, what the government can do to help.

Well, I agree that some of the things we can do to help is, in fact, propose and, in fact, pass a tax cut like we have done. But there is something else that we can do and then I would encourage all of my friends on the other side of the aisle to help us do. And that is to do something about the massive number of people who are in this country illegally and working illegally, people who are here, low-wage, low-skilled workers who have come into the United States.

There are something like 13 million, maybe more than that, who are here today employed and they are actually illegally employed. They are employed by people who know that they are here illegally but it does not matter. They take their jobs, the jobs that could be going to other Americans, and, in fact, we allow that to occur. We encourage that.

We have all kinds of loopholes in our immigration, not just in the borders that exist, not just in the fact that we have porous borders through which these people come, take the jobs that American citizens would take if they had the opportunity, and in fact, even those jobs, American citizens who are working, many of them are working for very low wages. As has been talked about tonight and over and again, that is true, but the reality is that those wages are kept low by the massive number of people who are coming into the country illegally, with low skills and, therefore, get paid low wages, and just the numbers here depress the wage base.

I would like to have people support our efforts to try and secure the borders and stop all the loopholes in our immigration law. That would help working Americans.

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

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

FAMILIES DO MATTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

His remarks will appear hereafter in the Extensions of Remarks.)
Ms. SCHAKOWSKY. Mr. Speaker, meet the Narvaez family. Maria Guadalupe Narvaez and her two daughters, Alma and Elia. Maria also has a son.

Maria Narvaez works very hard to take care of her children. As a day care teacher at the Day Care Center in Chicago, which is my District, she takes good care of other people's children, too. She cares for other people's children as if they were her own. In this picture, she is standing in front of a sign at Family Matters, a community organization in my District that helps hardworking families with a variety of services.

Sadly, the Narvaez family does not matter much to the Republican leadership. For those of us on this side of the aisle, though, her family does matter. So, too, do the families of the 12 million other children who were tossed aside by the Republican tax bill negotiators.

About 1 million of those 12 million children who were left out live with parents who are serving on active military duty, our veterans, or who have spouses serving in the Armed Forces, the very people that this House today earlier paid verbal tribute to, even as they were ripped from the tax cut bill. By the way, the tax credit we are talking about, this refundable tax credit, was started in the Nixon and Ford administrations.

Those children would have benefited in 2003 from the child tax credit provisions that the Republicans stripped from their bill in order to provide even more giveaways to millionaires.

Denying Ms. Narvaez and her three children and our heroic families from their child tax credit is unfair. It is mean-spirited and it is bad for the economy. After all, Mrs. Narvaez is not likely to invest her money in Bermuda tax havens. If the Republicans had given her the child tax credit she deserves, she would be buying shoes and clothes and other necessities for her children from local businesses. The money would have gone straight into circulation, helping the economy and creating jobs.

The Narvaez family matters to me. If it were up to me, they would get the child tax credit that they need and deserve. Unfortunately, the decision was not up to me. Maria and Alma and Elia were not ignored by accident. They were deliberately and callously disregarded.

They were included. They had been in the Family Matters program for 3 years before the Republican leadership walked away from them. Why? Because my good friends on the other side of the aisle say that they pay taxes and we do not want to reward those deadbeat, hardworking Americans who make between $10,500 to $25,000 a year, working every day, preparing dinner for their family, pushing a stroller, going to work, trying to change the IRS system into a welfare system. The one thing that we have said in this Congress all of us deserve the dignity and respect that comes from being simply a human being. All of us may come upon hard times. In fact, we have been so generous over the years that we have been willing to bail out large corporations, wealthy in their own right, but we have said we need to bail out these corporations. Many of us have said that maybe that should be called corporate welfare, but we believe that because the engine of this Nation is business that we need to provide assistance so that these corporations can survive, but yet Republicans want to denigrate hardworking Americans making $10,500 a year and deny them a child tax credit.

I am a little offended, Mr. Speaker, when someone can suggest that we are trying to change the IRS system into a welfare system. The one thing that we have said in this Congress all of us deserve the dignity and respect that comes from being simply a human being. All of us may come upon hard times. In fact, we have been so generous over the years that we have been willing to bail out large corporations, wealthy in their own right, but we have said we need to bail out these corporations.

Ms. JACKSON-LEE. Mr. Speaker, even the child tax credit that is in the bill today, do my colleagues know that, in addition to providing tax breaks to millionaires, the tax bill that we brought to the Floor provides tax breaks to the most and tosses aside those they do not care about at all. It is time for us to change the priorities of this country and give this deserving family the help that they need and want.

The SPEAKER pro tempore (Mr. WELDON) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas, as recognized by the SPEAKER pro tempore (Mr. WELDON). The SPEAKER pro tempore (Mr. WELDON). The SPEAKER pro tempore (Mr. WELDON). The SPEAKER pro tempore (Mr. WELDON). The SPEAKER pro tempore (Mr. WELDON). The SPEAKER pro tempore (Mr. WELDON). The SPEAKER pro tempore (Mr. WELDON). The SPEAKER pro tempore (Mr. WELDON). The SPEAKER pro tempore (Mr. WELDON). The SPEAKER pro tempore (Mr. WELDON). The SPEAKER pro tempore (Mr. WELDON). The SPEAKER pro tempore (Mr. WELDON). The SPEAKER pro tempore (Mr. WELDON).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I applaud American enterprise. I applaud those successful individuals who even in the backdrop of a troubled economy are making millions and millions of dollars and seeing the money roll in as they count the dollars one by one by one by one. I applaud it.

America is a capitalistic society. We encourage people to pull themselves up by their bootstraps, be creative, find businesses and roll on to success.

We have looked at a world of corporate success over the last year, the WorldComs of the world, the Enrons of the world, and the list goes on and on and on. In spite of the great successes and failures that these great corporations have had, the tax bill that we have just passed has decided to reward the wealthy in our own country.

Why? Because my good friends on the other side of the aisle say that they pay taxes and we do not want to reward those deadbeat, hardworking Americans who make between $10,500 to $25,000 a year, working every day, preparing dinner for their family, pushing a stroller, going to work, trying to change the IRS system into a welfare system.

Let me correct the record. They do pay taxes. They pay payroll taxes, property taxes, sales taxes. They pay taxes.

Even more so, they do not want to come to this floor of the House for a lousy $3.5 billion and correct the travesty that they created just 2 weeks ago.

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And do my colleagues know that, in addition to providing tax breaks to millionaires, the tax bill that we brought to the Floor provides tax breaks to the most and tosses aside those they do not care about at all. It is time for us to change the priorities of this country and give this deserving family the help that they need and want.
A previous order of the House, the gentleman from Washington (Mr. McDermott) is recognized for 5 minutes.

Mr. McDermott. Mr. Speaker, we all could bring a picture, as some of my colleagues have done, of someone who has contacted them and told them a story. Mine today was from a woman, a grandmother, who told me “I can’t understand the unfairness of this bill. Why should my son and his wife and two children not be eligible for any kind of tax relief?”

Her son works at a job where he gets $11 an hour. If you multiply that out times 40 hours a week, times 52 weeks a year, you are going to wind up around $22,000. And one of the interesting things is the answer that comes from deep in the heart of Texas, and that is “there are a lot of other things that are more important than that,” giving tax breaks to this family.

“To me, it is a little difficult to give tax relief to people that do not pay income tax.”

Now, those are the words of our distinguished majority leader on the other side, which really reveals where he is coming from. He says, if you do not pay income taxes, now, every single one, including my family and the family that the gentleman from California (Mr. George Miller) had up here and the family the gentleman from Illinois (Ms. Schakowsky) had up here, you cannot pay for Social Security and they pay for Medicare. They pay 7 percent of their paycheck for that, which means that my family that makes $22,000 a year, $1,400 in taxes into the Medicare account and into the Social Security account.

The Republicans say we are going to take that money out of the Social Security account and that money out of the Medicare account and give it to the rich people, and we are not going to give those thin dime to somebody who is working 8 hours a day, 40 hours a week, 52 weeks a year. Not one thin dime. But we are going to give his payroll taxes to the rich. That is the only way we could be $400 billion in debt this year is to keep borrowing from every account possible, including Medicare and Social Security.

Now, I want to take it a little bit further. We have got more important things to do, the majority leader said. What were those things that were more important than what we have to do today? We did not have a vote until 4:30. Oh, it is only, I suppose, a happenstance that that is when people got off the green from the Kemper Open golf course. That was what was more important than working on that issue.

Or, if you want to look at what we have done on the calendar this week, what have we done? Well, we congratulated Sammy Sosa for hitting 500 home runs. We reappointed the President of North Carolina. We dealt with some Indian water rights in the southwest. We did a land exchange in the Grand Teton National Park. We named a courthouse
Mr. KINGSTON. Mr. Speaker, I have to say the Democrats evidently are fired up tonight. They are feeling good. They think they have some rhetorical traction here. And it is all rhetoric when you listen to the Democrats, including the last Member, who said our current welfare system is a recipe for golf, which is absolutely not the case. And I resent the fact that somebody would be saying a Member of Congress was out goofing off today, particularly when it is a member who works about an 80-hour week, on average.

It is just silly, though, Mr. Speaker. The Democrat party had an opportunity to take three million low-income workers off the tax rolls 2 weeks ago, and nearly every one of them voted against it. I want to repeat that. The Democrats had an opportunity to take three million low-income workers off the tax rolls and they voted against doing it. Now, in typical fashion, the battle has been fought, the soldiers have gone home, and they are wishing to reinvent the history and say, well, you all should have done this, you should have done that. But where were they at the time? This proposal was out there and they did not do it.

But just keep in mind, only in Washington do you give a rebate to somebody who has not paid into a system. The reality is, in the real world, you get a rebate when you have paid something in. Simply put, this is just plain, simple talk. 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 conference decided that the increase will not be paid out to those too poor to have any tax liability to begin with. What the Democrats are saying is they want more refundable tax credits. Again, it is just welfare.

And maybe the welfare bill needs to be looked at again. It has been reauthorized. We know that under the Democrat leadership there were 14 million people on welfare. Today there are five million. That is a drop of nine million people off welfare under Republican leadership. Welfare reform, which all the Democrats voted against, has been a great success, but we do not get that kind of real discussion with them. Now they want to expand welfare. Maybe if their idea is a good one they should come out with a new welfare expansion bill so we can talk about it.

Here we have under our bill a family of four making $11,000, pays no income taxes, about $842 in payroll taxes, and receives a 40% exemption of the earned income tax credit. We are trying to do everything we can to reach out and help the working poor. We would like to have the Democrats help with this. Unfortunately, they do not seem to be there. As a matter of fact, this so-called tax refundability was part of the Bush 2001 tax bill, which they all voted against. So they are now mad because they voted no 2 weeks ago and they voted no 2 years ago, and they are blaming it on us.

So I am going to submit this for the RECORD, Mr. Speaker.

[The Wall Street Journal, June 4, 2002]

EVEN LUCKIER DUCKIES

The new tax bill exempts another three million-plus low-income workers from any tax liability. That's right, 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 incomes taxes for those who don't pay them.

This is the essence of the uproar over the shape of the child 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 conference decided that the increase will not be paid out to those too poor to have any tax liability to begin with.

What the Democrats apparently don't realize is that it is possible to cut taxes beyond zero. But then they don't live in Washington, where politicians regularly demand that tax cuts be made "refundable." The Democrats have written the law in such a way 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 every six children under the age of 17, families and children pushed aside to make room for the massive tax cuts to the wealthy," President Secoy SaxenaSnowe, the media's favorite Republican now that John McCain isn't actively running for President, says she is dismayed. "I don't know why, when the tax cut is big enough, they would resort to this."

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 tax cut—including the child tax cut—"will not exceed $30 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 refundable child credit addition. It expands the 10 percent income tax bracket, meaning that workers can earn more before leaping into the 15 percent bracket. This is another 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 program for the hand-picked family that actually has any remaining tax liability benefits from the extra $400 in child tax credit. Moreover, 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 if President Bush started taxing the poor on the rising by increasing the child tax credit in 2001, the bottom 50 percent of filers had next to no federal income tax liability. But don’t let workers who can’t 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, or an average credit of $1,658. Some 88% of that went to workers who had little or no income 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 cloak room, with Speaker of the House, Mr. Speaker. We want the Democrats to help us out on that. Do you think the Democrats could help us with Mr. Speaker, not that they go out of their way to ask me for my opinions, but they could help us with tax simplification. The gentleman from Georgia (Mr. LINDER) and the gentleman from Minnesota (Mr. Peterson), a Democrat, has offered to let the sugar tax bill which I think would be extremely helpful. But we cannot get much support from most of the Democrats, and certainly none of the Democratic leadership. Incidentally, Mr. Speaker, I am going to help the Democrats refresh their memory. I am pulling up the voting record. And if I get that from the cloak room before I finish tonight, I will submit it for the RECORD. For those Democrats who are demanding that this tax credit be changed, I want to make sure that they realize they voted against the original bill. The Democrats are doing for the people who have actually voted against the tax credit in other Congresses. As it happens, the tax bill does a great deal for low-income Americans paid little or no tax. “Lucky ducie,” we called this non-taxpaying class. The gentleman from New Jersey (Mr. MCDERMOTT), I cannot see offhand who voted against H.R. 1836 on May 16, 2001. This was the refundable tax credit, as the Democrats call it. I cannot ask the Speaker which Democrats were speaking tonight. I do not know if that is allowed under the parliamentary rules, so I am going to go from memory. I believe the gentleman from California (Ms. PELOSI) was raising Cain, and she voted no in the first place. The gentleman from Washington (Mr. MCDERMOTT), I cannot see offhand who voted against the tax credit in 2001. I will submit this my dear friends on the other side of the aisle can check and see how they voted. Maybe that will soften their rhetoric. Maybe they can start their speeches saying I voted against this, but you all should have done a better job even though you were against the whole way. The final vote is 216-196. We raised some hackles last year when we called this non-taxpaying class. The gentleman from New Jersey (Mr. MCDERMOTT), I cannot see offhand who voted against H.R. 1836 on May 16, 2001. This was the refundable tax credit, as the Democrats call it. I cannot ask the Speaker which Democrats were speaking tonight. I do not know if that is allowed under the parliamentary rules, so I am going to go from memory. I believe the gentleman from California (Ms. PELOSI) was raising Cain, and she voted no in the first place. The gentleman from Washington (Mr. MCDERMOTT), I cannot see offhand who voted against the tax credit in 2001. I will submit this so my dear friends on the other side of the aisle can check and see how they voted. Maybe that will soften their rhetoric. Maybe they can start their speeches saying I voted against this, but you all should have done a better job even though you were against the whole way.
Getting back to tax simplification and national sales tax, our current IRS code is 8 million words. It is something that requires something like 1.5 billion in compliance costs. That is every time you and I fill out our taxes, pay that much we owe to Uncle Sam, we pay a lot in compliance costs. That is every code is 8 million words. It is something that requires something like 1.5 billion in compliance costs. That is every time you and I fill out our taxes, pay that much we owe to Uncle Sam, we pay a lot in compliance costs. That is every code is 8 million words. It is something that requires something like 1.5 billion in compliance costs. That is every time you and I fill out our taxes, pay a lot in compliance costs. That is every code is 8 million words. It is something that requires something like 1.5 billion in compliance costs. That is every time you and I fill out our taxes, pay a lot in compliance costs. That is every code is 8 million words.
downtown area is in any way representative of the city would be gravely mistaken. How-
ever, many reporters have chosen to do just that rather than venture further out to places, no one would suggest are less than perfectly typical. The result is that these two more typical and frequent “demonstrations” involve hundreds or even thousands of Iraqis gathering to cheer U.S. troops. Admittedly, some may include people engaged in looting for money, desperate for aid, or just curious about these strange-looking foreigners. “Most children here have never seen a for-
It is a blantly bizarre expectation of how quickly a conquered city should return to normal.

Some editors (or their readers) can unconsciously misconstrue the facts on the ground. For instance, David

Zucchino of the Los Angeles Times, who like me is embedded with the 4th Battalion of the 64th Armor-
ded to go to America; now America has come here!" An
other told me with a smile, “Everyone here wanted to go to America; now America has come here!"

More irritating is the myth constantly re-
peated by antiwar columnists that the mil-
itary killed and destroyed—in particular, in the
areas near the hospitals and the national museum—
while guarding the Ministry of Oil. The mu-

A very typical piece of reporting on the “de-
struction” in Baghdad came from the Wash-
ington Post’s Rajiv Chandrasekaran on April 22, which repeated all the usual gossip about the night before and then quoted a Jaward, a professor of political science at
Baghdad University: “The Iraqis had very high hopes for the Americans,” Jaward told him.

But all this euphoria about change, all this relief, went away when they saw the amount of destruction to the infrastructure of the country and the carelessness of the Americans to the Iraqis’ day-to-day lives. Yes, euphoria is bound to dissipate, but there’s no sign it has yet. More important, what infra-
structure destruction? The reporter lets the occupation disputed but must be aware that roads, bridges, power stations, and rail lines were all left untouched and in-
tact by U.S. forces. The exception was power substations that fed key government build-
ings and broadcasting facilities (unless you count army bases and secret police head-
quarters as “infrastructure”).

But my favorite mad media moment was when an AP journalist turned up in a car heading to the Ministry of Information, the top floor of which was on fire. “Why aren’t you putting it out?” she asked the com-
demned of Sgt. William Moore. He looked at me and said, “Hell am I supposed to do that?” Turning away, I said, “No, Piss on it!”

It is true that the military has been slow in some respects to make the transition to an occupation role. And the senior brass here, and at CENTCOM have a lot of explaining to do about their planning for postwar opera-
tions—the Army arrived here with virtually no Arab speakers and even after two weeks there were only a handful. But as Gen. Buford Blount of the 3rd Infantry Division pointed out the same day as the Ministry of Infor-
mation was on fire, no further than a week before we were in combat here,” and the media have bizar-

ly high expectations about how quickly a conquered city should return to normal. Even some of the editors (or their readers) can unconsciously misconstrue the facts on the ground. For instance, David

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mate within the ruling class in America is different from the moral cli-
mate within the ruling class of Hitler’s Germany.”

Here is Janeanne Garofalo, another actor, “So when I see the American flag, I go, ‘Oh my God, you’re insulting me.’”

Here is Whoopi Goldberg, “I don’t really view communism as a bad thing.” That is an interesting view, but communism was not in question in the war on Iraq, but that has never stopped Hollywood, if you do not know the facts, still jump in as long as you have the microphone.

Here is somebody named Chrissie Hynde, “Let’s get rid of the economic (expletive) this country represents. Bring it on, I hope the Muslims win.”

Here is Oliver Stone, “Bin Laden was completely protected and really focuses more on ro-
ing and looting and kind of mis-
representing the nature of things.

One report said, for example, that looting was going on in an unchecked frenzy, and that was not the case at all, and my marines really re-
turned. I want to submit this also for the RECORD, but it just goes to show that even now the left cannot let it rest.

Their first reaction after 911 was why do they hate us, as if people in the World Trade Center were somehow to blame for a madman flying a plane into their office building.

Then we heard if we go to war, it is going to be America versus all the Islamic states. We are going to have the west versus Muslims. That did not happen. Then they said we are going to have thousands and thousands of our finest young and men returning home in body bags. That did not hap-

Then when we started up the Euph-
raes River, they said the worst fighting was yet to come up to the towns, oh, it is the plan, it is the plan. And then it seems like every retired general who is looking for a little media time who wanted to dissent could get on nightly news and say what was going wrong in Iraq.

The Americans know, we won, and they jump on a 23-year-old marine corporal because before tearing down the Saddam Hussein statue, he puts an American flag on it. Then the statue was gone. No one ever talks about the looting, and that is the way, unfortunately, the media looks at the world and looks at America. It is the blame America first crowd.

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The Americans know, we won, and they jump on a 23-year-old marine corporal because before tearing down the Saddam Hussein statue, he puts an American flag on it. Then the statue was gone. No one ever talks about the looting, and that is the way, unfortunately, the media looks at the world and looks at America. It is the blame America first crowd.
media. I was actually born in Texas, and I live in Georgia right now. I used to be a Dixie Chicks fan; I am not any more. I will say this, and I am speaking as a native-born Texan, but if the Dixie Chicks are ashamed that President Bush is from Texas, I have news for them. I was ashamed that you all are from Dixie. I will say in addition to that, if you do not like it, go sell your records in Paris, and I am sure they will really like it over there.

There is a big debate going on now about who is going to help rebuild Iraq. I think that there is a humanitarian role for the U.N., but I want to point out if the U.N. is left completely in charge, they do not have such a great track record. We have been out of Kosovo for 4 years. Kosovo is a country that used to export electricity, and now they have to have rolling blackouts. Every 4 hours in Kosovo, you have to turn off your lights.

The U.N. also requires when they have free elections, that 30 percent of the candidates need to be female. They might not get that percent. Referenda are supposed to decide that, not some politically correct U.N. mandate.

They have also discouraged private investment, insurance companies and so forth, are discouraged from investing in the rebuilding of Kosovo. If you do not encourage companies investing, you do not get bank loans. If you do not get bank loans, you do not get outside investors. So the Kosovo rebuilding under the U.N. has not gone well, and that is why it is important for America to keep its presence there.

I want to say to France and Russia and to the other countries who oppose what we are doing, we are not going to kick you out of the rebuilding process, it is just when you come, bring your own checkbook.

In terms of the Brits and the 49 other countries that have a role in the coalition, we want them there. It is very important.

I want to read a letter from one of my constituents, Mr. Bob Braddy. He wrote a letter to Prime Minister Tony Blair in the U.K. and he says, “Dear Mr. Prime Minister, Recognizing you are extremely busy with your country’s business and world affairs, my family and I wanted to take a moment to thank you for your support of George Bush and the United States with regards to the Iraq situation.”

“Your steadfastness and determination along with the coalition of nations will have historical ramifications for that country that will take generations to unfold and benefit the Middle Eastern area.”

“You thank you so much and Godspeed to you in all the days to come.

Sincerely,
ROBERT J. BRADDY.
LONDON SW1A 2AA.

Thank you for your kind words and many wishes. I appreciate you taking the time to write. My best wishes to you and your family.

TONY BLAIR.

That is an example of the grass roots affection that goes on between Americans and the Brits. We do not feel that way about every country in the world, and that is okay, too. But we want to work together on what is best for Iraq and what is best for world affairs.

I also wanted to talk about some of the other initiatives that we have going on in the House. The House continues to be very productive. We have passed already some medical liability reform, tort reform to stop frivolous medical lawsuits. If you talk to any doctor, hospital or health care provider, they will tell you that one of their biggest expenses these days is fear of frivolous medical lawsuits.

The interesting thing is that in 70 percent of these claims, no payment ever makes it to the injured party. When it does, when money does get to them, it is an average of only 50 cents on the dollar.

Our bill caps some of the benefits, not the economic loss but some of the noncompensatory losses. It is modeled after a law in California which has held down frivolous medical lawsuits. I hope that the other body will take this up and do something about it, because it is very important to keep down the cost of health care.

We are also going to look at asbestos liability reform. An interesting note is that right now asbestos lawsuits, there are about 200,000 pending in Federal courts. Ninety thousand new ones are filed every year. Of those 90,000 new claims, 80 percent of them have no injury involved. Ninety percent of the claimants are not even hurt. Interestingly enough, 95 percent of them are filed in six counties in the United States in the Middle East.

"Thank you so much and Godspeed to you in all the days to come.

"Sincerely, Mr. Robert Braddy."

And Tony Blair wrote him back, “To Dr. Braddy, Thank you such your kind words and good wishes. I appreciate you taking the time to write. My best wishes to you and your family.” It is signed Tony Blair.
tongue around, a great way to get rid of the traffic jams on 395 in Washington, D.C. There is also a contraption that has already been built that if you think about it maybe like this, a letterbox, the size of a phone booth, that you stuff your mail in. It is a miniaturized spacecraft. It will go about 40 miles an hour and has a range of about 100 miles, right out of Johnny Quest which I know, Mr. Speaker, you have no idea who Johnny Quest was but I know that he flew around in these things. I am looking forward to that. It will get the kids out of the house. It will be fun.

There are so many things that the private sector is doing in the name of research right now. We are putting a lot of money in our energy bill, into more inventors and waveforms of stretching out that energy dollar. The final component of our energy bill is conservation. My dad was raised in Brooklyn during the Depression, and one of the things he taught us in Athens, Ga., do not leave the room with the light left on. You do not brush your teeth with the water flowing out of the faucet. You take care of the stuff because it is all money. My dad was an early environmentalist, and he did it, because he made sure that we used as little energy as possible. And we recycled all kinds of things. But as I drive down Independence Avenue or Pennsylvania Avenue in Washington, D.C. and I see buildings, guess whose buildings have every single light left on? The Federal Government. You can drive by the Department of Energy, and I hate to say it, it does not matter who is in charge, Democrats or Republicans, the lights are left on. We have got to turn the light there. The Federal Government need to lead the way in conservation. That is part of our energy bill, is credits for smart buildings, credits for energy-wise construction and all kinds of things like that. I hope that the other body will take this important piece of legislation up.

We also have other things that we have passed, such as the healthy forests initiative, very important. We have some endangered species relief for our birds, a very good package. We have Medicare coming up, Medicare reform which will have a prescription drug package. We are going to have some post office reform coming up. A lot of things for veterans. The left does not like it but we did increase veterans health care spending by about 12 percent. I believe they all voted against that. The gentleman from Pennsylvania says yes. We are going to continue to stand up and do everything we can on those flies. It is a mid-ponent of the veterans history project which the Library of Congress is initiating and was passed under Republicans in the House. The great thing about the veterans history project is if you are a veteran of any war and you have a story to tell, not necessarily a glorious story but we want to know about your experience in the war, contact the Library of Congress, contact your local Congressman and we can arrange it that your great grandchildren can go back and see what you did in the war.

Mr. Speaker, in closing I want to commend the gentleman from Pennsylvania on his work on the defense authorization. It is a great bill, and also for touching the sensitive area of training in the areas where there are endangered species, because I think you have got a good balance in there but many people do not understand it is tough to follow the gentleman that our military does has greatly been hampered by the possibility that a species may be there and it is not even confirmed that they are. I represent Fort Stewart. They have a big problem with the red-cockaded woodpecker.

1. PAST IRAQI USE OF WMDS

<table>
<thead>
<tr>
<th>Date</th>
<th>Area used</th>
<th>Agent</th>
<th>Casualties</th>
<th>Target pop.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983</td>
<td>Maj Ummar</td>
<td>Mustard</td>
<td>&lt;100</td>
<td>Kunits/ Kunits/ Kunits/ Kunits/</td>
</tr>
<tr>
<td>1983</td>
<td>Fadouja</td>
<td>Mustard</td>
<td>3,000</td>
<td>Kunits/ Kunits/ Kunits/ Kunits/</td>
</tr>
<tr>
<td>1984</td>
<td>Majestan</td>
<td>Mustard</td>
<td>2,500</td>
<td>Kunits/ Kunits/ Kunits/ Kunits/</td>
</tr>
<tr>
<td>1985</td>
<td>Al-Bazrah</td>
<td>Talban</td>
<td>50–100</td>
<td>Kunits/ Kunits/ Kunits/ Kunits/</td>
</tr>
<tr>
<td>1985</td>
<td>Rasheen</td>
<td>Mustard/ Tabun</td>
<td>3,000</td>
<td>Kunits/ Kunits/</td>
</tr>
<tr>
<td>1986</td>
<td>Al-Faw</td>
<td>Mustard/ Tabun</td>
<td>8–10,000</td>
<td>Kunits/ Kunits/ Kunits/ Kunits/</td>
</tr>
<tr>
<td>1986</td>
<td>Umur al-Rasas</td>
<td>Mustard/ Tabun</td>
<td>5,000</td>
<td>Kunits/ Kunits/ Kunits/ Kunits/</td>
</tr>
<tr>
<td>1987</td>
<td>Al-Bazrah</td>
<td>Mustard</td>
<td>5,000</td>
<td>Kunits/ Kunits/ Kunits/ Kunits/</td>
</tr>
<tr>
<td>1987</td>
<td>Sumer/ Mehnan</td>
<td>Mustard/ Nerve/ Mustard/ Nerve/</td>
<td>3,000</td>
<td>Kunits/ Kunits/ Kunits/ Kunits/</td>
</tr>
<tr>
<td>1988</td>
<td>Nisib/ Rasas</td>
<td>Mustard/ Nerve/ Mustard/ Nerve/</td>
<td>800</td>
<td>Kunits/ Kunits/ Kunits/ Kunits/</td>
</tr>
</tbody>
</table>

2. AMOUNT OF WMDS IRAQ ADMITS HAVING

<table>
<thead>
<tr>
<th>Weapon</th>
<th>Effect</th>
<th>Quantity Iraq claimed</th>
</tr>
</thead>
<tbody>
<tr>
<td>VX</td>
<td>Nerve Agent—Paralysis and Death</td>
<td>3.0 Tons, 3.08 Tons</td>
</tr>
<tr>
<td>CV</td>
<td>Nerve Agent—Blister Agent</td>
<td>3.08 Tons, 3.08 Tons</td>
</tr>
<tr>
<td>Anthrax</td>
<td>Bacillus Anthracis</td>
<td>220 Gallons</td>
</tr>
<tr>
<td>Botulinum</td>
<td>Bacillus Botulinum</td>
<td>5,100 Gallons</td>
</tr>
<tr>
<td>Aflatoxin</td>
<td>Bacillus Aflatoxin</td>
<td>570 Gallons</td>
</tr>
</tbody>
</table>

Mr. Speaker, the facts cannot be refuted. Saddam Hussein was responsible for killing over 20,000 human beings by using weapons of mass destruction. What were they? Mustard gas, tabun, nerve gas. From 1983 to 1988, known facts in this chart which our colleagues can read tomorrow in the CONGRESSIONAL RECORD are the specific dates, the locations and who was killed. And who was killed? Iranians and Kurds. Innocent people. And what did Iraq admit when in 1991 they in fact were kicked out of Kuwait? What did they tell the U.N. they had? They told the U.N. they had VX, which is a nerve agent, causes paralysis and death. In fact, they publicly said we have 3.9 tons of VX. They said they had sarin gas, nerve agent, causes paralysis and death, 812 tons. They said they had mustard gas, a blister agent, burns the skin, eyes and lungs, 3,091 tons. They said they had anthrax, a biological agent, lung infection and death, 2,200 gallons. They said they had Botulinum, a biological agent, death if inhaled or digested, 5,300 gallons; and they said they had Aflatoxin, another bioagent that causes liver cancer, 520 gallons.

Mr. Speaker, this was the leadership of Iraq publicly telling the U.N. what weapons of mass destruction they had. For my colleagues and friends to stand up here and say they do not have any weapons of mass destruction and therefore the administration lied is just wrong and it is really unfair. In fact, every major debate involving the
events leading up to the war in Iraq, both on the Democrat and the Repub- lican side in this body and the other, they were not arguing over whether or not there were weapons of mass de- struction, they were arguing over whether or not there were weapons of mass destruction? First of all, the argu- ments continue or in fact get more time or whether we should follow the Presi- dent's lead because the time had run out. Because we have not found any- thing since the war ended, their ral- lling cry is, well, where are the weap- ons of mass destruction? And you are talking about a country the size of California, which is an ex- tremely large area to go through, to look in every school, every under- ground complex, every building. And we already have found two trailers that we know were used for the development of weapons of mass destruction. The fact is we are going to continue to look and I am convinced that we will find additional evidence of weapons of mass destruction. But to say that they had no weapons of mass destruction is ridiculous. I have put in the RECORD to- night the documentation of what we have in fact verified, what the U.N. has verified.

But let me get to another point for those who criticize the President. What about Saddam’s record of human rights violations? My colleagues on the other side were quick to support Bill Clinton 4 years ago when he decided we should go to war in Yugoslavia, an inde- pendent nation, because he decided the human rights record of Slobodan Milosevic was so bad that we should re- move him with force. Incidentally and ironically coerced by both the French and Germans, we decided not to go to the U.N. but to bypass the U.N. because the Russians were going to issue a veto of any U.N. resolution and for the first and only time ever in the Clinton ad- ministration, we used NATO, which is a defensive body, for an offensive pur- pose. So, Mr. Speaker, when we went to Yugoslavia, we invaded a country, the U.S. invaded a non-NATO coun- try to remove the sitting head of state. Why? Because he had weapons of mass destruction? No. Because he was com- mitting human rights violations.

In the case of Saddam Hussein, every organization on the face of the earth, from Amnesty International to the U.N., has clearly stated that Saddam Hussein’s human rights record is far worse than anyone since Adolf Hitler. And so this argument being put forth by the left that somehow the Bush ad- ministration was not truthful with Congress and the American people leading up to the war is just plain wrong.

It is a case to try to be used by the candidates running for the nomination of the other party to try to get some kind of traction or leverage against President Bush.

The fact is, we did what we did be- cause Saddam Hussein had a terrible human rights record, he used weapons of mass destruction. We wanted to make sure he never had that chance to use them again, and that is exactly what we have accomplished.

Mr. Speaker, the real and primary purpose of my special order tonight was this. Now that we have made it very clear that we are not going to negotiate, that we are not going to go back and agree to start over, that we have finally had our way, we got back yesterday, from North Korea, the Democratic People’s Repub- lic of Korea.

Mr. Speaker, no one from America in an elected capacity had been to Pyongyang for the past 6 years. And in fact the only contacts we have had with the leadership of DPRK has been through our State Depart- ment diplomats. We had a team there almost a year ago, or last fall, actu- ally, and we had our Assistant Sec- retary of State, Secretary Kelly, meet in Beijing to have further discussions with North Korea.

About a year ago, Mr. Speaker, I de- cided it was important that the Con- gress attempt to understand what was happening inside of DPRK, because of the tensions building between North and South Korea. I wanted to make sure we did not end up in another con- flict. So I set out to take a delegation of 13 of our colleagues into Pyongyang last fall.

We sat in Beijing and we sat in Seoul for 4 days waiting for the visas to be approved. They never came. The reason given by the North Korean government was that President Bush had referred to North Korea as a part of the axis of evil, and, therefore, they did not think it right we should be allowed admittance to their country.

But, Mr. Speaker, I persevered, and throughout the last 12 months traveled up to the UN on at least two occasions, met with the Ambassador for the DPRK mission at the UN, Ambassador Han, the only representative of North Korea allowed in America, and I talked to him about taking a delegation.

But, Mr. Speaker, I persevered, and throughout the last 12 months traveled up to the UN on at least two occasions, met with the Ambassador for the DPRK mission at the UN, Ambassador Han, the only representative of North Korea allowed in America, and I talked to him about taking a delegation.

I used seven or eight individuals and groups that have contacts inside of North Korea to convey the message that it was more important for us to bring in a delegation of non-diplomats. There was an added sense of urgency because our intelligence community gave the evidence to the State Department that in fact North Korea had an active nu- clear weapons program under way, which was a clear violation of the 1994 agreement upon which the nuclear talks was negotiated in the Clinton administration.

So, for all of those reasons I kept the pressure on to take a group into Pyongyang to meet with the officials of that country, not as diplomats, not as representatives of the State Depart- ment, but as elected officials from our country, to put a face on the American people and to tell the people of North Korea that none of us want war, none of us want conflict.

Approximately 10 days ago, Mr. Speaker, at the 11th hour, after I had planned a trip to Moscow and then on into North Korea, we were ini- tially told that no delegation into my country. Very quickly we reassembled a team, three Democrats and three Repub- licans, and traveled to Pyongyang on a naval aircraft. The Navy did a fan- tastic job in providing support to us. We left on a Wednesday evening and flew all night. The trip took us about 30 hours, with the fuel stops that we had to make in the C-9 we were traveling in, and we arrived into Pyongyang, North Korea, from a stop in Japan, at approximately 9:30 a.m. last Friday.

For 3 days, we were hosted by the leadership of the Ministry of Foreign Affairs of the DPRK regime.

Mr. Speaker, I would say at the outset that we left it very clear, we were not going in to represent the President of the United States, nor the State Department. We were not going in to do any negotiations. We were simply going in to put a face on America and so that the leadership of DPRK that has been so outrageously nasty within their country toward America and the American people should see who we are, not as diplomats, but as ordinary people.

The three Democrats and the three Republicans who went to Pyongyang made it be known that we were not going to negotiate because that is not our position, and in fact we were going in supporting the position of President Bush and Secretary Colin Powell, that a mul- tilateral approach to dealing with North Korea in the end had to be the vehicle, the way to get this issue of this nuclear threat under control.

Our goal was to put the human face on, and we did. In fact, during the 3 days that we were in Pyongyang, North Korea, it was an unbelievable experi- ence. I had asked in advance, Mr. Speaker, to visit 10 sites so that we would not just be taken where they wanted to go, but rather we would pick the type of sites that we would like to see. In fact, half of those sites they agreed to and we visited.

One was a school, a school with 1,800 children from the age of 3 years to 18 years. It was an impressive sight, a model school for the country. But it gave us an understanding of the support of the DPRK government to edu- cate their children.

The second was the Pyongyang Com- puter Center, which we were told was coming in the downtown city area that are used to develop North Korea’s technology and information and the use of com- puters.
We had to visit a film studio because the leader of North Korea, Kim Chong-Il, has a major interest in producing video productions, actually movies. He does not import any from the West for his people because society in North Korea is totally closed. So I thought it would be really interesting to visit the movie houses of North Korea, which are dedicated toward thepropaganda message and the message of the North Korean leadership. So we visited that facility.

We had a shopping visit to interact with the ordinary people that were in the city. We worshipped in a church in a Protestant church on a hill near our hotel.

Mr. Speaker, on the last day we were there, we were scheduled to meet with the Minister of Trade, but I asked the delegation the night before if they wanted to do that meeting, and they said not really. So I told the representative who handles U.S. issues for the Ministry of Foreign Affairs that we did not want to go to the meeting with the Minister of Trade, but instead on Sunday morning we wanted to go to church.

They agreed. They picked us up at our hotel at 9:45 in the morning, and six Members of Congress went to church in a Protestant church on a hill in North Korea, in the middle of this closed society, where there were pictures of Kim Chong-Il or Kim Il-Song, his father, but rather were crosses, and with 300 people we worshipped in a Protestant church, much like churches all over America do every Sunday morning. So we had a good glimpse of this closed society.

Let me say, Mr. Speaker, I have visited the Soviet Union when it was communist many times and I visited China under its communist system. North Korea is different. Once we were looking to pictures of their worst days of communism look like an open society. It is an absolutely closed society to the outside world, no access to outside media, no access to newspapers, totally closed. In fact, limitation on people traveling in is also closed.

But, Mr. Speaker, we are in a tense situation right now, because North Korea has admitted publicly in our meetings that we held that they have nuclear weapons today. They admitted that they are reprocessing the 8,000 nuclear rods from their nuclear power plants and they admitted that that reprocessed nuclear weapons grade fuel will be used to build more nuclear weapons.

Mr. Speaker, the fact is that if North Korea uses the fuel from those 8,000 rods, they will have the ability within a year to build four to six additional nuclear weapons. That is unacceptable, Mr. Speaker. I hope we have to aggressively at this point in time move in to find a common way to solve the nuclear crisis that exists between North Korea and the rest of the world.

The thing I wanted to mention to our colleagues, and after meeting with the foreign minister, the speaker of their parliament called the Supreme People’s Assembly and the vice foreign minister, I came away convinced that we in fact can find a way to get the North Koreans to give up their nuclear capability.

Tomorrow morning I will talk to Secretary Powell on the phone, and I will relay to him the exact details of what I think could become the basis for his experts and professionals to conduct negotiations that I think that the President and the Secretary of State have defined to allow us to move away from the brink of nuclear war.

Mr. Speaker, the alternative is unacceptable. The alternative would be for North Korea to continue to develop nuclear weapons. If we try an economic embargo, they would likely offer to sell their nuclear weapons to other nations, rogue groups, terrorist organizations. That is unacceptable.

A regime change by means of war I think is unacceptable, at least until we make every possible effort to find a way to convince the North Koreans, as President Putin and Chinese President Hu Jintaohave said, to have them renege on nuclear weapons from the Korean Peninsula.

Mr. Speaker, I would like to include the trip report, and I would like to thank our congressional delegation, the gentleman from Texas (Mr. REYES); the gentleman from New York (Mr. ENGEL); the gentleman from South Carolina (Mr. WILSON); the gentleman from Florida (Mr. MILLER). They were a dynamic team, and together we have now brought back to our colleagues the knowledge and a fuller understanding of this nation that has been so secretive.

But more importantly, we bring back to America the possibility that we can resolve this nuclear crisis on the Korean Peninsula through peaceful discussions and through peaceful resolution. Hopefully, Mr. Speaker, under the leadership of our great President and our Secretary of State and Condoleezza Rice, we will in fact this year be able to solve this very difficult challenge in a peaceful way.

The material referred to earlier is as follows:

U.S. CONGRESSIONAL DELEGATION (CODEL) WELDON VISIT TO NORTH AND SOUTH KOREA—DEMOCRATIC PEOPLES REPUBLIC OF KOREA (DPRK) AND REPUBLIC OF KOREA (ROK), MAY 30–JUNE 2, 2003

OVERVIEW
North Korea DPRK

The delegation was the largest congressional delegation to visit the DPRK and the first CODEL to visit the DPRK in five years. The visit occurred during a period of escalating tensions between the DPRK, the United States, and nations resuming the nuclear crisis that exists between North Korea and the rest of the world. The thing I wanted to mention to our colleagues, and after meeting with the foreign minister, the speaker of their parliament called the Supreme People’s Assembly and the vice foreign minister, I came away convinced that we in fact can find a way to get the North Koreans to give up their nuclear capability.

The DPRK leadership that their brief is that the DPRK is the heart of the question. If the U.S. would find regime change in different nations very attractive . . . and is trying to have regime change only by one way. But more importantly, we bring back to America the possibility that we can resolve this nuclear crisis on the Korean Peninsula through peaceful discussions and through peaceful resolution.

The DPRK finds regime change in different nations very attractive . . . and is trying to have regime change only by one way. But more importantly, we bring back to America the possibility that we can resolve this nuclear crisis on the Korean Peninsula through peaceful discussions and through peaceful resolution. Hopefully, Mr. Speaker, under the leadership of our great President and our Secretary of State and Condoleezza Rice, we will in fact this year be able to solve this very difficult challenge in a peaceful way.

The material referred to earlier is as follows:

The DPRK
Putin statements calling for a nuclear free Korean Peninsula. The DPRK, Vice Minister Kim, acknowledged this as a valid point, but indicated that the other nations can rely on the U.S. to provide a non-aggression treaty, while the DPRK has no such option.

A major issue often voiced by DPRK officials remains a requirement on their part to achieve a multilateral framework to be dealt with in a multilateral framework. The delegation also cited their belief that certain issues are too serious to be dealt with in a multilateral framework. The delegation also cited their belief that certain issues are too serious to be dealt with in a multilateral framework.

In the discussions because of their belief that certain issues are too serious to be dealt with in an international framework. The delegation also cited their belief that certain issues are too serious to be dealt with in an international framework.

The DPRK officials stated their belief that the situation can only be resolved by acceptance of the current leadership—coexistence and dialogue. And in the meantime it intends to continue developing its “restraint capability” (nuclear deterrent). "We have tried and failed. Our willingness to meet in Beijing in April shows our flexibility to save face, showing our flexibility and sincerity to solve the issues we have not had concrete results. The Bush Administration has not responded to our request for bilateral talks—they are more focused on our first giving up our nuclear programs. This causes us to believe that the Bush Administration has not changed its policy about disarming my nation... We want to conclude a non-aggression treaty between the two countries and avoid a military strike on my country."

The DPRK officials explicitly confirmed their nation’s possession of nuclear weapons and repeated previous public statements regarding the reprocessing of the 8,000 spent fuel rods from the Yong Byon facility. They also indicated they will use the reprocessed materials for making weapons. They further indicated that the only option open to them, given their interpretation of the Axis of Evil and U.S. refusal to engage in bilateral discussions, “is to strengthen and possess re-straint (deterrent) capability and we are putting that into action. I know some say we possess dirty weapons. We want to deny them dirty ones... I apologize for being so frank, but I believe you have good intentions and we are not blackmailing or intimidating the U.S. side. We are not in a position to blackmail the U.S.—the only super power. Our purpose in having a restraint (deterrent) is related to the war in Iraq. This is also related to statements by the hawks within the the U.S. Administration. Our lesson learned is that if we don’t have nuclear restraint (deterrent), we cannot defend ourselves.”

The DPRK officials maintained their national program is only for deterrence and not for proliferation. They explained that “we only wish to be left alone. The nuclear issue is directly linked to the security of our nation... We need frank exchange on nuclear policies. If you are serious about economic sanctions, we will not escalate them. Economic sanctions would be viewed as a proclamation of war.”

Attachment 1

CODEL WELFON—Members of Congress: Curt Weldon (R-PA); Solomon Ortiz (D-TX); Silvestre Reyes (D-TX); Joe Wilson (R-SC); Jeff Miller (R-FL); Eliot Engel (D-NY). Professional Staff: Doug Roach; Bob Lautrup.

State Department Interpreter: Tong Kim, Navy Escorts: Commander Lorin Selby; Lt Commander Dale Henders; Lt Frank Cristinio; Lt Tamara Mills.

Attachment 2

DPRK—PAEK, Nam Sun, Foreign Minister; KIM Gye Gwan, Vice Minister, Ministry of Foreign Affairs; CHAI Tae Bok, Chairman, Supreme People’s Assembly (SPA); CHO, Seung J, Director General, Bureau of U.S. Affairs, Ministry of Foreign Affairs; RHEE Taeg Yoon, Director General, Bureau of U.S. Affairs, President of SPA; PAK Myong Guk, Director of U.S. Affairs, Ministry of Foreign Affairs; ROK—ROH, Moo-Hyun, President; YOON, Foreign Minister; LEE, J ae-joung, Member, National Assembly; SONG, Young-gil, Member, National Assembly; LEE By-young, Member, National Assembly; PARK, Jin, Member, National Assembly; KIM, Suh-woo, Member, National Assembly; KIM, Suh-sung, Member, National Assembly; SOHN, J ang-nai, former Ambassador to Indonesia; Thomas C. Hubbard, U.S. Ambassador to ROK; General Leon LaPorte, Commander, USFK.

HEALTH DISPARITIES AMONG MINORITIES

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 7, 2003, the gentleman from Illinois (Mr. Davis) is recognized for the remaining time before midnight as the designee of the minority leader.

Mr. DAVIS of Illinois. Mr. Speaker, I had planned to talk about health care as a result of the Congressional Black Caucus’ chairman, the gentleman from Maryland (Mr. Cummings), coming to Chicago on Sunday to participate in a forum dealing with health care issues that is going to be held at the Illinois Institute of Technology.

But listening to much of the discussion this evening as special order speeches have been made talking about tax cuts and tax breaks and which groups got them and which groups did not, I could not help but be reminded of the fact that President Bush has been in office now for about 2 years after being selected by the Supreme Court, and has actually presided over one of the worst downturns in our Nation’s history. We have lost 2.7 million jobs, as many as 500,000 in the last 2 months. The only thing I have heard the Republicans give is, tax cuts, tax cuts, and more tax cuts as we have gone from a surplus to a $350 billion deficit, the largest deficit in the history of this country.

I hear people talk about what will happen for small businesses, and 52 percent of small business owners will only get between zero and $500. Seventy-nine percent of the benefits will go to individuals who have incomes of over $100,000. Twenty-nine percent of the population will go or 29 percent of the breaks will go to individuals who make more than $1 million.

More than two-thirds of the tax cuts will go to the top 10 percent of the population, and over 50 percent of the tax cuts will go to the top 5 percent of the population. The bottom 60 percent of the population will only get 8.6 percent, averaging less than $300 a year for the next 4 years. The average reduction for the richest 1 percent will be $103,899 for 4 years. Thirty-nine-percent will go to this tiny group. The best off 1 percent of the population will get 52 percent of the benefit.

I am not one that always pays a great deal of attention, but oftentimes
I do read them, to what newspapers have to say about these proposals and what we are doing. But as we talk about the need to stimulate the economy, I was reading the New York Times on May 9, and they indicated or they reported, that the unemployed families, of course, would be the quickest to spend the money to help provide some of the stimulus the Republicans claim is their first priority. Instead, the GOP remains fixated on high school, and do not have insurance, we end up in school. If we are not in good health, the way to accomplish this and the only real way is through enactment of a national health plan, where everyone is in and nobody is out. And as much of a problem that we have across the board with health care and health insurance, when it comes to some population groups, especially when it comes to minorities, nowhere are the divisions of race, ethnicity, and culture more sharply drawn than in the health of the people in the United States.

Despite recent progress in overall national health, there are longstanding disparities in the incidents of illness and death among African-Americans, Latino/Hispanic-Americans, Native Americans, Asian-Americans, Alaskan Natives and Pacific Islanders as compared with the U.S. population as a whole. We can point to 6 areas in particular: One, cancer; two, cardiovascular disease; three, infant mortality; four, diabetes; five, HIV/AIDS; and six, child and adult immunizations, aggressively.

Cancer, for example, research shows in general that people of diverse racial, ethnic, and cultural heritage are less likely to get regular medical check-ups, receive immunizations, and be routinely tested for cancer when compared with the U.S. population. Cancer deaths are disproportionately high among Latino/Hispanic-Americans and African-Americans. Vietnamese women are 5 times more likely to have cervical cancer and these-Amerinds are 2 times more likely to have liver cancer.

Cardiovascular disease. Disparities exist in the prevalence of risk factors for cardiovascular disease, coronary heart disease and stroke. Racial and ethnic groups have higher rates of hypertension, tend to develop hypertension at an earlier age, and are less likely to undergo treatment to control their high blood pressure.

Mexican-American men and women have elevated blood pressure rates. Obesity continues to be higher for African-American and Mexican-American women. Only 50 percent of Native American, 44 percent of Asian-Americans, and 38 percent of Mexican-Americans have had their cholesterol checked within the past 2 years. Coronary heart disease mortality is higher for African-Americans. Stroke is the only leading cause of death for which mortality is higher for Asian-American males.
We look at infant mortality, current studies document that despite advances, African-American and Native American babies still die at a rate that is 2 to 3 times higher than the rate for white Americans. Infant mortality is really a measure of how health professionals use to measure quality of life. If infant mortality is high, it usually means that the quality of life is low. If infant mortality is low, it usually means that the quality of life is high.

Statistics revealed that among Native Alaskan and Native American children, the incidence of sudden infant death syndrome, SIDS, is more than 3 to 4 times the rate for white American babies. And while the overall infant mortality rate has declined, the gap between black and white infant mortality rates has widened.

Diabetes, studies indicate that diabetes is the 7th leading cause of death in the United States. Approximately 16 million people in the U.S. have diabetes. African Americans and Hispanic Americans are 1.7 times more likely, Latino Hispanic Americans are 2.0 times more likely. The African Americans and Hispanic Americans are 2.8 times more likely to have diabetes than whites. The Pima tribe of Arizona has the highest known prevalence of diabetes of any population in the world. Native Americans and African Americans have the highest rates of diabetes-related complications such as kidney disease and amputation as compared to the total population.

HIV/AIDS, recent data from prevalence surveys and from HIV/AIDS cases surveillance continue to reflect the disproportionate impact of the epidemic on racially, ethnically and linguistically diverse populations, especially women, youth and children. The American Indians and Hispanic Latino group accounted for 47 and 20 percent of the new HIV infections and AIDS cases results from intravenous drug use. For Hispanic Latino groups, 29 percent of new HIV infections and AIDS cases result from intravenous drug use. Seventy-five percent of HIV/AIDS cases reported among women and children occur among diverse racial and ethnic groups.

Six, child and adult immunizations. Statistics from the President's Initiative on Race reveal that for the most critical childhood vaccines, vaccination levels for preschool children of all racial and ethnic groups are about the same. However, immunization levels for racial and ethnic groups are lower.

School age children and elder adults of diverse racial and ethnic backgrounds continue to lag when compared to the overall vaccination rates for the U.S. general population. While 79 percent of white preschoolers are fully immunized by 2 years of age, only 74 percent of African American and 71 percent of Hispanic Latino children, including preschoolers and school age children, are fully vaccinated against childhood diseases.

Annually, approximately 45,000 adults die of infections related to influenza, pneumonia infections and hepatitis B, despite the availability of preventive measures. There is a disproportionate amount of vaccine preventable diseases in racial, ethnic and underserved populations. Although the reasons for these disturbing gaps are not well understood, it appears that disproportionate poverty, discrimination in the delivery of health services and the failure of health care organizations and programs to provide culturally competent health care to diverse racial, ethnic and cultural populations are all contributing factors.

For people under 65, blacks and Hispanics have a higher percentage of being uninsured than whites; 12.7 percent compared with the rates for uninsured; 22.8 percent of blacks are uninsured; and 24 percent of Hispanics are uninsured.

Minorities face greater difficulty in communicating with health care professionals. Hispanics are more than twice as likely as whites, 33 percent versus 16 percent, to cite one or more communication problems, such as understanding the doctor, not feeling the doctor listens to them or that they had questions for the doctor but did not get asked. Twenty-seven percent of Asian Americans and 23 percent of blacks cite that they also have communication problems.

Minorities, of course, are more likely to be without a regular doctor. Hispanics are twice as likely to not have a regular doctor than whites, 41 percent versus 19 percent. Thirty-one percent of Asian Americans and 28 percent of blacks are without a regular doctor.

Comparing rates for whites, coronary heart disease mortality was 40 percent more for Asian Americans but 40 percent higher for blacks in 1995. Stroke is the leading cause of death for which minority groups suffer higher rates of cancer of the colon and rectum than do whites. Hispanic women in the United States have a cervical cancer death rate four times that of white women, 47.3 versus 11.8 per 100,000. The prostate cancer mortality rate for black men is more than twice that of white men, 55.5 versus 23.8 per 100,000. The death rate for lung cancer is about 27 percent higher for blacks than for whites, 49.9 versus 39.3.

Incident rates for lung cancer in black men is about 50 percent higher than in white men, 110.7 versus 72.6 per 100,000. Native Hawaiian men have also elevated rates of lung cancer compared with white men. Alaskan native men and women suffer disproportionately higher rates of cancer of the colon and rectum than do whites. Vietnamese women in the United States have a cervical cancer death rate four times that of white women, 47.3 versus 8.7 per 100,000. Hispanic women also suffer elevated rates of cervical cancer. Black women have the highest death rate from cervical cancer. Stomach cancer mortality is substantially higher among Pacific Islanders, including Native Hawaiians, than other populations.

We mention these numbers because America, our country is of thee, has a goal to create equal justice, equal opportunity, equal service. The idea that out of many can be one, and one not just in concept but also one in reality. And to make real these ideas, there is obviously a need for special programs and special activities, in addition to changing the way we provide treatment in some instances.

There is a need to increase the numbers of minorities in medical schools, in nursing schools, and to train more professionals. There is the need to put more ambulatory care programs in places where there are none. There is a need to increase accessibility. Of course we know that poverty plays a tremendous role. There is a need for...
more education, more assistance for individuals to take control of their own health.

And that is why the Congressional Black Caucus has made health one of its top priority issues. That is why we are proud to have the gentleman from Maryland (Mr. CUMMINGS), as pleased that our chairman, the gentleman's top priority issues. That is why we are pleased to have the caucus go across the country trying to help raise the issue, trying to help people to understand what they can themselves and also continuing to do what is best to America that we have to put our resources where our conversations are; that we have to make available quality comprehensive health care to all people in this great country without regard to their ability to pay.

So, Mr. Speaker, as I come to the close of my special order, I want to thank you for your indulgence. I want to thank the American people for watching and listening. And I hope that we will let America, America again, the land that never has been and yet must be. The America that we all continue to dream about. The America that we all continue to hope for. The America that can ultimately be good with the hand of God from sea to shining sea. And the America that can have quality comprehensive health care for you and quality comprehensive health care for me.

Ms. LEE. Mr. Speaker, today members of the Congressional Black Caucus rise to expose the truth about minority health disparities in our health care system. Many of my colleagues will outline the ongoing racial divide when it comes to minorities' reliance on emergency and ambulatory services, the issue of access to health care and how minorities are disproportionately uninsured. Others will talk about the leading illnesses and financial resources. They are suffering and dying because of toxins in the environment.

Dr. Martin Luther King, Jr. laid the groundwork when he declared that “we will not be satisfied until justice rolls down like waters and righteousness like a mighty stream.” The metaphor of nature are the metaphors of life, and that is fundamentally where environmental justice begins and ends.

Unfortunately, the waters themselves in much of the world are tainted, and the toxic streams flow too often through neighborhoods at the economic margins of society, particularly minority neighborhoods. Far too often, the issue of minority health and the environment is ignored. Now, the Administration continues to roll back all of the environmental protections that Democrats have fought for. Minorities will pay the highest price of all, trapped in homes near brown fields, power lines and sanitation plants. Democrats must stand against the Administration and the deceptive conservatism that continues to sweep our policy debates and our nation.

Members of the Congressional Black Caucus see the forces of environmental injustice playing themselves out in terms of minority health disparities. These disparities follow a cycle: beginning with infant mortality, continuing with workplace hazards and increased exposure to pollution, and ending with disparate access to healthcare, diagnoses, and medical treatment.

We see these forces clearly in diseases that strike most deeply into our cities and affect children most severely. Asthma rates among the urban poor are reaching alarming proportions. Death rates from asthma, and a host of other treatable diseases, are significantly higher among African Americans than any other ethnic group.

In my own district, asthma rates are among the highest in the country, and children in West Oakland are seven times more likely to be hospitalized for asthma than children in the rest of California.

Over twenty-eight percent of low-income African American children suffer from lead poisoning, more than twice the level of exposure among low income white children, and far higher than among children of the middle class or wealthier.

Toxins concentrate along the color lines that have historically divided American society. Children of color are much more likely to suffer from lead poisoning, resulting in devastating effects on mental development. We are also finding that public housing amenities have been dealing with mold for years, another place where minorities are disproportionately located. These are minority health injustices that we cannot accept.

Environmental minority health disparities grow not only out of poverty, but racism. We must address the ravages of the past while we forge sounder policies for tomorrow. Our environment may be defined as our surroundings. Inner city neighborhoods that have liquor stores but no grocery stores speak to years of less than benign neglect and to the need for meaningful economic investment.

That is a form of racism. Superfund sites that are under-funded; factories and plants that emit carcinogens under the protections of grandfather clauses; healthcare that is inadequate and racially biased; all demand our attention. They are all forms of environmental racism.

We must demand environment health justice for our communities. The gap between minorities and whites in health care continues to grow, but I stand here today in support of universal health care. The gap benefits minority health initiatives, and a re-evaluation of the national agenda for health and justice. We must consider the environmental health agenda because it affects our homes, our communities, and the overall health of America.

Mr. CONYERS. Mr. Speaker, in 2002, the Institute of Medicine released a telling report entitled: Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care. The report documented many troubling findings which unfortunately, health experts in the underserved communities have been crying out about over and over. The report states that the American health care system was set up so that African Americans, Hispanics, and other underserved minorities would receive “second class back of the bus health care” in public hospitals and community clinics—many of which are on the verge of economic collapse.

Minority Americans are at least twice as likely as white Americans to be uninsured. More than 30 percent of Latinos and 20 percent of African Americans do not have health insurance—and the gap has been widening over the last decade. Astoundingly, minorities now account for two thirds of the new AIDS cases and HIV infection, particularly among African Americans. Yet, African Americans are 41 percent—73 percent less likely than whites to receive particular drug therapies.

African American women are far less likely to receive a mammogram than white women and are at far greater risk of being diagnosed with breast cancer. Black men are also 1.5 times more likely to develop prostate cancer than white men, and they are three times more likely to die of the disease. Even more disturbing, African American children are plagued by asthma. They are twice as likely to be diagnosed with the disease and a whopping six times as likely to die from it as white children. Just last month the Harlem Hospital found that an incredible 25 percent of children in central Harlem had asthma, one of the highest rates ever documented in an American neighborhood. Add to all the previously noted findings the fact that African American infant mortality rates are three times higher than the rate for white American babies, and the diagnosis for the future of the African American family seems not only chilling but painfully malign.

Under George W. Bush and the Republicans, the current health disparities are likely to get worse—the principle reason is that they are gutting health care in general and Medicaid in particular. Medicaid is the bedrock of health coverage for poor Americans in general and minorities in particular—it insures one out of five children in America and two thirds of all nursing home residents.

Because of the budget crisis in the states, the Center on Budget and Policy Priorities has predicted that as many as 1.7 million Americans could lose health coverage entirely under Medicaid cut back proposals in the states. According to the Bush Administation, opposings efforts to help the States pay their Medicaid responsibilities and help keep poor and minority Americans insured.

This Congress I have been dedicated to bridging the gap in health care disparities amongst Americans. I have introduced a bill that would provide universal health care for all Americans. H.R. 676, “Medicare For All” is a national health insurance bill endorsed by 4000 physicians across the country. I also reintroduced H. Con. Res. 59, a resolution that commits to covering all of the uninsured by 2005. Just last month, the Congressional Black Caucus launched campaign to end racial disparities in healthcare by backing my universal healthcare resolution. I am also planning to introduce legislation to bring Medicaid to anyone earning less than 200 percent of the poverty level. This will allow almost all working poor and unemployed Americans to have health coverage. It will also ensure that major urban hospitals can receive sufficient reimbursements so that they are not forced to shut their doors.

In 2003, in without a doubt the most powerful and wealthy society in the history of the
world, there is absolutely no excuse for the health disparities that are crippling and killing off our African American and minority communities. I urge my colleagues today to support the efforts of the CBC and others who are fighting to improve the health of all Americans.

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

**GENERAL LEAVE**

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? There was no objection.

**LEAVE OF ABSENCE**

By unanimous consent, leave of absence was granted to:

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today on account of official business.

Mr. LEWIS of Kentucky (at the request of Mr. DELAY) for today and June 5 minutes, today.

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:

Ms. CORRINE Brown of Florida, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. WAXMAN, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. WOOLSEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Ms. JACOBSON of Texas, for 5 minutes, today.

Ms. JONES of Ohio, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, June 11.

Mr. PENCE, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. HENSARLING, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. WOLF, for 5 minutes, June 5.

Mr. COLLINS, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

**EXTENSION OF REMARKS**

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WAXMAN, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $780.

**SENATE BILL REFERRED**

A bill of the Senate of the following title was taken from the Speaker’s table and, under the rule, referred as follows:

S. 313 An act to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs; to the Committee on Energy and Commerce.

**ADJOURNMENT**

Mr. DAVIS of Illinois. Mr. Speaker, I move that the House do now adjourn. The motion was agreed to; accordingly (at 11 o’clock and 45 minutes p.m.), the House adjourned until Thursday, June 5, 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:

2511. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department’s final rule—Importation of Beef from Uruguay [Docket No. 02-109-3] received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2512. A letter from the Director, Regulations Policy and Management Staff, Department of Agriculture, transmitting the Department’s final rule—Change in Disease Status of Canada because of BSE [Docket No. 03-059-1] received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2513. A letter from the Under Secretary, Department of Defense, transmitting the Department’s quarterly report entitled, “Acceptance of contributions for defense programs to the Defense Health and Human Services, transmitting the Department’s final rule—In-
of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Delaware City, Delaware [CGDS-05-013] (RIN: 1625-AA08 (Formally RIN: 1625-AB46)) received May 29, 2003, pursuant to 5 U.S.C. 803(a)(1)(A); to the Committee on Transportation and Infrastructure.

252. A letter from the Assistant Chief Counsel, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Regulated Transportation of Hazardous Materials; Unloading of Intermodal (IM) and UN Portable Tanks on Transport Vehicles [Docket No. RSPA-01-10533 (HM-219A)] (RIN: 2137-AD44) received May 29, 2003, pursuant to 5 U.S.C. 803(a)(1)(A); to the Committee on Transportation and Infrastructure.

252A. A letter from the Rules Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Federal Highway Administration's High-Security Designation System [FHWA Docket No. FHWA-97-2394] (RIN: 2125-AD74) received May 29, 2003, pursuant to 5 U.S.C. 803(a)(1)(A); to the Committee on Transportation and Infrastructure.

252B. A letter from the Deputy Administrator, General Services Administration, transmitting an informational copy of a Report on the High-Rise Project Survey Columbus, MO, pursuant to 40 U.S.C. 610(b); to the Committee on Transportation and Infrastructure.


252D. A letter from the Director, Office of Personnel Management, transmitting the Office's legislative proposal to amend title 5, United States Code, to eliminate the requirement for a separate system of pay and benefits for FBI police; jointly to the Committees on the Judiciary and Government Reform.

253. A letter from the Secretary, Department of Homeland Security, transmitting the Department's final rule — Establishing a joint committee to review House and Senate rules, joint rules, and other matters assuring continuing representation and congressional operations for the American people (Rept. 108-104). Referred to the House Calendar.

H.R. 232L. A bill to promote and facilitate expansion of coverage under group health plans, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 2258. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the child tax credit and to expand the refundability of such credit, and for other purposes; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. AL Exander, Mr. Emanuel, Mr. Rangel, Mr. HOyer, Mr. Davis of Alabama, Ms. Schakowsky, Mr. Levin, Mr. STARK, Mr. CARDIN, Mr. STENHOLM, Mr. EFFERSON, Mr. NEAL of Massachusetts, Mr. LEWIS of Georgia, Mr. PRATT, Mr. McDermott, Mr. Brown of Ohio, Mr. OBERSTAR, Mr. Rodriguez, Mr. Olver, Mr. McGovern, Mr. George Miller of California, Mr. Moran of Virginia, Mr. CAPUANO, Mr. Langevin, Mr. Menendez, Mr. Hinojosa, Mr. Gonzalez, Mr. BOUCHER, Mr. Ryan of Ohio, Ms. SLAUGHTER, Ms. WOOLSEY, Mrs. LOWEY, Mr. EVANS, Ms. ESCH, Mr. FORD, Mr. Engel, Mr. TANNER, Ms. Lee, Mrs. Davis of California, Mr. Tierney, Mr. LANTOS, Mr. BARDY, Mr. ROYBAL-ALLARD, Mr. MCNULTY, Mr. Sandlin, Mr. Inslee, Mr. Markay, Mr. Grijalva, Mr. Davis of Florida, Mr. Blumenauer, Mr. Israel, Mr. Delahunt, Mr. HOYEFEL, Mr. REYES, Mr. GLYBURN, Mr. Wynn, Mr. Pallone, Ms. Bordallo, Mr. Conyers, Mr. PASCRELL, Mr. SOLIS, Mr. COOPER, Mr. MALONEY, Mr. CORRINE BROWN of Florida, Mr. POMEROY, Mr. DOGGETT, Mr. BERRY, Mr. Davis of Tennessee, Mr. TAYLOR of Mississippi, Mr. SKELTON, Mr. STRICKLAND, Mr. UDALL of New Mexico, Mr. DeFazio, Mr. Sanders, Mr. KAPTUR, Mr. DOYLE, Mr. SCOTT of Virginia, Mr. Kaptur, Mrs. McCARTHY of New York, Mr. DEGETTE, Mr. ACEVEDO-VILA, Mr. JOHN, Mrs. CAPPS, Mr. CROWLEY, Mr. EDWARDS, Mr. BERNARDI, Mr. SCOTT of Georgia, Mr. FOSTER, Mr. KUCINICH, Mr. MATSUI, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mr. MEHREEN, Mr. CASE, Mr. HINJOA, Mr. HOLT, Mr. OWENS, Mr. CARDOZA, Mr. RUPPERSBERGER.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions introduced and severally referred, as follows:

By Mr. EVANS (for himself, Mr. ALEXANDER, Mr. ANDREWS, Mr. BALDWIN, Ms. BERKLEY, Mr. BOSWELL, Ms. CONNICK, Mr. BRUENO, Mr. CARLSON of Florida, Mr. CAPITO, Mr. CARPENTER, Mr. CARSON of Oklahoma, Ms. CARSON of Indiana, Mr. COSTELLO, Mr. CROMER, Mrs. DARBY, Mr. DAVIS of California, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DINGELL, Mr. DOYLE, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GIBBONS, Mr. GORDON, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JENKINS, Mr. KANJORSKI, Mr. KENNEDY of Rhode Island, Mr. LARSEN of Washington, Mr. LARSEN of Connecticut, Ms. LOPRESTI, Mr. LUCAS of Kentucky, Mr. LYNCH, Mrs. MALONEY, Mr. MENENDEZ, Mrs. McCARTHY of New York, Ms. McCOLLUM, Mr. MCINTYRE, Mr. MCNULTY, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. NEAL of Massachusetts, Mr. DESSERT, Mr. PASCRELL, Mr. PAYNE, Mr. REYES, Mr. RODRIGUEZ, Mr. RYAN of Ohio, Mr. SANDERS, Mr. SANDLIN, Mr. SCOTT of Georgia, Mr. WASHINGTON, Mr. SOUDER, Mr. STRICKLAND, Mr. STUPAK, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. VAN HOLLEN of Maryland, Mr. WEBER, Ms. WEYLER, Ms. WOOLSEY, Mr. SULLIVAN, Mrs. CHRISTENSEN, Mr. TOWNS, and Mr. GRIJALVA):

H.R. 232L. A bill to promote and facilitate expansion of coverage under group health plans, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILLIARD:

H.R. 2258. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the child tax credit and to expand the refundability of such credit, and for other purposes; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. ALExander, Mr. Emanuel, Mr. Rangel, Mr. HOyer, Mr. Davis of Alabama, Ms. Schakowsky, Mr. Levin, Mr. STARK, Mr. CARDIN, Mr. STENHOLM, Mr. EFFERSON, Mr. NEAL of Massachusetts, Mr. LEWIS of Georgia, Mr. PRATT, Mr. McDermott, Mr. Brown of Ohio, Mr. OBERSTAR, Mr. Rodriguez, Mr. Olver, Mr. McGovern, Mr. George Miller of California, Mr. Moran of Virginia, Mr. CAPUANO, Mr. Langevin, Mr. Menendez, Mr. Hinojosa, Mr. Gonzalez, Mr. BOUCHER, Mr. Ryan of Ohio, Ms. SLAUGHTER, Ms. WOOLSEY, Mrs. LOWEY, Mr. EVANS, Ms. ESCH, Mr. FORD, Mr. Engel, Mr. TANNER, Ms. Lee, Mrs. Davis of California, Mr. Tierney, Mr. LANTOS, Mr. BARDY, Mr. ROYBAL-ALLARD, Mr. MCNULTY, Mr. Sandlin, Mr. Inslee, Mr. Markay, Mr. Grijalva, Mr. Davis of Florida, Mr. Blumenauer, Mr. Israel, Mr. Delahunt, Mr. HOYEFEL, Mr. REYES, Mr. GLYBURN, Mr. Wynn, Mr. Pallone, Ms. Bordallo, Mr. Conyers, Mr. PASCRELL, Mr. SOLIS, Mr. COOPER, Mr. MALONEY, Mr. CORRINE BROWN of Florida, Mr. POMEROY, Mr. DOGGETT, Mr. BERRY, Mr. Davis of Tennessee, Mr. TAYLOR of Mississippi, Mr. SKELTON, Mr. STRICKLAND, Mr. UDALL of New Mexico, Mr. DeFazio, Mr. Sanders, Mr. KAPTUR, Mr. DOYLE, Mr. SCOTT of Virginia, Mr. Kaptur, Mrs. McCARTHY of New York, Mr. DEGETTE, Mr. ACEVEDO-VILA, Mr. JOHN, Mrs. CAPPS, Mr. CROWLEY, Mr. EDWARDS, Mr. BERNARDI, Mr. SCOTT of Georgia, Mr. FOSTER, Mr. KUCINICH, Mr. MATSUI, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mr. MEHREEN, Mr. CASE, Mr. HINJOA, Mr. HOLT, Mr. OWENS, Mr. CARDOZA, Mr. RUPPERSBERGER.
MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

63. The SPEAKER presented a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8025, urging the United States Congress to pray that new federal procedures be established to assure that future sales of wheat stocks from federally held grain reserves be conducted in a manner that will not unduly disrupt the market while also fulfilling the original intent; to the Committee on Agriculture.

64. A memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 58 memorializing the United States Congress to continue providing assistance to Michigan to help eradicate bovine tuberculosis; to the Committee on Agriculture.

65. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8000 memorializing the United States Congress to pray that the Federal Energy Regulatory Commission leave the Northwest electricity system in place; and withdraw the Notice of Proposed Rulemaking establishing a Standard Market Design for Electric Power; to the Committee on Energy and Commerce.

66. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8015 memorializing the United States Congress to continue providing assistance to the Northwest electricity system in place; to the Committee on Energy and Commerce.

H.R. 2343. A bill to amend title XVIII of the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 2338. A bill to prevent loans for Iraq from the International Monetary Fund or the International Bank for Reconstruction and Development from being used to pay off Iraq's creditors; to the Committee on Financial Services.

H.R. 2356. A bill to provide for the Secretary of Veterans Affairs to conduct a pilot program to determine the effectiveness of contracting for the use of private memory carers to provide in-home care to veterans with Alzheimer's Disease; to the Committee on Veterans' Affairs.

H.R. 2325. A memorial of the Legislature of the State of Maine, relative to H.P. 1168 memorializing the United States Congress to pray that the Northwest electricity system in place; to the Committee on Energy and Commerce.

H.R. 2324. A bill to amend title XVIII of the Social Security Act to expand Medicare benefits to prevent, delay, and minimize the progression of chronic conditions, and develop policies to provide for condition care, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 2326. A bill to amend title XXII of the Social Security Act to include dialysis services for kidney and liver disease patients; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
Joint Resolution memorializing the President, the United States Congress, and the United States Department of Transportation to not cut essential air service funding; to the Committee on Transportation and Infrastructure.

68. Also, a memorial of the Legislature of the State of Michigan, relative to Senate Joint Resolution No. 14 memorializing the President and the United States Congress to pursue and support fuel cell research projects in Michigan; to the Committee on Science, Space, and Technology.

69. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8002 memorializing the United States Congress to provide adequate funding level for the United States Forest Service and continually assess the progress towards a healthy forest environment; jointly to the Committees on Agriculture and Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. Ford.
H.R. 49: Mr. Upton.
H. Res. 58: Mrs. Kelly, Mr. Reyes, and Mr. Holt.
H. Res. 179: Mr. Fletcher.
H. Res. 188: Ms. Lee.
H. Res. 202: Mr. Kline.
H. Res. 303: Mr. Barton of Texas, Mr. Langevin, Mr. Hoyer, and Ms. Bordallo.
H. Res. 310: Mr. Rogers of Kentucky.
H. Res. 331: Mr. McIntyre and Mr. Rangel.
H. Res. 369: Ms. Kilpatrick, Mr. Conyers, and Mr. Dingell.
H. Res. 527: Mr. Rogers of Texas.
H. Res. 594: Mr. Delahunt and Mr. Latham.
H. Res. 598: Mr. Cunningham and Mr. Cannon.
H. Res. 648: Mr. Simpson, Mr. Bishop of Utah, Mr. English, and Mr. Petri.
H. Res. 1043: Mr. Winklawski, Mr. Istook, Mr. Shaideeg, Mr. Chabot, Mrs. Myrick, and Mr. Gibbons.
H. Res. 687: Mr. Everett, Mrs. Musgrave, Mr. Simmons, Mr. Miller of Florida, and Mr. Stenholm.
H. Res. 713: Mr. Gary G. Miller of California and Mr. Stupak.
H. Res. 731: Mr. Holden and Mr. Brown of Ohio.
H. Res. 756: Mr. Wicker.
H. Res. 785: Mr. Osborne.
H. Res. 1047: Mr. Boucher, Mr. McCotter, and Ms. Delauro.
H. Res. 822: Mr. Grijalva, Mr. Markley, and Mr. Nadler.
H. Res. 870: Mr. Owens.
H. Res. 876: Mr. Hastings of Florida, Mr. Burgess, Mr. Lincoln Diaz-Balart of Florida, Mr. Mario Diaz-Balart of Florida, Mr. Wicker, and Mr. Snyder.
H. Res. 973: Mr. Andrews.
H. Res. 996: Mr. Gutknecht, Mr. Latham, Mrs. Capito, Mr. John, Mr. Weiner, Mrs. Myrick, Mr. Bonner, Mr. Ford, and Mr. Boehner.
H. Res. 997: Mr. McHenry and Mrs. Emerson.
H. Res. 998: Mr. Holt.
H. Res. 1007: Mrs. McCarthy of New York.
H. Res. 1031: Mr. Lincoln Diaz-Balart of Florida and Mr. Diaz-Balart of Florida.
H. Res. 1049: Mr. Bishop of Utah.
H. Res. 1052: Mr. Udall of Colorado.
H. Res. 1103: Mr. Larson of Nebraska.
H. Res. 1115: Mr. Bradley of New Hampshire, Mr. Wicker, and Mr. Goode.
H. Res. 1125: Mr. Rogers of Kentucky.
H. Res. 1130: Mr. Ballance and Mr. Thompson of Mississippi.
H. Res. 1157: Mr. Moran of Kansas.
H. Res. 1179: Mr. Culberson.
H. Res. 1220: Mr. Manzullo.
H. Res. 1244: Mr. Baca.
H. Res. 1250: Mr. Grijalva, Mr. Cardenas, and Mr. Honda.
H. Res. 1294: Mr. Davis of Illinois, Mr. Nader, Mr. Baldwin, and Ms. Kaptur.
H. Res. 1305: Mr. Stearns and Mr. Gary G. Miller of California.
H. Res. 1321: Mr. Cooper, Mr. Owens, Mr. Grijalva, and Mr. Gutierrez.
H. Res. 1421: Mr. Rangel.
H. Res. 1472: Mr. Woolsey, Mr. Baird, Mr. Wynn, Mr. Capuano, Mr. Acevedo-Vila, and Mr. Ortiz.
H. Res. 1479: Mr. McCrery and Mrs. Jo Ann Davis of Virginia.
H. Res. 1508: Mr. Pallone, Mr. Baca, and Mr. Jackson of Illinois.
H. Res. 1512: Ms. Wass-Ennin, Mr. Ebersole, Mr. Gordon, and Mr. Saltini.
H. Res. 1532: Ms. Kilpatrick, Mr. Olver, Mr. Larson of Connecticut, Mr. Waxman, and Mr. Smith of New Jersey.
H. Res. 1536: Mr. Sullivan.
H. Res. 1539: Mr. Lee.
H. Res. 1551: Ms. Linda T. Sanchez of California and Ms. McCollum.
H. Res. 1565: Ms. Jackson-Lee of Texas.
H. Res. 1586: Mr. Bishop of Utah.
H. Res. 1655: Mr. Lucas of Kentucky, Mr. Farr, Mr. Hinchey, Mr. McNulty, Mr. Lantos, Mr. Frost, and Mr. Waxman.
H. Res. 1675: Mr. Cole and Mr. Cardoza.
H. Res. 1710: Mr. Holmen and Mr. Murphy.
H. Res. 1725: Mr. Burgess.
H. Res. 1738: Mr. Michaud, and Mr. Frank of Massachusetts.
H. Res. 1742: Ms. Linda T. Sanchez of California and Mr. Bonilla.
H. Res. 1749: Mr. Rahall.
H. Res. 1755: Mr. Chocola.
H. Res. 1767: Mr. Sullivan, Mr. Akin, Mr. Hayes, Mr. Feeney, Mr. Rohrabacher, Mr. Pence, and Mr. Simmons.
H. Res. 1769: Mr. Saxton and Mr. Carter.
H. Res. 1784: Mr. Lewis of Kentucky and Mr. Reyes.
H. Res. 1813: Mr. Cardin, Mr. Waxman, Ms. Waters, and Ms. Schakowsky.
H. Res. 1854: Mr. Engel, Mr. Baker, Mr. Gallegly, Mr. Feeney, and Mr. Bradley of New Hampshire.
H. Res. 1881: Mr. Jose.
H. Res. 1902: Mr. Miller of Florida, Mr. McDermott, Mr. Neal of Massachusetts, and Ms. Kaptur.
H. Res. 1906: Mr. Miller of Florida.
H. Res. 2012: Mr. Menendez.
H. Res. 2017: Mr. Baldwin.
H. Res. 2030: Mr. Lantos.
H. Res. 2031: Mr. Pataki.
H. Res. 2032: Mr. Brown of Ohio, Mr. Frank of Massachusetts, and Mr. Boehleir.
H. Res. 2037: Mr. Rahall.
H. Res. 2052: Mr. Hinchey, Mr. Watson, Mr. Filner, Mrs. Johnson of Connecticut, Mr. Scott of Georgia, Mr. Abercrombie, Mr. Isaka, Mr. Weldon, Mr. Pence, Mr. Lucas of Oklahoma, Mr. Bradley of New Hampshire, Ms. Solis, Mr. Baca, Ms. Delauro, Mr. Cox, Mr. Moran of Virginia, Mr. Moran of Texas, Mr. Leach, Mr. Hoyer, Mr. Frank of Massachusetts, Mr. Green of Wisconsin, Mr. Latham, Mrs. Maloney, Mr. Deutsch, Mr. Pickering, Mr. Udall of New Mexico, Mr. Menendez, Ms. Jackson-Lee of Texas, Mr. Cooper, Mr. Duncan, Mr. Spratt, and Mr. Coble.
H. Res. 2068: Mr. McDermott, Mr. Markay, Mr. Green of Texas, Mr. Rodriguez, and Mr. Andrews.
H. Res. 2075: Mr. McDermott, Mr. Markay, Mr. Green of Texas, Mr. Andrews, and Mr. Lantos.
H. Res. 2077: Mr. McHugh.
H. Res. 2225: Mr. McDermott and Ms. Millender-McDonald.
H. Res. 2217: Mr. Owens.
H. Res. 2218: Mr. Davis of Florida.
H. Res. 2219: Mr. Lantos.
H. Res. 2219: Ms. Jackson-Lee of Texas.
H. Res. 2219: Mr. Israel.
H. Res. 2219: Mr. Wynn of Ohio.
H. Res. 2219: Mr. Boucher, Mr. Frost, Mr. Stark, Mr. Cardin, and Mr. McNulty.
H. Res. 2219: Mr. Cantor.
H. Con. Res. 78: Mr. Ferrand.
H. Con. Res. 817: Mr. Boucher, Mr. Udall of Arizona, Mr. Moran of Texas, Mr. Sanders, Mr. Grijalva, Mr. Balder, Mr. Gallegly, and Mr. Bradley of New Hampshire.
H. Con. Res. 93: Mr. Thompson of California, Mr. Gallegly, Mr. Miller of Florida, Mr. Doolittle, Mr. Farr, Mr. Berman, Mr. Cox, Mr. Herger, Mr. Hunter, Mr. Issa, Mr. Gary G. Miller of California, Mr. Castle, Mr. Miller of California, Mr. Nunes, Ms. Pombo, Mr. Radanovich, Mr. Thomas, and Mr. Stupak.
H. Con. Res. 99: Mr. Frank of Massachusetts and Ms. Delauro.
H. Con. Res. 115: Mr. Ackerman and Ms. Schakowsky.
H. Con. Res. 122: Mr. Frank of Massachusetts, Ms. Lee, and Ms. McCollum.
H. Con. Res. 190: Mr. Goss, Mr. Linder, Ms. Pryce of Ohio, Mr. Lincoln Diaz-Balart of Florida, Mr. Hastings of Washington, Mrs. Myrick, Mr. Sessions, Mr. Reynolds, Ms. Slaughter, Mr. McGovern, and Mr. Hastings of Florida.
H. Res. 157: Ms. Lofgren.
H. Res. 233: Ms. Lee.
H. Res. 234: Mr. Clay and Mr. Capuano.
H. Res. 242: Ms. Harris and Mr. Gallegly.
H. Res. 246: Mr. Michaud, Mrs. Jones of Ohio, and Ms. Woolsey.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS
Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:
H. Res. 898: Mr. Gephardt.

AMENDMENTS
Under clause 8 of rule XVIII, proposed amendments were submitted as follows:
H.R. 1474
Offered by: Ms. Hart
Amendment No. 1: In section 1, insert “or the ‘Check 21 Act’” before the period at the end.
Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

The PRESIDING OFFICER. The Pledge of Allegiance will be offered by the guest Chaplain, the Very Reverend Nathan D. Baxter of Washington National Cathedral.

PRAYER

The guest Chaplain offered the following prayer:

The Lord of hosts is with us; the God of Jacob is our strength.—Psalm 46:7.

O God, who is our strength, we begin the work of this day as servants of our Nation's people and stewards of democracy. We pray Thy blessings of courage and wisdom for the Members of the Senate, its officers and staff. So guide them in the work of this day, that our liberties may be preserved, the wellbeing of all our people advanced, and that in all things, You, O God, the author of liberty, may be glorified. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Senator SAM BROWNBACK led the Pledge of Allegiance as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, for the information of all Senators, there will be a period of morning business until 11 a.m. There are several legislative and executive matters that the Senate will consider during today's session.

Following morning business, it is possible that the Senate will resume consideration of the Energy legislation today. We made very good progress on the ethanol issue yesterday. However, I understand that additional amendments will be offered on that matter. We should be able to finish action on that bill within a couple of hours and then send it to conference with the House.

We will also resume consideration of the Energy legislation today. We made very good progress on the ethanol issue yesterday. However, I understand that additional amendments will be offered on that matter. It is my hope that Members offer their ethanol amendments so the Senate can then begin to consider other energy-related amendments.

In addition, discussions are underway to devise a process for consideration of the child tax credit legislation, as we talked about yesterday on the floor. We are now discussing the best way to address this very important issue. It will be addressed and, over the course of the morning, a final decision will be made on what is the fairest and most efficient way to address the child tax credit legislation.

The chairman of the Finance Committee introduced his legislation yesterday and is working with many colleagues on the best course of action so that we can expeditiously consider that bill.

We are also working to clear additional nominations during today's session. Members should expect votes throughout the day, and Senators will be notified when the first vote is scheduled. I am going to make a very brief statement on Medicare. I will proceed with that and then we can proceed in morning business.

MEDICARE

Mr. FRIST. Mr. President, 5 years ago, this body launched a bipartisan commission on Medicare with the purpose of addressing both the short-term, mid-term, and long-term challenges we have with sustaining Medicare, preserving Medicare, and strengthening Medicare. That bipartisan commission did develop a solid bipartisan proposal. Since 1999, the Senate Finance Committee has held 29 hearings on Medicare, and 7 of those hearings specifically focused on adding a prescription drug benefit to Medicare coverage.

We have discussed the issue, we have debated the issue, we have dissected it, and we have deliberated on the issue of Medicare现代化 and Medicare improvement for years now—for 6 years since we first began talking about the Medicare commission.

I sincerely believe that the stars are aligned for legislative action and a vote to preserve Medicare and strengthen and improve it and address the prescription drug issue right now, this month. It is now time for us not to just talk about the issue again but to act on the issue.

Since I became majority leader, I have made it clear that it would be my intention to address the issue using the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
normal order of business, and that is to have a proposal that is developed and generated in a bipartisan way through the Finance Committee, bring that bill to the floor of the Senate for further debate and further amendment. The Finance Committee is progressing well. The action of the Finance Committee is on course to accomplish my goal.

Our leadership goal is bringing this to the floor on about June 16, 2 weeks from now. I am pleased with the progress, and instead we have a long way to go. It is a complex piece of legislation, but a very important piece of legislation that I am absolutely convinced we can bring to resolution for the benefit of seniors and individuals with disabilities.

We will have approximately 2 weeks on the floor of the Senate. I have made that very clear as well so that people, for the last several months, have been able to prepare and think through what is important to them, talk to their constituents, to their colleagues, to make sure we address this in a very thoughtful way.

I think we will be able to work together—both sides of the aisle—to call the very best of our ideas, to give America a modern Medicare system that will do what we want to do: provide our seniors and individuals with disabilities real health care security.

I believe we need to work to make sure we have the type of coverage, and the flexibility to be able to choose the type of coverage that best meets their individual needs. We need to make sure that coverage is available to every senior, everywhere. There has to be a special focus, as we all know, on the issues that pertain directly to the rural population. You can do that, for example, by requiring plans to bid in large geographic areas across the country, instead of just cherry-picking, whether it is urban, or suburban, or just rural or ruralization. I think we can get rid of the cherry-picking that has emerged in the current system. If a health coverage plan wants to serve patients in a high-cost, densely populated suburban or urban area, they will also have to offer coverage in rural areas, whether it is Maine, Wisconsin, Montana, or in Iowa.

We can do all of this if we focus on the big picture for the future. Our fellow citizens are clearly relying on us and we need to focus on them. Now is the time for us not to just get by another year but to transform this system in a positive way.

Seniors deserve choice. They deserve having a system that is focused on the patient, one that is really patient centered. They deserve care that is flexible, with less paperwork and bureaucracy. They deserve care that focuses on prevention and not just in response to acute episodic injury, so that you can capture that early heart disease before it becomes called a cardiomyopathy or a chronic congestive heart failure. It ends up being less expensive, more valuable, and certainly keeps patients healthier. They need to be protected from catastrophic out-of-pocket expenditures. Most seniors do not realize today that if they get very sick, there is no limit as to the out-of-pocket costs they have to pay. We need to protect them especially in those events such as stroke, diabetes, or cancer.

I think seniors should be in a system that allows them the opportunity to see the doctors they choose. Thus, it is my hope and intention that we will vote on final passage before leaving for the Independence Day recess. Once that has passed, I am very hopeful that the bill, whatever its final shape, will begin to help seniors as soon as possible.

Whenever we bring up to date or strengthen a system, it takes time to implement that plan in a careful and systematic way. I think as we develop that plan and begin to implement it, there are ways we can immediately begin to help those seniors who need help with prescription drugs.

In 1965, when leading the fight to enact Medicare, President John F. Kennedy said:

A proud and resourceful nation can no longer ask its people to live in constant fear of a serious illness for which adequate funds are not available. We owe the right of dignity in sickness as well as in health.

Medicare, as I mentioned yesterday in this Chamber, has served a generation of America’s seniors very well. Our challenge now is to take a system which is out of date— if you look at the way state-of-the-art care is delivered—and bring it up to date so we can serve the current generation and next generations of seniors equally well.

We have an opportunity to do that now. We have an obligation, I would argue, to do that now so that we can provide real security for generations to come.

AFRICAN AMERICAN MUSEUM

Mr. FRIST. Mr. President, I close my opening remarks today by commenting on an issue that will be talked about later in morning business. It has to do with the development and launching of legislation on the National Museum of African American History. I thank, in particular, the Presiding Officer of the Senate now, Senator BROWNBACK, for his leadership in this issue. Also, I thank Senator DODD, Senator LOTT, Representative EAVENS, Representative JOHN LEWIS of Georgia, and Representative J. C. Watts for their outstanding efforts in launching the National Museum of African American History.

Currently, there is no national museum that honors the African-American story, and my colleagues seek to change that. They have introduced legislation to plan and construct a museum within the Smithsonian Institution dedicated to celebrating and preserving African-American history at a national level.

The legislation sets forth a joint Federal-private partnership for building the museum and authorizes $17 million for the first year to launch the museum council which will be comprised of leading African Americans from the museum, historical, and business communities.

The National Museum of African American History will help educate all Americans and visitors alike on the rich history of African Americans and their essential role in transforming America’s politics, its culture, its character, and its soul.

I take this opportunity to thank my colleagues for their commitment and for their leadership in this important endeavor.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business to extend until the hour of 11 a.m., with the first 30 minutes under the control of Senator BROWNBACK or his designee, and that the remaining time be equally divided between the two leaders or their designees, and that Senators be limited to 5 minutes each.

The Senator from Illinois.

PRESCRIPTION DRUG BENEFIT

Mr. DURBIN. Mr. President, there are many issues that will be before us this morning and during the course of this week, such as the Energy bill, which, of course, is of great importance to the security of the United States of America. We have had amendments on that bill over the last several days. But we will also be considering an important issue for millions of Americans, and that is the cost of prescription drugs. It is an issue which families face all the time, particularly if they have someone in the family with a serious illness. It is particularly difficult as well for senior citizens on a fixed income.

There are two different issues that are going to be tested in this Chamber. There is a Republican approach which suggests we need to basically privatize Medicare, that we need to basically abandon the system of health insurance protection for seniors which has been effective for over 40 years.

There are many on the Republican side of the aisle from a conservative political viewpoint who really do not care much for our Medicare system. They have been fairly outspoken about it. One of them is Senator SANTORUM of Pennsylvania, one of the leaders on the Republican side. This is what he said recently about Medicare:

The standard benefit, the traditional Medicare program, has to be phased out.
"Has to be phased out," he said. That was a statement by Senator Santorum, a Republican leader, in the New York Times on May 21.

What the Republicans will bring us in terms of prescription drugs is really the first and critical step toward phasing out Medicare. It is their belief that Medicare should be eliminated and replaced with private insurance coverage, but most American families know, if they have been at the mercy of a health insurance company, that, frankly, that is not a very wise tradeoff, nor a very fair one. That is why we come down to some fundamental differences between Democrats and Republicans when it comes to prescription drugs.

We on the Democratic side believe that a prescription drug benefit should be part of Medicare; that it should be a voluntary program; that there should not be any coverage gaps; that there should be reliable coverage all across America; and that we ought to lower the out-of-pocket expense for everyone by ensuring access to generic drugs.

On the Republican side, they have serious gaps in coverage in prescription drugs. If you are paying for prescription drugs on a monthly basis for a serious chronic condition and expect to pay that throughout the course of the calendar year, there are periods in the beginning when Republicans would protect you for a short period of time and then long periods of months when there is no protection whatsoever before your bills get so huge you qualify for catastrophic coverage. That is not very much protection for a family or a sick person.

They also, on the Republican side, will force seniors out of Medicare and into unreliable HMOs where seniors will not be able to choose their own doctors. Do you remember the debate we had over 10 years ago about the future of health care in America? Wasn't one of the concerns of the American people about the ability of seniors to choose their own doctor? The Republican approach on prescription drugs, the suggestion we privatize Medicare, that we move people into HMOs, will take away the ability of seniors to choose their own doctors, their ability to choose the doctors they trust. That is pretty fundamental.

Also, the Republicans suggest spending billions to privatize Medicare and turning this over to big insurance companies. I asked recently of someone who has had to deal with health insurance companies, the rates they charge, and the conditions on coverage: I have; I sat down with small business people in Illinois. I find it absolutely scandalous what is going on. These insurance companies are cherry-picking. They are deciding who they will insure and who they will not insure. They are deciding the length and duration of coverage and the type of coverage.

If you, during the course of the calendar year when you are covered, turn in any claim relative to any part of your body or any illness, you can virtually be that next year, when you go to sign up for health insurance, it will be excluded; you are on your own. Is that the kind of coverage which we want to see in America?

The Republicans say that is a choice; we are making people have a choice. Let me tell you, Mr. President, the seniors of America have chosen for over 40 years the right choice, and that choice is Medicare. Medicare is a system which protects all Americans. It is a system that worked in and worked for us to provide over $350 billion in tax breaks for some of the wealthiest people in America. Two years ago, that same administration asked for over $1 trillion worth of tax breaks for the elite investors in America. The answer was there for tax breaks for the wealthiest people in America but, sadly, when it comes to providing health insurance coverage, when it comes to prescription drug coverage, time and again the same people who voted so willingly for tax breaks for the wealthy will not come up with the dollars necessary for real prescription drug coverage that will cover our seniors across America. That is what this debate is about, the future of Medicare. Our program to protect all senior citizens and to provide for cost of prescription drugs. I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. Reid. Mr. President, I have spoken to the majority leader and the Democratic leadership when they were both in the Chamber, and I ask unanimous consent that morning business be extended until 11:30 today, and that at that time we go to the Defense Bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Connecticut.

THE NATIONAL AFRICAN AMERICAN MUSEUM OF HISTORY AND CULTURE ACT

Mr. Dodd. Mr. President, just before the Memorial Day recess, the distinguished Presiding Officer and I had the great honor of introducing bipartisan legislation, S. 1157, to create a National Museum of African American History and Culture within the Smithsonian Institution.

We were joined in that effort by 44 of our colleagues, and I might point out that another four have joined since that time, bringing the total number of cosponsors to this legislation to 48. I presume before the day is out we will have a clear majority of our colleagues who are supporting the legislation introduced by the distinguished Senator from Kansas.

Senator Brownback and I introduced similar legislation in the last Congress and I am pleased that we have such strong continuing interest from our colleagues, ensuring this important museum be created.

This long overdue legislation will guarantee that the compelling stories and invaluable contributions of African Americans to the founding of the American nation will finally be shared with all Americans, indeed all peoples of the world.

This legislation also allows us to publicly display the contributions of African Americans to the founding of the nation and to celebrate the contributions and experiences of African Americans.

In New Haven, CT, for example, we are fortunate to be the home port of the 19th century freedom schooner, Amistad. The recreated Amistad is a floating classroom and reminder of the devastating effects of the transatlantic slave trade. Amistad America is dedicated to promoting the legacies of the Amistad rebellion of 1839 and to celebrating and teaching the historic lessons of perseverance, leadership, justice, and freedom experienced by African Americans during that incident, and similar ones like it during the centuries before 1839.

It is my hope, of course, that organizations such as Amistad America and numerous others will be able to work with the Smithsonian to ensure that these important stories may be told. And I am pleased that we have been able to provide support for these numerous organizations and associations, such as Amistad, in this bill as well.

During my tenure as chairman of the Senate Rules Committee, I was pleased to work with colleagues to pass legislation to establish the Presidential Commission on the National Museum of African American History and Culture action plan.

In April, the President's commission issued its report, which documented the voices of African Americans across the Nation, calling for a national place to tell their individually collective stories. This long overdue
I am pleased to see my colleague from the Rules Committee, the ranking member, Senator Dodd, as a cosponsor, as well as Senator Frist, Senator Stevens, Senator Santorum, Senator Smith, and Senator Daschle. Obviously, the sides of this aisle has decided to join in sponsoring this truly historic legislation.

The National Museum of African American History and Culture will be built and operated within the Smithsonian Institution full-located Smithsonian Museum. That is a critical point to be made. It gives additional stature, credibility, and supervision that will be very helpful in the years ahead as we try to make sure this museum exhibits the way it should and is fully utilized by the American people and supported by the Congress.

I rise to express my support for the legislation because this museum will showcase not only the history and the culture of African American experience, but all of the countless contributions that African Americans have made to the United States and to the world. Back in 2001, I had an unusual experience. It was one of those rare weekends when I was home with my family, including my wife, were all back home in Mississippi. So I took a bicycle ride down the Mall and I wound up at the Vietnam Veterans Memorial. I parked my bicycle across the way kind of in the edge of the bushes and just watched people. I do not know what really started me to doing that, but I guess I was struck, as I pulled up, at the number of people there and how they were relating to this memorial. They touched it. They shed tears there. They stood there. It was obviously a moving and spiritual experience, a connecting experience, maybe an experience of closure for some people. It struck me what an important monument and memorial that site is.

I yield the floor.

The PRESIDENT pro tempore. The Senator from the great State of Mississippi.

Mr. LOTT. I yield myself 5 minutes of the time reserved for the Senator from Kansas, Mr. Brownback.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I am pleased to join my colleagues today in sponsoring and supporting the introduction of legislation to create the National Museum of African American History and Culture. I particularly want to commend Senator Brownback, the Presiding Officer this morning, for his leadership. This legislation could not be introduced today in a way that it can be considered and acted upon with his willingness to stay behind it, to work through some of the problems that did exist and to work with the Rules Committee and our staff to make sure we had legislation that could have broad-based support and could actually be passed by the Senate.

I yield the floor.

The PRESIDENT OF THE UNITED STATES CHAMBERS OF THE CONGRESS (Ms. Murkowski). The minority leader.

Mr. DASCHLE. Madam President, I add my voice to those of Senator Lott and Senator Dodd and others in expressing my support and commendation of the Presiding Officer for his leadership, as well as to Senator Dodd and Senator Lott, Senator Santorum, Senator Stevens, and others who have taken the initiative to show such leadership on this very important project.

If I could think of one word as I consider the prospect of the National Museum of African American History and Culture, it would be “overdue.” It is overdue. It is long past due. I hope on a bipartisan basis we continue to demonstrate our recognition of the irreparable contribution of African American culture and African American leadership to our country. One cannot understand the story of America without understanding the story of African Americans.

I hope we continue to work to move this project along. Again, I commend those directly involved.

PRESCRIPTION DRUGS

Mr. DASCHLE. Madam President, let me talk briefly about the important legislation addressed by the distinguished majority leader. He had spoken
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about the importance of our effort this month on prescription drugs. I applaud him for making this a priority. When I was majority leader almost a year ago, we made that same commitment. Of all my disappointments, the one that perhaps was the most disappointing of the last year was our inability to pass the legislation. We got 52 votes. The majority of the Senate went on record in support of the plan that was taken up by the Senate. We did not have the 60 votes because unfortunately to the legislation that made points of order that kept the Senate from accomplishing our goal of getting to conference and moving through the bill.

Let me single out five concerns I have as we begin. Hopefully, all of the concerns can be addressed. It is critical we consider them very carefully. The first concern is procedural. The distinguished majority leader noted that we have had 29 hearings on Medicare since 1999 and, indeed, we have studied this issue a good deal. What I am concerned about now, however, is that we did not have a bill before the Senate. I know the Senator Grassley is working tirelessly with his colleagues to allow us the opportunity to debate this issue. The administration, of course, has come out with their recommendations that Senator Durbin addressed a moment ago. However, we ought to have a hearing on the bill itself once it is written so we can walk through it and make sure we know exactly what we will be voting on and considering. Having that hearing on the bill seems to me to be an essential aspect of the procedural requirements we have to consider as we prepare for the debate on the Senate floor itself.

The second issue has to do with the context. Some will use Medicare and prescription drugs to privatize the Medicare system. How tragic that would be if in the name of providing good prescription drug benefits to seniors, we end up with a system that most seniors will not recognize. Before Medicare was created in 1965, less than half of Americans over the age of 65 had health insurance. Now, 95 percent of seniors over the age 65 have health insurance. The reason they do is because of Medicare.

If we privatize Medicare, seniors in rural areas, in particular, will suffer. Let us not privatize the system. Let us not destroy a system that works so well for so many.

I find it interesting that those who laud the advantages of private-sector health care have difficulty explaining why Medicare can have such low administrative costs. Medicare’s administrative costs are about 2 to 3 percent. The private-sector administrative costs today are about 15 percent—five times greater than the administrative costs of Medicare. We should think about that. I hope we are absolutely certain that the name of prescription drugs we do not remove, we do not undermine, we do not undermine a system that has worked so well for seniors, whether they are in urban or rural areas.

The third concern is what kind of a package we will provide. The one thing seniors tell me they need is a clear understanding of what benefits they are going to get so they can compare whatever choices they may be offered. They need to know what the benefit plan is going to be. For sure we define the benefits, describe them and put them in writing, so that no one has any question what it is we are going to do. Seniors also need to know what premium they will be asked to pay. We have to define that premium right in the bill itself.

I hope our colleagues would all share that point of view, as well. Be as transparent when it comes to benefit and premiums as we can so that seniors know what their benefits will be and can have confidence that those benefits will be there when they’re needed.

Fourth and finally, I hope, more than anything else, that we make the benefits consistent. For us to say seniors in one area will be covered, and then not covered even though they continue to pay premiums, and then covered again, would be a terrible mistake. Such coverage gaps, or sickness penalties, would lead to a deep-seated cynicism among seniors but among all Americans. I hope we recognize how important it is that we avoid any coverage gaps by including defined benefits and defined premiums.

That is, in essence, what we are hoping we can write into the bill, let’s simply do this: Let’s make sure we have hearings so we know what it is in it. Make sure that, in the name of prescription drugs, we don’t privatize Medicare and dramatically change a system seniors depend on. Then let’s tell seniors three things. They are going to get a defined benefit, a defined premium, and defined coverage all year with no sickness penalty. If we can agree on these principles, we can get broad bipartisan support for the bill at the end of the month.

Again, I compliment the majority leader for his determination to continue the efforts we made in the last Congress on prescription drugs. We have a chance to do it right. We have a chance to do it in a bipartisan fashion. We have a chance to ensure that at long last we make a real contribution to health care in America, for seniors in particular. That is our opportunity that awaits us as we take up the drug bill later this month.

Mr. REID. Will the Senator yield for a question?

Mr. DASCHLE. I am happy to.

Mr. REID. I have listened to both the majority leader and you, the Democratic leader, this morning. I ask the Senator from South Dakota, the distinguished Democratic leader, if he is aware of some statements that have been made by Republican Senate leaders talking about doing away with Medicare.

Mr. REID. Let me be more specific. Our friend, the distinguished Senator from Pennsylvania, said just 2 weeks ago:

I believe the standard benefit traditional Medicare program has to be phased out.

Is the Senator aware the distinguished Senator from Pennsylvania made that statement?

Mr. DASCHLE. The comment was made. I was not aware of it until just a few days ago. But I think it goes to the heart of what I was talking about. I appreciate the Senator from Nevada raising this question.

Unfortunately, we have a much larger question at hand, if there are those on the other side who will see this as an opportunity to privatize—to eliminate the Medicare system, as the comments of the Senator from Pennsylvania suggest. If they want to eliminate Medicare, then I think all hope of accomplishing something regarding prescription drugs will be lost. If this is a Medicare debate, if we have to back up and first defend Medicare and make sure it is protected and kept intact, then we will never have an opportunity to get to prescription drugs.

I hope the Senator from Pennsylvania would recognize the consequences of words of that magnitude. Obviously we are prepared to have a debate about Medicare. But it will be at the expense of a debate about prescription drugs and whether we can add prescription drugs to Medicare sometime this year, hopefully this month.

Mr. REID. Will the Senator yield for another question?

Mr. DASCHLE. Yes.

Mr. REID. The distinguished Senator from Utah, Senator Bennett, a long-time friend of this Senator, stated about 7 weeks ago: Medicare is a disaster. We have to understand that Medicare is going to have to be overhauled. Let’s create a whole new system.

Is the Senator aware our friend from Utah has made that statement?

Mr. DASCHLE. There are those on the other side—and I assume from that comment that Senator Bennett may be among them—who believe that eliminating or overhauling Medicare is the only option available to us. Frankly, I am troubled by that. I think Medicare has been one of the greatest health care success stories in our Nation’s history.

My mother is a beneficiary of Medicare. The remarkable consistency and extraordinary access to health care that Medicare has provided to her and tens of millions of other seniors simply cannot be overstated. As I said earlier, the administrative cost for Medicare is about 3 percent. The administrative cost for private health care plans is 15 percent, 5 times greater.

Medicare provides every senior in South Dakota a chance to get health care. There are no private sector plans in large parts of South Dakota because HMOs and PPOs don’t serve rural America. So from an access point of view, from an administrative point of view, from a benefit point of view, from an assurance and confidence point of view for seniors, I don’t know how you could do much better than Medicare.

But when we draw down the Medicare trust fund to pay for tax cuts, we risk in essence, stealing from that very fund that will be needed in future years to provide the kind of health care that our parents, our grandparents, and our families depend upon.

I quote a front page Republican colleagues are very disconcerting and troubling. As I say, if that becomes the debate, if the debate is about the future existence of Medicare itself, we will never be able to get to a drug benefit debate.

Mr. REID. Will the Senator yield for one final question? I know there are others here wishing to speak. This will be the last question.

Mr. DASCHLE. I am happy to.

Mr. REID. The State of Nevada has two large metropolitan areas, Reno and Las Vegas, but most of the State population is in small towns—Mesquite, Ely, Hawthorne, Battle Mountain, Tonopah—places that have no managed care. If we change Medicare drastically, I don’t know what will happen to the seniors in those rural communities.

I have heard the Senator today and on other occasions speak about the problems in South Dakota, which has many seniors simply without any medical care. Does the Senator agree with that statement?

Mr. DASCHLE. I couldn’t agree more. In fact, what troubles me is there are those who would turn Medicare into a HMO. I don’t know many people who are enthusiastic about the kind of care they get from their HMO. There are some good ones, I certainly would not deny that. But I must say, HMOs are not the panacea. There is not a one-size-fits-all HMO, health maintenance organization, or PPO, for that matter, preferred provider system, that would work in rural areas.

We know. We have seen from our own experience. They have tried it. They have attempted to create managed care systems in rural areas. The demographics don’t work. Our health care delivery system in rural areas does not allow for a managed care system that works. Perhaps it does in Washington DC, or Los Angeles or New York.

So we cannot have a one-size-fits-all system. That is the beauty of the Medicare system. The Medicare system has adapted over the years, organizationally into a great big HMO. I don’t know how it works in Washington DC, or Los Angeles or New York. I don’t know how it works in South Dakota and Nevada in a way that has worked far beyond the expectations, I am sure, of many who created the system in the 1960s.

Let us not throw out a system that has worked well. Let’s improve it. Let’s build on it. Let’s provide better benefits through it. But to privatize Medicare—to eliminate it and replace it with a new HMO in the name of Medicare is a mistake that we will fight to the last day. That would be a real tragedy because we have an opportunity to debate how to provide a good prescription benefit. Let’s agree in a bipartisan way to have that debate. This is the opportunity and I hope we seize it.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I yield myself such time as I may consume under the time I have reserved for the National Museum of African American History and Culture Museum.

The PRESIDING OFFICER. The Senator has that right.

NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE

Mr. BROWNBACK. Mr. President, I rise to join several colleagues who have already made presentations here today about the introduction of a bill for a National Museum of African American History and Culture. We currently have 48 cosponsors of this bill. I hope after today we will have a strong and clear majority sponsoring this legislation.

I want to particularly thank Senator Dodd, who is the lead Democrat sponsor of this bill, and Senator LOTT, who chairs the Rules Committee through which it will go, both of whom are cosponsors of the bill, along with the majority leader and the Democratic leader who are also cosponsors of the bill, for pushing this issue, making it go forward.

I cannot go forward without recognizing Congressman John Lewis from Georgia, who has been the lead sponsor in the House, along with the Hon. James Clyburn, before he left that body, being the inspirational leader behind moving this issue forward.

Over 200 years ago, there was a dream that was America for a group of individuals who were brought to our shores in shackles, a dream so powerful it compelled a race of people to fight for the liberty of others when they were in bondage themselves, a dream that not only served as a catalyst for physical liberation in the African-American community but removed societal shackles from our culture and enabled us to realize the ideals set before us in the Constitution—that all men are created equal.

Today, we celebrate this magnificent history, a history of a people that tell the story of American history in this country—a rich history, a unique American history.

This bill will create this museum within the Smithsonian Institution—a uniquely American museum, one that tells the story of African-Americans in this country—our proud history, a rich history.

This bill will create this museum along with the Council of the National Mall, a museum dedicated to celebrating national African-American history—what is American history.

In addition, this bill charges the Board of Regents of the Smithsonian Institution, along with the Council of the National Mall to plan, build, and construct a museum dedicated to celebrating nationally African-American history—which is American history.

Additionally, the bill establishes an education and program liaison section designed to work with educational institutions and museums across the
country in order to promote African-American history.

Finally, the bill sets forth a Federal-private partnership for funding the museum, and authorizes $17 million for the first year in order to begin implementing the museum construction, which will be comprised from a mixture of leading African-Americans from the museum, historical, and business communities.

It has been well over 70 years since the first commission was formed to seek redress to the nationally the contributions of African-Americans—70 years. It is about time that we move forward with it.

It has always been my hope that this museum will not only showcase nationally the accomplishments of African-Americans—which are great—but will also serve as a catalyst for racial reconciliation in our Nation. Indeed we have triumphed over our difficulties in this area, but we must continue to do more.

I can see a number of people going through this museum with a lot of tears coming out as they see the progression of people coming to this continent in shackles and moving forward in triumph. There are going to be a lot of tears along that trail. The beautiful thing about tears is that they don’t have color; they just cleanse. I think they will be tears of cleansing.

I do not pretend that this museum is a panacea for racial reconciliation, which this country desperately needs. It is, however, a productive step in recognizing the important contributions and the debt all Americans owe to African-Americans.

I close my comments with a quote from Dr. Martin Luther King, a prophet in his time and now a prophet to us.

From Dr. Martin Luther King, a prophet to us.

It is, however, a productive step in recognizing the important contributions of African-Americans—70 years. It is about time that we move forward with it.

HONORING ESTELLA REYES NARANJO

Mr. CORNYN. Madam President, there are two things I want to address very briefly this morning.

I rise to pay tribute to Estella Reyes Naranjo, a great citizen of my State of Texas.

I think it is important to recognize contributions such as those of Estella, which are primarily in the area of the education of the children of San Antonio, my hometown, and her 50 years of unselfish service to the city of San Antonio, the State of Texas, and to the United States of America.

Estella has taught for 40 years in Texas public schools and for another 10 years in Catholic schools. Through her dedicated service in the classroom and the community, she has been a positive influence for countless lives, and for thousands of students.

Estella was also honored with an outstanding service award for her dedication and hard work in the public school system, and has received a leadership award for her many contributions to the Catholic school system. She has also been honored by the International Good Neighbor Council for her work to promote the “Principles of Good-neighborliness” between Mexico and the United States.

As a teacher, a volunteer, and a diligent leader, Estella is an inspiration to her family, her friends, and her community. She is truly an example of what President Bush calls “the armies of compassion.”

I have always believed that patriotism is not just expressed by flying the flag. It is about more than that. Patriotism means we all share a part in something larger than ourselves. In all of our differences, there are some things we all have in common. In all our diversity, each of us still has a bond with our fellow man.

The fact that dedicated individuals, working faithfully in their communities, can accomplish more than any government program is well established, and it is established again in the life that we celebrate today.

Alexis de Tocqueville described it this way: Countless little people, humble people, throughout American society, expend their efforts in the betterment of the community, blowing on their hands, pitting their small strength against the elements of life. Unheralded and always inconspicuous, they sense that they are cooperating with a purpose and a spirit that is at the center of creation.

Today I am proud to herald the work of Estella Reyes Naranjo. I know I speak for all the citizens of the great State of Texas when I say that I am grateful for her dedication, passion, and her tireless work to build a stronger community and a better world.

THANKING THE CONTINUITY OF GOVERNMENT COMMISSION

Mr. CORNYN. Madam President, I wish to also, in the brief time I have allotted, say a few words about a very important subject to our Government and to our Nation. I wish to say a few words about the importance of continuity of our Nation’s Government.

Today, the Continuity of Government Commission, a joint project of the Brookings Institution and the American Enterprise Institute, is releasing a report to the Congress on this matter. I express my appreciation to the commission for their responsible and forthright assessment of needed constitutional reforms in this area. The report will be an invaluable addition to this ongoing discussion, and it will provide a sound basis for hearings I plan to hold in the Senate Judiciary Committee’s Subcommittee on the Constitution later this year.

I was not here when Washington was not here when the attacks came on September 11. Like so many other Americans, I was at home, preparing for work, when I heard the terrible news and saw it displayed on the television set. But I know that many of my friends and colleagues who were here on that horrific day feel a very personal debt to the heroes of flight 93.

The brave passengers on that flight did more than just save the lives of their fellow citizens. Absent their courageous sacrifice, it is likely that flight 93 would have reached its final destination in this very building, in an attack that would have virtually eliminated an entire branch of our Government.

Even as we have dedicated ourselves to fighting terror at home and abroad, even as we hope and pray that the tragedies of September 11 will never be repeated, we must always remain conscious of our promise as Senators to serve the people of our States and our Nation and to support and defend the Constitution of the United States.

In the aftermath of those attacks, it is now increasingly clear that our current system providing for the continuity of government in the event of a disaster is inadequate in the reality of the post-9/11 world. If an attack of this nature occurred again, and was even partially successful, our Government and our Constitution would be ill prepared for the sudden ramifications.

As unthinkable as another attack of that magnitude may be, we in the legislative branch must be ready for the worst. We must provide for the stable
continuance of government, despite all possible calamities. We owe it to the American people to ensure that our Government remains strong and stable even in the face of disaster.

What the evildoers who committed this terrible act on 9/11 will understand is that America cannot be destroyed by weapons, by armies, or by terrorist attacks. No matter how many weapons they try to make, no matter what secret schemes they concoct, no matter what buildings they destroy, as long as their ideas live within our hearts, America endures, a beacon of light shining for all the world to see.

The passengers on flight 93 were everyday Americans, men and women with jobs, with families, and dreams. Like all of us, they made promises to their loved ones before they boarded that plane: promises of vacations and baseball games, of presents and anniversaries.

Some promises are not cheap, others cost nothing, others require that we risk all, even our very lives. The crash site left behind by the heroes of flight 93, nestled in the hills of Pennsylvania, is filled with memories of the promises they made and will never keep. That hallowed ground marks their last promise: a promise carried on to the Nation, their children, their loved ones left behind—a promise that says freedom will not end here in the violent acts of evil men. It persists, it endures, and it will not be destroyed.

Our Government must not fail the children of flight 93. This body must not fail them. We must prepare for all contingencies, fulfilling our oaths of office, to ensure that the promise of our free Government—a government of laws, not men—shall not perish from this Earth.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I ask unanimous consent that I be allowed to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX CUTS AND MEDICARE

Mr. HARKIN. Madam President, last Thursday the New York Times of May 29 had a front-page picture, a big, color picture on the front page, of the President signing the tax cut bill in the East Room of the White House. As I looked at this picture, I thought: This really is appropriate. Pictures say a thousand words that is a promise of the President signing the tax bill, and he is in the East Room, with all the big crystal chandeliers, all the trappings of power, and an audience.

It was looking at this audience, I thought, that was the message. I am looking at them all. Do you know what? This looks like the rich and the powerful of America sitting there with all these chandeliers and getting all these big tax cuts. There is not one person of color sitting in that audience, not one. Now, there may be. I cannot see back behind where the picture was taken. Maybe there was one. Maybe one of the ushers back there was an African American. But it just kind of makes me wonder who these people are and who really benefit from that tax cut.

Why didn’t the President take that tax cut signing down to middle America someplace? Why didn’t he take it down to a small community of middle-income taxpayers? Why didn’t he take it to a low-income area, say—well, I don’t care, pick a city: Newark, Philadelphia, Pittsburgh, Des Moines, IA, Houston, TX; maybe Detroit, MI or Flint, MI—and go to an area of that city that is low-income where people go to work every day, where they are struggling to make ends meet, where they have to find some child care for their kids so they can go to work to put bread on the table, maybe they have a little bit of a decent lifestyle, and they are having trouble finding decent child care and other costs of raising children? Why didn’t the President go down there and sign that tax cut bill?

Well, because the sentence right under the picture says why he did not do that:

Tax law omits $400 child credit for millions.

Look at the picture: All the trappings of power, all the rich and powerful of America sitting in that audience. Right below it: “Tax law omits $400 child credit for millions.” One picture says a thousand words. And right underneath, it tells you why the President signed the bill in front of all these people and not out in middle America.

So now we are just beginning to find out. We are just beginning to find out, as the New York Times said, that:

Because of the formula for calculating the child care tax credit, most families with incomes from $10,500 to $26,625 will not benefit.

Zero, nada, nothing.

The Center for Budget and Policy Priorities, a liberal group, says those families include 11.9 million children or one of every six children under 17.

Madam President, 11.9 million children left out of the tax bill! You don’t see them sitting in the audience. You don’t see single moms, for example, sitting in this audience when they are signing the tax bill, balancing a couple kids on their knees. You don’t see that.

“I don’t know why they would cut that out of the bill,” said Senator Blanche Lincoln, the Arkansas Democrat who persuaded the full Senate to send the credit to many more income families before the provision was dropped in committee.

These are people who barely scrape by. And it is not just those families. As I said, the New York Times picture and the story underneath it say it all.

The Des Moines Register, closer to my home, had an editorial from May 31: “A Tax-Cutting Disgrace.” This is from the Des Moines Register editorial:

Congress looked out for investors in the last-minute revision of the tax bill President Bush just signed into law.

As a result, millions of low-income families won’t get the extra $400-a-kid check from Uncle Sam this summer.

The House of Representatives voted to drop the $10,500 to $26,625 annually will be left out. Giving them the credit would cost about $3.5 billion and would have required sending checks to some people who don’t pay enough income taxes to deliver the credit as a refund.

People of low income work hard. They go to work every day. They may make just above the minimum wage, but they are not paying income taxes. But they have child care needs, and they are left out.

House Republicans contend that a $350 billion cap on the tax cut package didn’t leave enough room to give the credit to low-income families.

To quote the Des Moines Register:

“Nonsense.” They easily could have done less for the richest Americans and more for Americans who barely scrape by. And it’s unconscionable that they didn’t.

Well, just look at that picture in the New York Times, look who is there. Then read the articles in the paper, read the Des Moines Register editorial, and you will find out what this tax bill was all about.

Now we find something else out about this tax bill as we open up the newspaper this morning, the Washington Post from today: “Middle Class Tax Share Set To Rise. Well, well, well. “Studies say the burden of the rich to decline.”

Here is what the Washington Post said this morning:

Three successive tax cuts pushed by President Bush will leave middle income taxpayers paying a greater share of all Federal taxes by the end of the decade, according to new analyses of the Bush administration’s tax policy. As critics of the tax cuts in 2001, 2002 and 2003 have noted, the very wealthiest Americans, those earning $337,000 a year or more per year, will be the greatest beneficiaries of the changes in the nation’s tax laws.

So what will happen? They go on to point out, the middle class will pay more and more. As the rich pay less and less, the middle class will pay more and more of their share of taxes. Thus, “Middle Class Tax Share Set To Rise.”

That brings us to what is going on right now with Medicare. Again, one may wonder what the connection is between the tax cut bill and the problems that we are confronting ahead in Social Security and Medicare. Don’t take my word for it. Just read the Financial Times, not a Democratic newspaper or anything like that. The Financial Times of Friday May 30, front-page story, “Bush Aware Of ‘Crushing’ Deficit Threat.” This is the article. I have it blown up here in the chart, “Bush Aware Of ‘Crushing’ Deficit Threat.”

Ari Fleischer, White House spokesperson addressed a press conference. Listen to this quote:

“There is no question that Social Security and Medicare are going to present [future]
generations with a crushing debt burden unless policymakers work seriously to reform those programs.”

Now it becomes clear. Huge tax breaks and cuts for the wealthy. The middle class tax share is to rise. Low-income families have child care credit needs are written out. Because of the huge gap that is going to happen in the next 10 years because of the lack of revenues for the Federal Government, we are going to have problems in Social Security and Medicare. And going to tax the middle class. What are more important? Is it making sure that Warren Buffett, the third richest man in the world, gets a $310 million tax break, which he himself said was wrong and that he should not be getting? He said the tax cut ought to go to the middle class, and I commend him for his honesty and forthrightness. What is more important? Is it giving him a $310 million tax break or is it more important to the middle class, to make sure that prescription drug benefits, to make sure we have a decent Medicare Program and a sound Social Security program? That is what is important to the middle class. That is what has been taken away by the tax bill. The Republicans are trying to take away with cuts to Medicare, and that is what they are going to try to continue to take away with further cuts to Social Security. That is why we have to be out here to fight every day for the middle class in America.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Michigan is recognized.

HEALTH CARE FOR OLDER AMERICANS

Ms. STABENOW. Mr. President, I wish to follow what my friend and colleague from Iowa was speaking about earlier in terms of the importance of Medicare. I think his comments were so right on point. I find interesting—I was not around at the beginning for the debate—the debate on Medicare. I understand that in 1960, originally, there were proposals to provide a broad universal care for all Americans and that, in true compromise form, the Congress and the President, when there was not support for that, ended up with a plan called Medicare for seniors and the disabled in this country. So it was a compromise. It was written as a first step, not a last step, in providing universal care for all Americans.

I believe Medicare has been a great American success story. We have seen both Medicare and Social Security bring older Americans out of poverty. Today, we have about 10 percent of our seniors in poverty rather than close to 50 percent prior to Social Security and Medicare.

During that debate, if one reads the Record, there was a major concern about who could provide health care to seniors better—the private sector or the public sector through Medicare.

The reason the Congress, in its wisdom, decided to move forward with Medicare was because at least half the seniors could not find or could not afford health care insurance in the private sector. Seniors and all of us who are getting older and using more medical care are going to the doctors more frequently understand that older Americans require more health care, more costs, and are not exactly the prize group an insurance company goes for. They want my son and daughter in the world, gets a $310 million tax break, which he himself said was wrong and that he should not be getting? He said the tax cut ought to go to the middle class, and I commend him for his honesty and forthrightness. What is more important? Is it giving him a $310 million tax break or is it more important to the middle class, to make sure that prescription drug benefits, to make sure we have a decent Medicare Program and a sound Social Security program? That is what is important to the middle class. That is what has been taken away by the tax bill. The Republicans are trying to take away with cuts to Medicare, and that is what they are going to try to continue to take away with further cuts to Social Security. That is why we have to be out here to fight every day for the middle class in America.

I yield the floor.
going to hear a lot about that in this Chamber, that it is inferior medicine, even though seniors know that is not true. There is not evidence that is true, but we are going to hear a lot of talk—and we have for 5 years—about how Medicare is broke.

Second, convince Americans that Medicare cannot be sustained for long. We have heard continually that we cannot afford it anymore. As my colleague from Iowa pointed out, if there is concern about being able to afford it, it is only because we are spending the money on tax cuts for the privileged few instead of beefing up Medicare and Social Security. So it is a conscious choice. It is a question of values and priorities that we have to decide every day, just as American families do.

Third, compare or reform the Medicare system to the Federal Employees Health Benefits Program. We hear a lot about that now: Seniors should have the same kind of plan that we do. Happily, I think that is true. But during the tax debate I offered an amendment that simply said we are going to defer the tax cut to the privileged few at the very top, less than 1 percent of folks who already received a tax cut 2 years ago; defer the new tax increase until we can fund Medicare at the level that Senators and House Members and other Federal employees receive. My colleagues voted no on that issue. It would cost twice as much as in the budget resolution—$800 billion instead of $400 billion—and, unfortunately, the majority voted no. But we are going to continue to hear about how we should have private sector plans instead of Medicare, and it should be the same as we receive.

I agree with that, and I am happy to offer my amendment any time folks want to support it so we can pay for that benefit and make it real for our seniors.

Finally, fourth, they said protect current beneficiaries. They said the calculation was the private alternatives generated by the voucher-style option, private HMOs, would be so much more efficient and so much more attractive that fewer and fewer seniors would decide to remain in the traditional system. Hence, Speaker Gingrich’s remarks that the traditional Medicare system would wither on the vine because the demand for that option would decline sharply over time. Obviously, they are not true. Nine out of ten seniors in this country, when given a choice, have picked Medicare.

Seniors have made their choice. Since 1997 when they were given the option of private HMOs, they have overwhelmingly said no. It is very interesting; 89 percent of the seniors in this country right now are covered under Medicare, and 11 percent are covered under a private sector HMO. And, they don’t have that option. In Iowa, there is not a private sector HMO. In Michigan, only 2 percent of beneficiaries have that option. Of the 64 percent of the seniors who have that option, only 11 percent of them have chosen to go into a private sector HMO.

The PRESIDENT PRO Tempore. The Presiding Officer’s time has expired.

Ms. STABENOW. Mr. President, I ask unanimous consent for an additional 10 minutes.

The PRESIDENT OF THE UNITED STATES. Without objection, it is so ordered.

Ms. STABENOW. I thank the Chair.

Mr. President, today I wish to debunk what we are going to hear, unfortunately, and that is where the majority of the people in this country have waited long enough. I am very hopeful we will be able to do that.

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So let's talk about myth, let's talk about facts, and let's get beyond all of this and say seniors of this country have chosen overwhelmingly to stay in Medicare. They like Medicare. It works. It just does not cover prescription drug costs.

Mr. HARKIN. Will the Senator from Michigan yield for a question?

Ms. STABENOW. I am happy to yield.

Mr. HARKIN. First, I preface my question by thanking the Senator from Michigan for her depth of understanding of the whole Medicare issue and also for her clarity of argument. I should say her clarity of exposition, for exposing what this is all about. It is not about tinkering around with it; it is really about an assault on the Medicare system itself. So I thank the Senator from Michigan for pointing that out, and I hope the Senator will continue to do this so that the American people understand what this is really about. It is about a fight for Medicare, whether we are going to have it.

Now, my question is this: As the Senator from Michigan pointed out, Mr. Scully said that when Medicare+Choice came in, were lauding it, saying we were going to see seniors pouring into managed care Medicare. The Senator talked about how Mr. Scully said this was going to be an Oklahoma land rush to move to private health plans, and the Republicans who put up Medicare+Choice had all of these visions that seniors would go into it. But as the Senator from Michigan pointed out, that did not happen, did it? It did not happen.

Ms. STABENOW. That is correct.

Mr. HARKIN. Now we only have 11 percent of seniors who chose that. I ask the Senator from Michigan, does it somehow appear that since voluntarily the Republicans could not get seniors into HMOs and private health care plans, there now seems to be an approach that we are going to force them into private care? Am I reading the Medicare system and restructing it into a private HMO type system that would force the elderly to do what the elderly do not want to do? Does that seem to be the kind of thing we see laid out in front of us?

Ms. STABENOW. Well, I think my colleague is very wise in pointing that out. I often say that seniors made their choice and now our colleagues on the other side of the aisle have said: We are going to force out of that choice. Pick again. You cannot have this choice. Door No. 1 is closed and locked. You can only pick door No. 2. That is really what is happening. Even among the fancy words, even among the rhetoric that under Medicare there will be the same prescription drug proposal, the same plan as our private plans; we are going to give the same prescription drug plan. But then we hear, but other things will be better in the private sector plans, such as wellness and prevention. We will have a better catastrophic cap; we will have other things that are better. So they are moving the words around.

It may appear that the prescription drug part is the same, but other things will be better because of the belief—and there is a genuine philosophical difference, there is a divide, about what is the best way to proceed. There are colleagues that believe that probably Medicare should never have been enacted. I have heard it said it is a big government program, it should be private insurance run, and they would like very much to get back as close as they can to a privately run system.

Mr. HARKIN. Again, I thank the Senator for pointing this out. As the Senator knows, the majority of Republicans voted against Medicare when it came in, in 1965. Even my good friend Senator Dole, when he was running for President, said he voted against Medicare and he was proud of it.

Now I would give them that is their philosophy, and that is where they are coming from. I understand that. I understand when Newt Gingrich says he wants to have Medicare wither on the vine. I understand when the third ranking Republican in the Senate says the Medicare benefit ought to be done away with. That is their philosophy and that is where they are headed.

So again, I thank the Senator for pointing out that this is really the goal.

Ms. STABENOW. Absolutely. Mr. HARKIN. This is the goal that is out there, to destroy the Medicare system.

Ms. STABENOW. Absolutely.

Mr. HARKIN. Again, I ask the Senator from Michigan, when Medicare came in, was it not because the private sector had failed in terms of elderly health care in America?

Ms. STABENOW. Absolutely.

Mr. HARKIN. Was that not the history? And if one has these private plans, that they are going to pick and choose, and they are going to cherry pick, and they are going to have a segregation of elderly pushed off in some corner someplace, begging for some kind of health care if we do not have a universal Medicare system? Is that not what might happen?

Ms. STABENOW. I think the Senator is absolutely correct. It is not that there is not a place for private sector insurance, but when Medicare came into place, it was because half the seniors in the country could not find a private plan to cover them or they could not afford it. So there was such a huge need.

We as Americans have a basic value about making sure older Americans can live in dignity and have access to health care. They deserve, as well as those who are disabled. This is a great American value. I believe it is a great American success story. Even though there are those who since that time have been trying in some way to undermine it, we have the ability of life that they deserve, as well as those who are disabled. This is a great American value.

In addition to prescription drug coverage, there are other ways we can make the system better. We can use more technology, less paperwork, all of which are good. If we could get beyond the debate that says we should move back toward the private sector, and the Republicans who since that time have been saying that falsely and saves money and the dollars will go further—none of which is true; there is no evidence of that—if we could get beyond that, we could come up with a bipartisan plan that would be meaningful. They want Medicare. They just want prescription drug coverage. They want it modernized. But they want Medicare. They have been saying that loudly and clearly.

I hope we can get the message and work together to actually get it done.

Mr. HARKIN. I thank the Senator for her leadership on this issue.

Ms. STABENOW. We appreciate the opportunity to share this today.

We have a real opportunity here, as Members on both sides of the aisle, to do something very meaningful. I hope we will do that rather than debate whether or not Medicare has been successful and seniors want choices. I believe we should look at the choice they have made. It is very clear. They want us to work together and get something done, and do it in a way that will allow seniors to know that medicine, which is such a critical part of their lives and a great cost to their pocketbook, will be for partially or partially treated and they will receive some assistance to be able to afford such a critical part of health care today, which is outpatient prescription drugs. It is too important to people. We do not want them choosing between food and medicine in the morning. We want them to have confidence that Medicare will cover and help with the costs of prescription drugs.

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. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 1588 by title.

The legislative clerk read as follows:

A bill (H.R. 1588) 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.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken, and the text of S. 1095 is ordered to lie on the table.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 847

(Purpose: To change the requirements for naturalization through service in the Armed Forces of the United States, to extend naturalization benefits to members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces, to extend naturalization benefits to surviving spouses, children, and parents, and for other purposes)

Mr. KENNEDY. Mr. President, I call up amendment No. 847.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. BROWNBACK, Mr. MCCAIN, Mr. BINGMAN, Ms. CANTWELL, Mr. LEAHY, Mr. CORNYN, Mr. INHOFE, Mrs. CLINTON, Mr. KERRY, and Mr. SCHUMER, proposes an amendment numbered 847.

Mr. KENNEDY. Mr. President, I ask unanimous consent that 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 "Amendments Submitted.")

Mr. KENNEDY. Mr. President, I offer this amendment on behalf of myself, Senators BROWNBACK, MCCAIN, REID, BINGMAN, DURBIN, CANTWELL, LEAHY, CORNYN, INHOFE, CLINTON, KERRY, and SCHUMER.

First, I wish to express my very sincere appreciation to the floor managers for giving us an opportunity to address this issue which is of enormous importance to a number of our servicemen and women. We have debated matters of enormous importance in terms of our national security during the consideration of the Defense authorization bill. I appreciate the patience given by the chairman of the committee, Senator WARNER, and Senator LEVIN, and I appreciate their willingness to give an opportunity for the consideration of this amendment.

I am very hopeful that after discussion of it there will be a willingness to accept the amendment.

Mr. President, I understand we have a half an hour. I yield myself such time as I might use.

Mr. President, the amendment we are offering is a bipartisan effort intended to recognize the enormous contributions by immigrants in the military. It gives immigrant men and women in our Armed Forces more rapid naturalization, and it establishes protections for their families if they are killed in action.

In all our wars, immigrants have fought side by side and given their lives to defend America's freedoms and ideals. One out of every five recipients of the Congressional Medal of Honor, the highest honor our Nation bestows on our war heroes, has been an immigrant. Their bravery is unequivocal proof that immigrants are as dedicated as any other Americans in defending our country.

Today, 37,000 men and women in the Army, Navy, Marines, Air Force, and Coast Guard have the status of permanent residents. Another 12,000 permanent residents are in the Reserves and the National Guard. Sadly, 10 immigrants fought side by side and given their lives in Iraq. The President did the right thing by granting those who died posthumous citizenship, but it is clear that we must do more to ease the path to citizenship for all immigrants who serve in our forces.

This amendment improves access to naturalization for lawful permanent residents serving in the military. It provides expedited naturalization for members of the Selected Reserves during military conflicts, and it protects spouses, children, and parents of soldiers killed in action by preserving their ability to file for permanent residence in the United States.

Specifically, the amendment reduces from 2 to 1 the number of years required for service in the military during times of peace to become naturalized citizens. It exempts them from paying naturalization filing fees, and it enables them to be naturalized while stationed abroad. Affordable representation is the least we can do for those who put their lives on the line to defend our Nation.

During times of war, recruiting needs immediate and readiness is essential. Even though the war in Iraq has ended, our commitment to ending global terrorism will continue, and more and more of these brave men and women will be called to active duty. Many of them are members of the Selected Reserves.

As I pointed out the benefit of my colleagues, we are just looking at the Selected Reserves. There are a number of aspects to the Reserve units. We have the Selected Reserves as a part of the Ready Reserve, but we are just targeting this on the Selected Reserves. It does not apply to the individual Ready Reserve, the inactive National Guard, Standby Reserve, or Retired Reserve. These are individuals who must keep their competency up under regular kind of training in order to stay in the military units. Many of the Selected Reserves have already been activated in the Reserve and National Guard units, and many more expect to be called up at a moment's notice to defend our country and assist in military operations.

Over the years, many Reserve and Guard units have become full partners with their active duty counterparts. We are proud that United States Forces Freiheit, where you had the highest mobilization of our Reserves and Guard in recent years. Their active duty colleagues cannot go to war without them. Being a member of the Selected Reserves is nothing less than a continuing commitment to meet very demanding standards, and they deserve recognition for their bravery and sacrifice.

The amendment allows permanent resident members of the Selected Reserves to expedite their naturalization applications during war or military hostilities.

Finally, the amendment provides immigration protection to immediate family members of soldiers killed in action. Provisions reached through compromise will give grieving mothers, fathers, spouses and children the opportunity to legalize their immigration status and avoid deportation in the event of the death of their loved one serving in our military.

It just permits them to be a permanent resident alien. Then they take their chances in moving along to become citizens.

We know the tragic losses endured by their families for their sacrifices, and it is unfair that they lose their immigration status as well.

The provisions of the amendment are identical to those in S. 922, the Naturalization and Family Protection for Military Members Act, which also has strong bipartisan support and is also endorsed by numerous veterans organizations such as the Veterans of Foreign Wars, the Air Force Sergeants Association, the Non-Commissioned Officers Association, and the Blue Star Mothers of America.

The amendment is a tribute to the sacrifices that these future Americans are already making now for their adopted country. They deserve this important recognition. I look forward to working with my colleagues to see that these provisions are enacted into law.

These provisions of this amendment, reached through compromise, give immigration protection to the families of some brave soldiers. They do not, however, offer protection to all family members, particularly the ones who are undocumented.

Our duty to soldiers who give their lives does not depend on how their parents or spouses or children entered the United States. Deportation is never fair pay for the death of a family member. As we together enact these provisions, I will continue working to make sure that we uphold our duties to all of our present and fallen soldiers. Mr. President, I have had a chance to talk to the chairman of the committee and the ranking member of the committee and to work with their staffs over a period of time to respond to a number of their important questions that they have had, and I am hopeful that the Senate will accept this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. KENNEDY. Mr. President, this amendment will expedite the naturalization process for noncitizen soldiers serving on active duty, in the Select Reserves, and will enact safeguards to protect
noncitizen immediate relatives of American and noncitizen soldiers who are killed in action.

More than 48,900 noncitizens are currently serving in the United States military on active duty and in the Selected Reserves. Hundreds of thousands serve from the State of Nevada. They place their lives on the line for our country every day.

In recognition and appreciation of their service, they deserve a naturalization process that does not unnecessarily delay the grant of citizenship or impose other restraints because they are stationed in another country.

These noncitizen soldiers love America so much they are willing to make great sacrifices to protect us and promote our values and even defend the Constitution—although they do not fully enjoy its protections. They deserve better treatment than they currently receive.

Like any American, I am moved by the story of Airman Dilia DeGrego, who is a legal resident of the State of Nevada.

Airman DeGrego's story is a tale of exemplary courage. She was born in Mexico and came to the United States at the age of 4. Airman DeGrego's family wanted so much for her to be a citizen that her mother relinquished her parental rights and gave full custody of Airman DeGrego and her two sisters to her aunt and uncle who live in the United States and had two sisters to her aunt and uncle who live in the United States.

Airman DeGrego joined the Air Force, in her words, because she wants to serve her country. Her Country. Airman DeGrego knows no other home to serve her country. Her Country. Airman DeGrego joined the Air Force because she wants to serve her country.

Airman DeGrego was born in Mexico June 3, 1984, and was brought here by my aunt Martha Ayala, who is a U.S. Permanent resident as well, and my uncle, Antonio Ayala Jr. who is a U.S. citizen. I lived with them until I left for the United States armed forces and will honor the legacy of all of our soldiers who have been killed in action by providing fair and sympathetic treatment of their immediate relatives seeking legal permanent residency.

Mr. President, I ask unanimous consent that the letter be printed in the Record.

Mr. President, I am honored to tell you that last night Airman DeGrego sent a short message to my office stating that she has been granted an interview within the Office of Citizenship. She completed her message with two simple yet overwhelmingly powerful statements: "I have been blessed. God, bless America."

Who can say that active duty Airman DeGrego, citizen or not, is any less of a hero?

These noncitizen heroes have defended our liberty in every single Great War in which our Nation has participated and represent over 20 percent of the United States military by setting forth an expedited process of naturalization.

The amendment will provide necessary relief to current noncitizens serving in active duty and the selected reserves within the United States military by setting forth an expedited process of naturalization.

The amendment will also provide protections for noncitizen spouses, unmarried children, and parents of citizen and noncitizen soldiers who are killed as a result of their service, to file or preserve their application for lawful permanent residence.

This amendment is supported by the National Guard Association of the United States, the Air Force Sergeants Association, the Air Force Association, the Non-Commissioned Officers Association, the Blue Star Mothers of America, the National Council of La Raza, the National Asian Pacific American Legal Consortium, the National Federation of Filipino American Association, the National Association of Latino Elected Officials, the Mexican American Legal Defense Fund, and the American Immigration Lawyers Association.

I rise today in support of action that will recognize and honor current noncitizen soldiers serving in the United States armed forces and will honor the legacy of all of our soldiers who have been killed in action by providing fair and sympathetic treatment of their immediate relatives seeking legal permanent residency.

Mr. President, I ask unanimous consent that the letter be printed in the Record.

To Whom It May Concern:

My name is Dilia DeGrego. I am a United States permanent resident presently active-duty military trying to become a U.S. citizen. I was born in Mexico June 3, 1984 and have been in the U.S. for about 15 years. I was brought here by my aunt Martha Ayala, who is a U.S. Permanent resident as well, and my uncle, Antonio Ayala Jr. who is a U.S. citizen. I lived with them until I left for the Air Force. When I was 12 my biological mother gave full custody of myself as well as custody of my two younger sisters to my aunt and uncle. This was completed approximately two years later. My parents sponsored my sisters and I and we received our permanent residency about three years later in March of 2002. I applied for my citizenship May 30, 2002. I have not received a response from the immigration office. My dates are not exact, but the INS has record of it all. February of this year I got married in El Paso, TX to Brian Andrew DeGrego, whom I love dearly and is also active-duty Air Force, currently serving a remote tour in Afghanistan and Airman for Air Defense. Shortly after my wedding I received a permanent "green card" in October of 2002 and I did not receive anything. When I asked all I was told was that because my citizenship was pending I would not receive it. My original temporary permanent residency card expired April 21, 2003. I currently have a duplicate that expires December 21, 2003. I have been left out of my citizenship before then because if not I will have to take leave and fly to El Paso, TX where my records are currently being held. I have mailed in a change of address form with a copy of my orders to the immigration office letting them know that I am currently assigned at Nellis AFB, Nevada. I did not receive anything from them in return. I currently do not know my status. Pardon me for complaining, but I don't think it's fair that I will have to keep renewing my card every year until I can finally get a permanent card. I went to the Air Force and asked if I could apply through them to help my situation. I was told I could not and would have to wait until I get a reply from the INS office before the Air Force could do anything. I have called the immigration office in El Paso and they are telling me more than a machine I have left messages. As far as I know I have to wait three years of being in the service or three years of being married to a U.S. citizen to be able to apply for my citizenship again August 2004. I don't understand where I am now in my situation. Anything you could do to help would be greatly appreciated.

I joined the Air Force to serve my country like many other permanent residents and U.S. citizens. To me this is the status that does not matter, but I have experienced difficulty in my career as Public Affairs. I am unable to get an e-mail account or finish security clearance thus not being able to go on the flight line. I am unable to perform my job effectively. I am the base only staff writer for the base paper "The Bully Pulpit" it is my job to work with people on a daily basis as well as all kinds of information. I cannot attend certain meetings if there is any unclassified information mentioned. I understand these restrictions, but it is a frustration and because I am not a U.S. citizen I cannot do my job the way it is supposed to be done. Of the Air Force I will fight to do all I can to do the best I can. It's unfortunate that I am in this situation, but sometimes you have to get tossed around to finally settle in somewhere. I love the Air Force and hope to be a proud member for the years to come, because despite what any paper says in my heart, I am a citizen. Serving as a member of the U.S. Air Force only makes me a prouder one. I know my situation may be common and that is why I can sincerely say that it would only help my brothers and sisters if this bill is passed. Thank you for your time and concern. God bless America!

Amn. Dilia DeGrego,
Air Warfare Public Affairs,
U.S. Air Force.

Mr. REID. So I commend and applaud the amendment from Massachusetts for offering this amendment. And, of course, as he indicated, I am a proud cosponsor of this amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend my colleagues on this timely and vital proposal. I want to particularly thank, on my side, Senator SESSIONS, Senator CORNYN from Texas—who momentarily will address this issue—and Senator KYL, who talked to me this morning. He expressed that the two of you vigorously opposed this amendment, in large measure, some concerns that he had.

So I say to Senator KENNEDY, we thank you for taking this initiative. We have an all-volunteer Armed Forces and it is a team to provide this situation. Each of us knows the distinguished service by those who come from lands abroad in the Armed Forces of the United States. It is a part of our history, and it is a traditional means of demonstrating the allegiance and commitment to the ideals of this Nation to which these individuals have come to join our society.

I believe this amendment—which would shorten the waiting period from 3 years to 2 years for noncitizen service members, both Active Duty and Reserve, and which eliminates fees for
At this time, Mr. President, I yield such time as the distinguished Senator from Texas desires.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Texas.

Mr. CORNYN. Mr. President, I thank the distinguished Senator from Virginia, as chairman of the Armed Services Committee on which I serve, for his courtesy as well as that of Senator LEVIN, the ranking member, and I especially state my appreciation to Senator KENNEDY and those others who have cosponsored this amendment. I am proud to be one of them.

Mr. President, I rise today to say a few words about this amendment, the Naturalization and Family Protection for Military Members Act of 2003.

In every war our Nation has fought, from the Revolutionary War to Operation Iraqi Freedom, brave immigrants have fought alongside American-born citizens. They have fought with distinction and courage. Twenty percent of the recipients of the Congressional Medal of Honor, our Nation’s highest honor for war heroes, have been immigrants.

One in 10 active duty military personnel call my home State of Texas their home. As a member of the Armed Services Committee, I am dedicated to doing everything I can to look out not only for their interests but for the interests of all American personnel, including immigrants.

That is why earlier this year I introduced the Military Citizenship Act that will expedite the naturalization process for 37,000 men and women serving in our Armed Forces who are not U.S. citizens. I believe there is no better way to honor the heroism and sacrifice of those who fight than to offer them the opportunity for American citizenship they deserve.

I am proud to be a cosponsor of this amendment because I believe it fulfills a crucial responsibility to welcome those who fight for our Nation and to help immigrants become naturalized citizens, providing their families easy access to naturalization and family immigration protections.

All you need to do is look at this chart to see the scheme for an alien military service member to seek naturalization under current law. As you can tell, it is a sea of red tape and needless bureaucracy and is overly burdensome on those who want nothing more than to earn the opportunity of American citizenship and who have demonstrated their commitment to this Nation’s ideals and values by their very service.

I believe it is time to do away with this scheme and to move forward with this amendment and the provisions of this bill streamline the process and make it one that welcomes immigrant service members for their bravery and sacrifice and one that sets up unnecessary obstacles to their becoming citizens.

I thank my distinguished colleagues for supporting the bill. I again express my appreciation to Chairman WARNER for introducing the Defense Authorization bill that directs the Department of Defense to determine if any additional measures can be taken to assist in the naturalization of qualified service members and their families.

I also strongly support the action of the President, retroactive to September 11, 2001, to exempt military members from the requirement to serve 3 years on active duty before applying for citizenship. We must always remember that our own freedom was not won without cost but fought and paid for by the sacrifices of generations who have gone on before us. We must honor the heroic dead for their courage and commitment to the dream that is freedom, and we must honor the worthy heroes of our time and embrace them as our fellow citizens.

In 1944, Winston Churchill spoke at Royal Albert Hall to the combined British and American troops and reminded them of a greater cause they served, regardless of the bounds of nations or cultures. He said:

We are joined together in this union of action which has been forced upon us by our common hatred of tyranny, shedding our blood side by side for the same ideals, until the triumph of the great causes which we serve shall be made manifest. . . . Then, indeed, there will be a day of Thanks giving, one in which all the world will share.

In Iraq, the brave men and women of our Armed Forces and the coalition forces fought against those who hate our Nation’s values. They hate us because we believe that all men are created equal regardless of their nation of birth, regardless of their religious or political faith. They hate us because we believe in the God-given rights to life, liberty, and the pursuit of happiness, rights that extend to all mankind. They hate us because we still say: Give me your tired, your poor, your huddled masses yearning to breathe free.

These brave immigrant soldiers are taking on the uniform of our Nation, serving under the flag of our Nation, and fighting the enemies of our Nation and our values. It is only right that they should be welcomed as citizens of this great Nation.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Virginia.

Mr. WARNER. Mr. President, to my knowledge, there are no other speakers on this side of the aisle.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend Senator KENNEDY and all of his cosponsors for offering this amendment. The Senator from Massachusetts has identified a significant shortcoming in our current naturalization law. When we have people who are here legally, legal immigrants who have green cards, who join the Armed Forces, who put their lives on the line for our Nation, the least we can do is to make it easier for them to become citizens through the naturalization process.

Just a few elements: Naturalization can be carried out abroad. Right now that is not possible. Men and women of the military would have to come here, back to the geographical limits of the United States, in order to become naturalized. They could be assigned abroad, on duty abroad, and surely we want to make it possible for them to file their naturalization papers, to be interviewed, to take the oath to this Nation abroad at U.S. embassies or consulates or military installations.

We also ought to take care of the members of the family of those who are killed or who die as a result of injury or disease that is incurred pursuant to military service. Those families, those noncitizen spouses and unmarried children and parents, who could become citizens while the loved one is alive surely should not lose that status and protection when the loved one is killed or lost in action or as a result of injury or disease.

So what is done here is fundamentally human but also fundamentally significant in terms of what this Nation is all about. The men and women who are willing to join our Armed Forces to go and put their lives on the line for this Nation surely are owed a major debt by our country. We can in part pay this debt to them as well as to all members of the Armed Forces to adopt the Kennedy amendment.

Again, I commend him and all the cosponsors for offering it.

Mr. HATCH. Mr. President, I am pleased to support this amendment, which provides a more expeditious naturalization process for the brave noncitizens who serve in our Nation’s military. It is a recognition of and an expression of appreciation for their dedication and sacrifice during this time of conflict. Moreover, this amendment reflects our Nation’s compassion and gratitude to those who gave their lives in defense of our freedom, as it grants, for the first time, derivative benefits and the immediate family members of these fallen men and women who only became citizens posthumously.

Senator KENNEDY’s amendment allows members of the military to apply for naturalization after 2 years of service abroad, which provides for naturalization proceedings overseas so that the servicemen who serve abroad may become citizens without having to travel back to the United
States at their own expense. In addition, the amendment benefits the immediate family members of servicemen who died in combat and are granted posthumous citizenship. Now, these family members will have at least an opportunity to immigrate based on their interests and attributes based on the posthumous grant of citizenship. Indeed, this amendment allows these family members to stay in this country for which their loved ones gave their lives.

I think Senator Kennedy for his effort in reaching out for bipartisan support on this amendment, and for his willingness to accept the input and suggestions from Democrats and Republicans alike. In particular, I am grateful that Senator Kennedy accepted my proposal to close some loopholes so that alien smugglers and other worthy individuals do not inadvertently reap a benefit from this amendment. I am confident that this amendment now appropriately reflects the values and virtues of our nation to be inviolable to all of us as Americans.

Mr. Chambliss. Mr. President, I am pleased to support this amendment to provide for the men and women who serve in our armed forces. I particularly want to express my heartfelt appreciation to the families of service men who gave their lives in our fight for freedom and victory in Iraq.

This amendment accomplishes three purposes. First, for permanent residents who served honorably in our Armed Forces, it changes the waiting period from 3 years to 2 years of service in order to begin the naturalization process. This provision also requires the Department of Defense to formulate a policy to ease and facilitate naturalization for these men and women.

Secondly, the amendment provides a process of immediate naturalization for our selected reserve Armed Forces serving during a time of hostility. In today's world, we rely heavily and strategically on our reservists, and it is only fair to extend this benefit to serve as active duty personnel serving our country in a time of war.

Thirdly, the amendment benefits the immediate family members of servicemen who are U.S. citizens killed in combat. These immediate family members may be non-immigrants who rely on the citizenship of their spouse, father or mother, or even son or daughter to become permanent residents and eventually citizens themselves. In honor and respect of U.S. citizens who died in combat, this amendment will provide their families the temporary ability to continue the immigration process.

This amendment further compliments a bill that my Georgia colleague, Senator Miller, and I passed in the Senate 2 months ago. That legislation expedites the granting of posthumous citizenship to immigrants in our armed forces who died in combat. Our bill and the amendment offered today reduce the waiting periods, eliminate the red tape, and reward those who serve in our armed services and especially those who make the ultimate sacrifice while defending freedom.

Today we will adopt an amendment to further respect servicemen like 19-year-old Diego Rincon from Conyers, GA, who served in the Reserves. These men or women of our armed forces, whether citizens or permanent residents, and their families should be fully appreciated for their service to our country, and in some cases, receive the benefit of continuing the process to become citizens.

Mr. Brownback. Mr. President, I am pleased to join Senators Kennedy and McCain today in submitting an amendment to honor the contributions of immigrants who have shown their dedication both to this country and to creating a better future for themselves by joining the military. This amendment will do two critically important things; it will offer easier access to naturalization for immigrant men and women and, in our country, it will establish immigration protections for their families if they are killed in action.

Having just been through a tough period of war, it is especially important to recognize the sacrifices our brave men and women giving them the opportunity to lead a way of life. This is particularly true for those immigrants who have too often given their lives to defend our principles.

This is poignantly illustrated by an anecdote from the President's visit to Bethesda Naval Hospital with his wife, Laura, back in April. In the press conference afterward, visibly moved by the heroes he met, he noted a special moment for him—witnessing two wounded soldiers sworn in as citizens of the United States. As the President put it himself, "You know we got an amazing country where so powerful, the values we believe, that people would be willing to risk their lives on our behalf to preserve our freedom and our way of life. This is particularly true for those immigrants who have too often given their lives to defend our principles."

This amendment on the naturalization and family protection for military members is a vitally important piece of legislation that both honors and rewards immigrants to this nation. They are already legal permanent residents—this simply ensures that they have the opportunity to truly become a part of this country through citizenship. Therefore, I urge my colleagues to support this amendment today.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. Warner. Mr. President, I observe no other speakers to this important amendment. The managers of the bill are prepared to take it on a voice vote. Therefore, I urge adoption of the amendment.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield back his time?

Mr. Kennedy. I yield back my time.

Mr. Brownback. Mr. President, I move to reconsider the vote.

Mr. Levin. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. Warner. Mr. President, I move to reconsider the vote.

Mr. Levin. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. Warner. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. The amendment (No. 847) was agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 847.

The amendment (No. 847) was agreed to.

The amendment (No. 847) was agreed to.

Mr. Warner. Mr. President, I move to reconsider the vote.

Mr. Levin. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. Warner. Mr. President, we will proceed to a second amendment. Prior to that being done, I wish to advise the Senate there is a third amendment regarding the BRAC process which will
be introduced by the Senator from North Dakota and the Senator from Mississippi. At this time, so the Senate is aware, we will ask for the yeas and nays on the amendment that will be offered.

The PRESIDING OFFICER. There is no amendment offered.

Mr. WARNER. We will wait.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I am waiting for Senator LOTT. I know he is near the Chamber. As soon as he arrives, we are ready to go. The Senator from Nevada may proceed first.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I call up amendment No. 848.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. DORGAN, Mr. INHOFE, Mr. NELSON of Florida, Mr. JEFFORDS, Ms. COLLINS, Mr. EDWARDS, Mr. BINGAMAN, Mrs. MURRAY, and Mr. BIDEN, proposes an amendment numbered 848.

Mr. REID. 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 as follows:

(Article 1414 of title 10, United States Code, is amended by subsection (a), to apply to a member retired under chapter 61 who is also entitled to veterans' disability compensation, under sections 1413, 1413a, and 1414 and inserting the following:

"(1) The term 'disability compensation' means compensation to which the member would have been entitled had he not been retired under chapter 61 of this title.

"(c) Exception.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

"(d) Definitions.—In this section:

"(1) The term 'retired pay' includes pay payable to members of the uniformed services on account of retirement under sections 1405 and 1442 of title 38.

"(2) The term 'veterans' disability compensation' has the meaning given the term 'disability compensation' in section 101 of title 38.

"(2) The term 'repeal of special compensation programs' has the meaning given the term 'special compensation programs' in section 1414 of title 10, United States Code, as amended by subsection (a), to apply to a member retired under chapter 61 who is also entitled to veterans' disability compensation, under sections 1413, 1413a, and 1414 and inserting the following:

"1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation.”.

(e) Effective Date.—The amendments made by this section shall take effect on—

(1) the first day of the fiscal year that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

(f) Prohibition on Retroactive Benefits.—In no case may any person be paid, under any other provision of law based upon or related to the enactment of this Act, compensation under section 1413, 1413a, or 1414 to any person by reason of section 1414 of title 10, United States Code, as amended by subsection (a), for any period before the effective date applicable under subsection (d).

Mr. REID. Mr. President, I rise today with Senators MCCAIN, DORGAN, INHOFE, BILL NELSON, JEFFORDS, COLLINS, EDWARDS, BINGAMAN, and MURRAY to offer an amendment on behalf of our Nation's disabled veterans.

This amendment would end the long-standing injustice that prevents disabled veterans from drawing the disability compensation and retirement pay they have rightfully earned. It sounds unusual, but it is true. This prohibition on 'concurrent receipt' has plagued our veterans for more than a hundred years.

First, I thank Senators LEVIN and WARNER for their support on this issue year after year. As a result of their dedication, deliberation and fairness in conference, we have been able to make some progress each year, and I commend them for the work they have done. The establishment of the special compensation programs has ensured that about 30,000 veterans can receive the benefit of both retirement pay and disability pay. But there are still hundreds of thousands of disabled veterans who need our help.

Many people wonder why we return to this issue year after year in an attempt to keep this fight alive. After all, the White House and the Pentagon are opposed to concurrent receipt, and we are told by OMB there is no money for it. So why take up the struggle year after year in this environment?

For me, it is simply a matter of fairness. Why would we deny a veteran who served honorably for 20 years the right to the full value of his retirement pay because his service caused him to become disabled? That is what this terribly unfair law does. A retired and disabled veteran must deduct from his retirement, dollar for dollar, the amount of disability compensation received. In some cases, the effect is to totally wipe out the retirement benefit. The end result is that the disabled military retiree loses all the value of his 20 or more years of service to our Nation. We do not subject any other Federal retiree to this kind of offset—only our disabled military retirees.

Let me give you a specific example that strikes close to home for this Senator. MAJ Len Shipley is a decorated Marine Corps officer from Henderson, NV. He served combat tours in Vietnam and in the first Gulf War. He retired in 1993 with 26 years of honorable service—13 years enlisted and 13 years as an officer. Tragically, last year, Major Shipley developed Lou Gehrig's disease, a terminal illness for which there is no cure. The disease killed most of its victims within 18 months of diagnosis. There are exceptions, of course, and I hope Major Shipley is one of them. But in all likelihood, he doesn't have much time left to live.

Senator and I fought to have the VA find Major Shipley to be 100 percent service-connected-disabled. He was drawing his full retirement pay prior to receiving his disability rating, but once he was found to be entitled to disability compensation, almost $2,400 of his monthly retirement pay because of the prohibitions on concurrent receipt. Major Shipley's wife, already a Navy reservist, has been forced to work overtime as a nurse in the local hospital to make ends meet. Her husband's disability—and now the loss of the retirement pay he has been collecting for more than a decade—has impacted her family severely.

We should be doing things to make Len Shipley's life better, not worse. He served his country honorably. The restriction on concurrent receipt is fundamentally unfair, unwise, and unsound policy. We should fix it.

I understand the new special compensation programs were designed to help veterans like Len Shipley, but he was told he does not qualify for this Severely Disabled Compensation Program because he received his disability rating more than 4 years after his retirement. Mr. President, Lou Gehrig's disease does not pause to consider when its victims retired from the military.

We still don't know whether Major Shipley will qualify under the Combat Related Special Compensation Program. I hope the program will be fairly administered, but I am already concerned about a Pentagon ruling that excludes the National Guard and Reserve forces from eligibility for special compensation benefits. This is simply a mistake by the Pentagon that will be corrected immediately. If you are combat disabled and retirement eligible, why should it matter whether
you served on active duty, the National Guard, or the Reserves? It was never the intent of Congress to exclude the National Guard and Reserves from the Special Compensation Program.

But these special compensation programs were created primarily because of the ancient prohibition on concurrent receipt is still on the books. It is time to finally end the prohibition, get rid of the special compensation programs, and lift this unfairness from the backs of the disabled veterans.

Today, for concurrent receipt in the Congress is clear. I have mentioned a few cosponsors of this most important amendment, but I believe if we stopped it, most of the Senate would sign on. About 90% of the entire 107th Congress was on record supporting full concurrent receipt in the 2003 National Defense Authorization Act. Disabled military retirees were extremely disappointed when the legislation fell short after a veto threat by President Bush.

So it is time for us to demonstrate a sense of fairness to our retired disabled veterans. Let's end this prohibition once and for all. I urge my colleagues to support this most worthy amendment.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I commend Senator Reid for his constancy and his commitment to this cause. His leadership has been nothing less than extraordinary. Last year, the legislation, which he initiated, to repeal this prohibition had 82 cosponsors. He has continued to fight for this repeal, fight the administration's significant opposition. I support that effort, and I think it is particularly important at a time when we have troops being shot at in Iraq and in Afghanistan. We know some of our service members are going to suffer injuries and disabilities because of war and service elsewhere. We must assure them that if they complete a military career, they will not be deprived of the benefits they have earned. So I support this amendment.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, our committee through the years has addressed this very important amendment. I, too, commend the distinguished Senator from Nevada, Senator Reid. He is utterly unique in this institution in terms of moving the process forward. When we have setbacks or differences, he has overcome more of those than any other person in this Chamber as he serves as our assistant Democratic leader. I think everybody on both sides of the aisle is very much in his debt for his work, as well as for his excessively flattering comments for which I am personally indebted. I thank Senator Dorgan as well for his comments.

One word about Senator Warner. Like him, I always look forward to our work on the Armed Services Committee. To put it in a nutshell, I have
been blessed to have him as a partner. I just cannot conceive of having somebody with whom I would rather work on issues than having Senator WARNER working on them as he does day in and day out. I agree with Senator REID, it would not diminish his contribution militarily.

Mr. WARNER. We must move on, Mr. President.

(Laughter.)

Mr. LEVIN. I will take that as my time is up. I yield back the remainder of my time on Senator WARNER.

Mr. WARNER. Senator LEVINE should know my sentiments.

Mr. CHAMBLISS. Mr. President, I want to discuss Senator Reid’s amendment, which would permit retired members of the Armed Forces who have a service-connected disability to receive both their full military retired pay and disability compensation.

On March 27, I held a Personnel Subcommittee meeting with my colleague Senator NELSON specifically about this issue of concurrent receipt. Our colleague, Senator Reid of Nevada, was the first to testify, and he was followed by Undersecretaries Dan Cooper and Charlene Johnson. Several experts from the General Accounting Office, Congressional Budget Office, and various veterans groups. There was a lot to learn about the intricacies of Federal benefits and compensation, but ultimately the hearing reinforced the fact that this legislation is extraordinarily complex and expensive.

All said though, I intend to support this amendment because this compensation is long overdue for our Nation’s veterans. It is unfortunate that the cost of concurrent receipt is so high, but America’s veterans have earned their benefits through their long service to our Nation.

Last year, Congress funded a form of special compensation for retired soldiers who had certain combat-related disabilities. The first check for this limited compensation will be cut on July 1, 2003, and this is good news for those veterans who qualify. This is an important step in the fight to help our nation’s veterans but we must do more. These benefits for veterans and their families are important and we should honor those who interrupted their lives and the lives of their families to defend this country and preserve our freedom.

Mr. President, I also wish to speak in strong support of the amendment offered by my friend and colleague from Nevada. This proposal to overturn current law that prohibits concurrent receipt of retired pay and disability benefits for military retirees with 20 years of service is long overdue. I believe the current policy is unfair and that our military retirees should receive their entire benefits package, just as any other Federal worker would.

Last year, the administration and leaders of the House and Senate Armed Services Committees negotiated a compromise that partially repealed the dollar-for-dollar offset for certain military retirees who also receive VA disability pension benefits. Although the passage of this provision represented a step in the right direction, I recognize that many veterans who sacrificed their freedom did not benefit under the compromise signed into law last year. That is why I am proud to support, once again, the amendment before us today to fully repeal the dollar-for-dollar offset.

I have the highest respect for the men and women who have served our Nation in uniform. I congratulate the Senator from Nevada for his leadership on this important issue and I am pleased to join him and others today in honoring the sacrifice of the veterans in my State who have served our Nation so well.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 848.

The amendment (No. 848) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we are about to turn to an amendment by our colleague from North Dakota and our colleague from Mississippi. I say to these two fine, outstanding colleagues, while I must oppose this amendment, I have rarely seen such extraordinary tenacity as exhibited by these two Senators in their strong convictions with regard to the matter that is about to be put forward. I wonder if the two Senators will offer the amendment, and then I wish to do a housekeeping measure with regard to the vote.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I send the amendment to the desk on behalf of myself, Senator LOTT, Senator DURBIN, Senator BOXER, Senator SNOWE, and Senator BINGAMAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerks will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota (Mr. DORGAN), for himself, Mr. LOTT, Mr. DURBIN, Mrs. BOXER, Ms. SNOWE, and Mr. BINGAMAN, proposes an amendment numbered 849.

Mr. WARNER. Mr. President, I wonder if I may ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Without objection, the reading of the amendment is dispensed with.

The amendment is as follows:

(Purpose: To repeal the authorities and requirements for a base closure round in 2005)

At the appropriate place in the bill, add the following:

SEC. 710. REPEAL OF AUTHORITIES AND REQUIREMENTS ON BASE CLOSURE.


(b) CONFIRMING AMENDMENT.—Section 2910(a)(3) of that Act is amended by striking “in the 2005 report” and inserting “in a report submitted after 2003”.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that any votes ordered with respect to H.R. 1588 be postponed until 2:30 p.m. on July 6, 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my understanding is we have 15 minutes on our side in support of the amendment; is that correct?

The PRESIDING OFFICER. The amendment has 30 minutes equally divided. The Senator is correct.

Mr. DORGAN. Mr. President, I wish to be reminded when I have consumed 5 minutes.

This amendment is really quite simple. It would rescind the provisions of law that now exist authorizing a round of military base closures in the year 2005. The Senate actually voted on this in a couple years ago, in a relatively close vote, regarding an amendment offered by Senator Bunning, supported by Senator LOTT and myself.

I bring the amendment to the floor with my colleague, Senator LOTT from Mississippi, today for a number of reasons. Let me begin to describe them.

First of all, President Bush says—and he is right—we are at war, a war against terrorism. We do not know when the war will end. We do know that on 9/11 2001, this country was struck by terrorists. Since then we have sent our forces to fight a war in Afghanistan and a war in Iraq, and we know there are significant other challenges that confront us. Yet the 2005 base-closing round, the one that provided for a BRAC Commission, was conceived prior to 9/11.

That amendment was a bad idea. No. 1 is a military reason.

(a) REPEAL.—The Defense Base Closure and Realignment Act of 1990 (part A of title
structure. We do not know where our troops will be based. We have no idea how many troops will be based in Asia, in Europe, or the United States.

If we bring troops home from Europe, for example, where will we base them in the United States? Do we lose our overseas bases? We have never priori-

tized divisions in Europe that were there to protect Western Europe against the Communist threat from Eastern Europe. But, of course, the Warsaw Pact and Communist Eastern Europe no longer exist. So will we bring our troops home to Europe? If so, where will we house them?

We know the Army does not have enough large mobilization bases. That was proved when we mobilized the Guard and Reserve in the war against Iraq.

So all of these issues beg this question: What is the threat? Is the threat different now since 9/11? The answer is, yes. Do we know the answers to how we will reconstruct, reconfigure, and reengineer our troops? Do we have an estimate of our military to respond to this new threat? As it is now, before we develop the answers to that question, we will be propelled into a round of base closings that, in my judgment, could be very counterproductive to our military preparedness.

We might need more bases for homeland security purposes in this country, rather than fewer bases. I do not know. But before we know, the Pentagon might tell us to scrap the 2005 base-closing round in 2005. It ought to be struck at this time, with a round of base closings which itself will be very expensive and very costly.

Two things: One, everything has changed since 9/11, except we still have in place this requirement for a BRAC round in 2005. It ought to be struck at this point. If there is unneeded capacity, let us respond to that and do it in a thoughtful way. But let’s not put every military installation in this country at risk of being closed. Second, I cannot think of a worse time to be considering this. We have an economy that is sputtering in this country. It is weaker than we would like it to be. In every major city, where there is a military installation, if an investor is told, oh, by the way, this military installation could very well be closed as a result of a 2005 BRAC round, what do you think an investor is going to do? What do you think a lender is going to do? They are going to say, we have to put it to the side.

There is no quicker way to stunt economic growth in cities with military installations than to say there is going to be a BRAC round in 2005. Virtually every single military installation will be at risk of closure. In some States, and in some communities in those States, that closure of a military installation, according to studies, will mean there will be 20- to 30-percent unemployment.

Do you think it stunts the economic growth in those communities right now to have that specter in front of their military installation? The answer is, yes, of course.

So for two reasons, one a military reason and the other dealing with the precarious position of this country’s economy, we ought to scrap the 2005 base-closing round. That does not mean that we should not be able to close some military installations that represent excess capacity, if so. But it does mean that we have to look at it carefully and then decide that every military installation in this country will be at risk and potentially on the list. The point is that we cannot be in contradiction to what we know is in the best interest of this country’s military needs and also economic needs.

That is why Senator LOTT and I have offered this amendment. We have had some close votes on these issues, and they should not be represented as votes between people who believe we should never close a base versus those who believe we should always use a BRAC. I think there is room in between. It is not the case that we should just go in one intersection, with respect to our military needs and also our economic requirements, we ought not leave in law a requirement for the 2005 base-closing round. So I hope very much that we will receive a favorable vote on our amendment.

I am mindful that the White House senior advisers would recommend a veto to the President if this bill had this in it. I am sure my colleagues will point that out.

I cannot conceive of a President vetoing this bill because of this particular provision. This bill is a big bill. It is a good bill. Senator WARNER and Senator LEVIN have given the administration almost all they want and need in this bill. This is a significant Defense authorization bill. I cannot conceive of an administration upset that we scrapped the 2005 base-closing rounds and then decide that they should veto this bill. I simply do not think they think we go this every right, of course, to use that as a technique prior to our vote to say vote for this and we will veto the bill, but I do not think there is a ghost of a chance of them doing that.

I do think it is in the public interest, both for military and economic reasons, for the amendment that Senator LOTT and I are offering to be passed by this Senate and to go to conference in the Defense authorization bill with the House of Representatives, so that the Senate and the House of Representatives will have this amendment and this bill also. So I thank him.

I have worked very closely on Defense authorization bills ever since I came to the Senate some 15 years ago. I served on the Armed Services Committee for a number of years, I think almost 7 years. I worked there with Senator WARNER, Senator MCCAIN, and others in a bipartisan way. I can remember struggles as leader to find the time to carve out for the Defense authorization bill to be passed so the appropriators did not have to just move forward without an authorization bill, which I think is not a good way to proceed. Quite often, it took a couple of weeks to get it done. This year, this bill, which is I think one of the best Defense authorization bills I have seen in a long time, got through in almost record time, at least in recent history.

We were told that it might actually get through in 2 days. Well, I did not believe that, but I think when all of it is added up it may be 5 days, which is a bill of this magnitude, it is still warp time, and it is because the committee did a good job. They have a good bill, and I commend them for that. So my support of this amendment in no way should be an indication that I do not appreciate the work that has been done and the considerations that have been given of the issues that I really do care about and that are in this bill.

I think the record will also show that I do think it is very important on this BRAC idea. Just a little history that maybe I should offer today, going back to when I was in the House of Representatives and I was the Republican whip in the House and on the Rules Committee. One day I was ambushing the center aisle and I met up with this young Congress-

man, maybe on his first or second term, named Dick Army from Texas. He had this brilliant idea called BRAC, the Base Realignment and Closure Act. He had to know what he was dealing with at this point. I was saying that and how you would need to, particularly if you were going to make the cuts, which I think is not a good way to do it. We scrapped the 2005 base-closing round. That does not mean we should not be able to close some other way undermine the effort to have a full debate and a vote on this issue but he chose not to do that. I do appreciate it very much. He is always generous and kind, and he has proven that is the way he is. He is a thoughtful way. But let us respond to that and do it in a thoughtful way. But let us respond to that and do it in a thoughtful way.
Well, dang if he did not go out and do it. So I am partially to blame, I guess, for the process that was put in place by that young Congressman who went on, of course, to be the majority leader.

The reason why I think it is an abdication of responsibility is, look, we have closed bases before. We did it after World War II. We did it after the Korean war. We did it after the Vietnam war. How do I know? I know of bases all around my region of the country: Brooke Air Force Base, the Grenada base, the Greer Ville base, the Greenwood base in my own State, lots of bases. How was that done? The Pentagon, particularly the military service personnel, looked at these bases, at what the requirements were and where the redundancy was. They made recommendations to Congress of what bases needed to be closed. In many instances, I do not know exactly how it worked, they either had to affirmatively approve it or, if they did not say no, they could be closed. We could work that process out but, no, no, we want a process where we can say, no, I do not see it; I do not hear it; I am not involved, do not tell me about it; I do not want it.

What is this responsibility of the executive branch and the legislative branch? That is to do our job. I think this process takes out the considerations that can be given by a Congressman or by a Senator who knows about a base in Virginia or Montana or wherever it may be. They know all the ramifications, what the needs are, what the problems would be if it is closed.

I have never liked this process. The process has not been that unfair to me or to my State. We fared pretty well but then we do not have a whole lot of bases as compared to other States. But we were on the lists. Oh, yes, we were on the lists. There were bases that really should not have even been on the list. Places affect not only the economy and it affects the people.

The cities and the States go out and hire Washington people who used to work on the Hill or worked at the Pentagon to be lobbyists.

Millions of dollars will be spent across America in fearful anticipation of this next round of BRAC, even in places where they are not going to be closed.

I have urged those responsible, if you are going to do this, target it where there is redundancy and there needs to be closure; specify those areas, and do not say, well, it could be every base. If you don't, hundreds of bases will be on the list. If they have been on the list before, they may be again. Everyone will run out and start trying to deal with this problem.

Some say people are not really worried about it. Once a month, I do a satellite feed to television stations in my State. Almost every month, I get a question: What is happening on BRAC? Are we going to be on the list? They are in fearful anticipation. One in particular I refer to probably will not be on the list, but they are scared to death.

I question it on that basis. If you think this takes politics out of the process, take a look at the last process. There was a lot of concern about some on the list or taken off the list. Human beings are involved. They will use every tool they can to affect it or protect themselves. We should not think this is some pure process. It is not.

Also, the timing. We have been through 2½ rounds. We still are dealing with some of the aftermath of that, the cleanup. Could we reacquire them? Have they been transferred to the cities and States? When will we know the full benefit or the detriment of that? Sometime later on. The timing now is what bothers me. We have troops all over the world, thousands in Asia and Europe and Afghanistan and Iraq, fighting a war—not a battle, a war on terrorism. Then we will say, well, we are going to start closing bases. What about some bases in Europe? We have been talking about that for 200 years. When we came to the Senate, we were talking how we needed to take a look at our basing requirements in Europe. The Soviet Union is gone. Did anybody notice? Yet we are still positioned in Europe as if we were going to go with tanks and heavy equipment into the Soviet Union. When are we going to get around to this?

In defense of the Pentagon, they are busy, they have a lot going on, and they have donereport. That information will be available by August 2004. That is an important point raised. I do not want to knock it out of the 2005 round. Maybe 2006 would be considered. Maybe something could be worked out in conference. I invite my colleagues to pay attention to this. This will wind up being a huge problem in my prediction.

Mr. WARNER. It is always a challenge, Mr. President, to go toe to toe with my distinguished colleague from Mississippi. The citizens are blessed for having such a powerful and respected voice in the Senate. We have had a long and strong relationship. I am still proud to call you leader. And you exhibit that leadership and have done so magnificently, particularly here recently.

Quickly, I digress from what I intended to say by way of opening with a couple of points. That is, the BRAC process will not begin until Congress has received and reviewed an overseas basing master plan from both the administration and an independent commission to Congress authorized in the bill. Both of these reports should be available by August 2004. That is an important point raised. We have addressed it. That information will be before the Congress.

Second, under the law as written, the Senator brings out a series of points about what this law does to protect us. There is quite a litany of steps. Congress will have numerous opportunities during the process to affect BRAC actions.

First, Congress will review by joint resolution the proposed BRAC criteria submitted by the Department of Defense to Congress in February 2004. We will consider the DOD proposed force structure in February 2004 and can pass legislation at any point in the process to terminate the authority.
Third, Congress can exercise “advice and consent” prerogatives on nominees to the BRAC commission.

Fourth, Congress has 45 days after receiving the commission’s list of recommended base closures and realignment. I want to return to that point.

The law has carefully been drawn to protect the interests of the several States and to give the tools to its elected representatives, Senate and House, to step into this situation at a series of junctures to protect the interests of their constituents as this process goes on.

I pick up on another phrase used by my distinguished leader. With respect to the BRAC process, he enumerated his long association. Indeed, I have had quite an association with myself. I suppose I go back to 1969 to 1974 when I was in the Navy Secretariat and had the decision to close, for example, the Boston Naval Shipyard and the Newport, RI, destroyer base. I am reminded of the floor of the Senate with great frequency by the colleagues from those distinguished States.

Nevertheless, in those days we did not have a BRAC process. The Secretary of Defense, in consultation with his Secretaries—Navy, Army, and Air Force—moved unilaterally.

Congress came in. I remember going through days of hearings in the Senate caucus room. There must have been a dozen or so focused on us while the various Members of the Congress debated this humble public servant, and the Chief of Naval Operations sitting next to me, with regard to the faulty process. Nevertheless, we had to move on.

At that point in time, we were overburdened with an infrastructure that simply no longer was needed to support the size of the forces we had. That is the very thing we are confronted with today.

For example, since the late 1980s, the Department has reduced force structure by 36 percent. That is the numbers of men and women in uniform, Guard and Reserve. But infrastructure—that is the barracks, the bases, the airfields, the training grounds that support that force—has been reduced only by 21 percent. That is showing the total disjunction between force level personnel and infrastructure to support and train those personnel.

A 1998 DOD BRAC report to Congress, validated by the Congressional Budget Office, indicated the Department of Defense had 23 percent excess capacity. That basically still remains. I ask my colleagues, what businessman in your State does not evaluate their infrastructure and determine what is needed and what must be disposed of in order to maintain the basic profit line and viability and the ability to keep its employees? Of course, we accept that as a pattern. I must respectfully, the Department of Defense is a business, a very large business involved in a mission that is vital to the security, today, tomorrow, and in the indefinite future of this country. The management of that business—four Presidents in sequence and the Secretaries of Defense acting under those Presidents—has come before the Congress and asked for the authority to bring into alignment the basic structure of the country is rapidly moving, under the leadership of the current Secretary of Defense, to a transition of the Armed Forces so we can keep pace with modernization; whether it is the smart bombs we saw that we use in recent conflicts, or the new ships that are on the drawing board, or, frankly, the lifestyle of the soldiers, sailors, and marines.

When I was privileged to serve—we mentioned that more than we should this morning—I remember I slept in a barracks with 50 people all in one room. I was only 17 or 18. We got quickly adjusted to the lifestyle. We shared all types of facilities in World War II. Today, Mr. Chair, and women of the Armed Forces living compartments, once recruit training is completed, where they have a certain measure of privacy and personal dignity that I think is owing to these people who volunteer today.

We cannot retain much of this infrastructure which is outdated, which still requires that it be heated, painted, maintained, drawing down O&M funds vital to build our facilities for the men and women of the Armed Forces.

I could go on about the needs of the services, but I bring to the attention of the Senate the letters that have been forwarded to this body. As a matter of fact, the letter approved by the President of the United States has just been sent to me at this very moment.

I will ask unanimous consent, during the course of this debate, that I can have printed in the Record letters from the Administration: Indeed, one from the Secretary of Defense makes it very clear that:

The authority to realign and close bases we no longer need is an essential element of ensuring the right mix of bases and forces within our warfighting strategy as we transform the Department to meet the security challenges of the 21st century.

Then the concluding paragraph—this particular letter went to the House of Representatives, but basically an identical one is being transmitted to the Senate:

If the President is presented a bill to repeal or delay BRAC, then I [the Secretary of Defense] would join other senior advisors to the President in recommending that he veto any such legislation.

Secondly, support needed infrastructure reductions facilitated by BRAC 2005. Sincerely,

CHAIRMAN OF THE JOINT CHIEFS OF STAFF,
WASHINGTON, DC, June 2, 2003.

Hon. John W. Warner,
Chairman, Armed Services Committee,
U.S. Senate, Washington, DC.

Dear Mr. Chair: To ensure the security challenges of the 21st century are met, we must continue to transform the joint force. Capitalizing on the recent successes in Iraq and Afghanistan, BRAC 2005 provides us the opportunity to configure our infrastructure to maximize capability and efficiency.

In the environment where resources are scarce, we must eliminate excess physical capacity to allow for increased defense capability focused on “jointness.”

There we are. The two spokesmen who are entrusted by law—not the BRAC law but the overall framework of the law of the United States as it relates to our security structure—these two men state unequivocally their opposition to the addition that is presently before this Senate.

There being no objection, the material was ordered to be printed in the Record, as follows:

SECRETARY OF DEFENSE,

Hon. RICHARD B. MYERS,
Chairman, Joint Chiefs of Staff.

Chairman, Armed Services Committee,
U.S. Senate, Washington, DC.

Hon. DONALD RUMSFELD,
Chairman, Committee on Armed Services,
House of Representatives, Washington, DC.

Dear Mr. Chair, Mr. Chairman:

I write to express the importance we place on conducting a single round of base closures and realignments in 2005. We have just seen our troops demonstrate an unprecedented effort in fighting for freedom and against terror. But as I have expressed before, in the wake of September 11, the imperative to convert excess capacity into warfighting ability for potential conflict is enhanced, not diminished. The authority to realign and close bases we no longer need is an essential move in ensuring the right mix of forces within our warfighting strategy as we transform the Department to meet the security challenges of the 21st century.

Through base realignment and closures (BRAC) we will reconfigure our current infrastructure and recapitalize which diverts scarce resources from defense capability. BRAC’s ability to achieve this has been thoroughly reviewed and validated by both the Congressional Budget Office and the General Accounting Office.

With the continuing demands of the global war on terrorism we must seek every efficiency to meet our national security needs. Now more than ever we have an imperative to convert excess capacity into warfighting ability.

If the President is presented a bill to repeal or delay BRAC, then I would join other senior advisors to the President in recommending that he veto any such legislation.

Sincerely,

DONALD RUMSFELD.
cities, the towns, and the villages where military installations are located. It is a very painful procedure by which the Department has to evaluate the determinations which are no longer needed, the viability of a modern military. Consequently, the mayors, the city councils, the Governors are working very hard— I know in my State—as they are in each of your States at this time to prepare themselves for the unknowns of BRAC. Consider the local budgets, and in the State budgets, are expedited to hire those individuals they believe are expert in how best to go before the BRAC Commission, should a base or a facility in that State be put on the DO list. The Governors can address that Commission, and indeed the Members of Congress, to state the case for not closing a base.

All this is going on at great expense. As Senator Lott said, “Never say never” spoken. Let it be noted law on the books under which our President is currently operating. He has indicated he is not going to let that law be removed. So if we take action today and send a signal that the Senate is repealing the previous law, then we will have the opportunity to decide whether or not we wanted to take another close look at our military base structure, largely in this country but also outside this country, to see if we have it right; if we have the wrong personnel, the weaponry, and the military equipment where we need it in the 21st century. There is some reason to believe we do not. The wars we have just fought in Iraq and Afghanistan were different from the one in which I served in Southeast Asia. Subsequently, the wars of the 21st century—I hope there are none, but history would suggest that there probably will be—those wars are going to be different from the ones we had in the last century.

Our military leadership tells us in this administration, just as they did in the last administration, and as they did during the Reagan and Bush administrations, that from time to time we need to look at our base structure and determine whether or not it is appropriate for the threats we face. I, for one, believe it is time to take another look at where we have our bases, how they are structured, and how they are manned.

To the extent we find bases that ought to be closed, for they simply do not have the personnel to support or the missions to demand that kind of infrastructure, then we ought to have the political courage, as difficult as it is, to close them. We have a whole lot at stake in my State. The largest employer in the central and southern part of my State is Dover Air Force Base. It is a great base with a great reputation. We would like to think they are immune from the threat BRAC might pose, but I suppose one never knows. We have worked hard, and people on the base work hard, to make sure they will never be on a short list for BRAC.

I spent nearly 20 years in the Air Force, and another 18 years in the Reserves as a naval flight officer. I have been stationed at any number of bases which, frankly, ought to be closed, if one looks at the people who were assigned to a particular base. Large bases with plenty of hangar space, plenty of space in the exchange and the other parts of the base, but not many people. I have been on other bases where they may have more people stationed there but they did not have the support, whether it was the child development centers, schools, or other services for families.

This is not a bad time, as we face the threats of this century to our country, to ask what kind of military we are trying to shape.

Much is said of this administration’s effort, led by Secretary Rumsfeld, to reshape and reform our military. Actually, a lot of the changes were undertaken in the last administration under the leadership of President Clinton and his Department of Defense Secretaries.

We want a military that is leaner in terms of personnel. We want a military that is better trained, better equipped, and better uses technology. We want a military that is able to deploy more quickly to trouble spots around the world. I think there is a threat out there we all know, is different today than it was 10 or 20 years ago. A lot different.

That also suggests to me this is a good time to slow down, to take stock, to assess where we have our men and women and materiel stationed around this country and around the world and ask ourselves does this allocation make sense? In many cases, it will; in some cases, it will not.

When we talk about budget deficits and bemoan the fact we have this huge budget deficit today, I don’t want to hear from the administration, well, the one thing we have done to help whittle down that budget deficit is threaten our ability to defend ourselves or express our strength and extend our military strength around the world. I don’t want to see that we undid what we agreed to do a year or two ago. I hope when we vote in less than an hour that we will support the position we took last year, we will let this commission be formed, we will let them do their work, and we will provide plenty of input to the commission as they do their work in our respective States, and in the end have an opportunity for an up-or-down vote on whether or not the status quo is just fine—I think it is not—or whether some changes are needed. Fair, reasonable, pragmatic changes are needed.

I yield the floor.

Mrs. CLINTON. Mr. President, today, I offer my support of the Dorgan amendment and oppose the base closing round scheduled for 2005. The world has changed since this legislation was voted on in 2001. I opposed it then and I oppose it now because we must continue to evaluate our needs for the 21st century. And this argument carries more weight in this post-Sep-Nov 11 world.
Since we passed the base closing legislation in 2001, we have had the September 11 attacks, the war in Afghanistan, and the war in Iraq. Our men and women in uniform are operating under a tremendously demanding operations tempo. We are able to do so by learning the lessons of these conflicts and how they should impact our base structure. It seems foolish to rush ahead to a base closing round that was conceived prior to September 11.

A number of New York installations have played a vital role in our homeland security as well as military action in Iraq and Afghanistan. As we know, troops from the 10th Mountain Division, Light Infantry, from Fort Drum fought in Operation Anaconda in Afghanistan and also contributed troops to Operation Iraqi Freedom. New York’s Air National Guard units in Niagara Falls, Syracuse, Newburgh, Scotia, and Long Island have all contributed to homeland security or important defense needs. And New York has numerous other installations that play an important role in our national defense and homeland security. Because our security needs have grown so much at home and abroad, we need to conduct a full evaluation of how our military bases fit into our homeland security structure before we push ahead with another base closing round.

Our troops need to know that we support them in their efforts. And standing behind our troops was passed in the months before September 11 does a disservice to them. It places communities under tremendous stress to have to prepare for a base closing round. As Senator Dorgan points out, it seems wasteful to ask communities in this economic climate to devote scarce resources to prepare for this round of base closures. New York is no exception.

Until we can have a full debate on what the cost of post-911 military base structure should take, I will support the Dorgan amendment and oppose a 2005 base closing round.

Ms. SNOWE. Mr. President, I rise today as a cosponsor of the amendment offered by Senators Dorgan and Lott to repeal the provisions in the fiscal year 2002 Defense authorization bill that authorize an additional base closure round in 2005.

Even before the horrific attacks of September 11, 2001, I along with many of my colleagues had serious questions about both the integrity of the base closing process itself as well as the actual benefits realized. Now, with acts of war committed against the United States, with Operation Enduring Freedom and Operation Iraqi Freedom ongoing, with our reservists having been called up and our troops being deployed and the unpredictability of future missions, this is not the time to be considering another closure of additional bases. Indeed, not only now that at any time in recent history, I believe it is absolutely critical that this Nation not sacrifice valuable defense infrastructure.

In addition, as we proceed in the stand up of the Department of Homeland Defense, we are still trying to understand the domestic military requirements of our nation. Until there is a complete assessment of these needs and feedback to lose or lose more bases. After all, during previous base closure rounds over the last decade, the Northeast alone lost 49 bases, roughly 50 percent of what we had prior to BRAC. Furthermore, 173 or just under 25 percent of the installations on the BRAC list were during the 1993 and 1995 rounds. Although the Department of Homeland Security will not take the place of the Department of Defense, all of our military installations will no doubt play a critical and prominent role in homeland security.

Instead of chasing illusive savings, I believe the Department of Defense needs a comprehensive plan that identifies the operational and maintenance infrastructure required to support the mission and security requirements. Once property is relinquished and remediated, it is permanently lost as a military asset for all practical purposes.

The administration and proponents of additional base closure rounds point out that reducing infrastructure has not kept pace with our post Cold War military force reductions. They say that bases must be downsized proportionate to the reduction in total force strength. However, the fact of the matter is, there is no straight line correlation between the size of our forces and the infrastructure required to support them.

Keep in mind, that force levels may have to be revisited once again in light of the new anti-terror mission our military faces, and may well require an increase. So would we then go and buy back property that we have given up in future base closure rounds to build new bases? I think not.

The Department of Defense hopes to eliminate 23 percent of its base structure in the 2005 BRAC round. That would exceed the 21 percent closed in all four of the previous rounds. Before we legislate defense-wide policy that will reduce the size and number of training areas critical to our force readiness, the Department of Defense ought to be able to tell us, through a comprehensive plan, the level of operational and institutional infrastructure required to support our shifting national security requirements.

Proponents argue that the administration’s approach will be based upon military value and removes parochial and political factors from the process. But in reality, the administration’s Efficient Facilities Initiative is more similar to past BRAC rounds than one might think. Much has been made of the de-politicization of the process by including “military value,” “longevity,” “reducing operating and support costs,” “national interest,” and the other criteria in the legislation. However, review of the last process reveals that these criteria are nearly identical to those used in the 1995 round. This is very disturbing, because in my view, the past BRAC rounds were not fair or equitable, and were not based solely on military value.

I have been through BRAC before. And I have to say I know how the criteria can be twisted to the advantage or disadvantage of a given facility. In fact we had not one but two Air Force generals defending the former Loring Air Force Base before a past BRAC commission got the Air Force claimed its facilities were “well below average”—and this despite the fact that $300 million had been spent there over a ten year period to replace or upgrade nearly everything on the base and it ended up being closed on so-called “quality of life” issues even though that was never supposed to be part of the criteria.

I strongly believe Congress must also consider the economic impact of base closures on communities in light of the changes in the nation’s economy and in those communities whose economy is tied to military installations, the threat of closure will provide a deterrent to any recovery.

In August 2001, GAO issued an overview of the status of BRAC recovery, land transfers, and environmental cleanup in communities that lost bases during previous BRAC rounds. GAO found that the short term impact of a base closure was traumatic for the surrounding communities and economic recovery was dependent on several factors including the strength of the national economy, federal assistance programs totaling more than $12 billion, and an area’s natural resources and economic diversity.

Keep in mind, this assessment was done during a time of unprecedented economic growth and as GAO stated, the health of the national economy was critical to the ability of communities to recover. "Local officials cited the strength of the national or regional economy as one explanation of why their communities have avoided economic harm and found new areas for growth." GAO also noted: "Local officials from BRAC communities have stressed the importance of having a strong national economy and local industries that could soften the impact of job losses from a base closure."

With the slow-down of the economy, communities may not be able to rebound to the extent they have in previous years. Indeed, it is vital to note that not every community affected by base closures has fared so well in the past—those in rural areas still experienced above average unemployment and below average rates of gain.

Advocates of base closure allege that billions of dollars will be saved, despite the fact that there is no consensus on the numbers among different sources. The administration values BRAC savings are really "avoided costs." Because these avoided costs are not actual expenditures and cannot be...
recorded and tracked by the Defense Department accounting systems, they cannot be validated, which has led to inaccurate and overinflated estimates. The General Accounting Office found that land sales from the first base closure round were estimated by Pentagon officials to produce $2.4 billion in revenue; however, as of 1995, the actual revenue generated was only $65.7 million. That's about 25 percent of the expected value. This type of overly optimistic accounting establishes a very poor precedent for initiating a base closure process that will have a permanent impact on both the military and the civilian communities surrounding these bases. I want to protect the military's critical readiness and operational assets. I want to protect the home port berthing for our ships and submarines, the airspace that our aircraft fly in and the training areas and ranges that our armed forces require to support and defend our nation and its interests. I want to protect the economic viability of communities in every state. And I want to make absolutely sure that this nation maintains the military infrastructure it will need in the years to come to support the war of terrorism. We must protect the readiness of our armed forces by closing more bases, certainly not at this time. Certainly not without information on our future defense needs that we do not have.

In closing, I reaffirm my opposition to legislation authorizing additional BRAC rounds and encourage my colleagues to join me in supporting the Dorgan/Lott amendment.

Mr. CHAMBLISS. Mr. President, I rise today to oppose the amendment in question. I don't think anyone in the U.S. Senate is looking forward to the upcoming BRAC round in 2005, including myself. BRAC will have a negative impact in Georgia should any of the bases in my state be closed.

However, I am convinced fiscal realities and some over capacity issues exist which we absolutely need to address, and if we don't do it now we will have to do it later. Putting off the BRAC 2005 round now will only prolong the anxiety in our communities surrounding our military installations.

The Department of Defense has stated that they are as much as 25 percent over-capitalized in their installations across the country. I do not agree with that assessment but I believe that if we are serious about transforming the military for the 21st Century then we need to reduce capacity to more closely equal our force structure needs. I personally have 13 major defense installations in my state of Georgia, and we are preparing now for the 2005 BRAC round. We have a tremendous amount to be proud of at every one of our Georgia installations and I never pass up an opportunity to say how proud I am of the soldiers, sailors, airmen, marines, Department of Defense (DoD) civilians—and their families—who serve at our bases. They have served our country well. And I believe our bases in Georgia are essential to the national security of the United States. All you have to do is look at the recent conflict in Iraq and see that Georgia's bases were all so strategically important.

The Pentagon should prove that to the BRAC Commission when they come to visit us in the coming months.

Mrs. BOXER. Mr. President, I oppose the Pentagon's plan for a new round of military base closures in 2005. California has already endured more than its fair share of BRAC closures. Of the 97 major military installations closed nationwide since 1988, 29 were in California. That's 30 percent of all major facilities closed.

Californians are all too familiar with the serious impact of closed military facilities on their communities. Jobs are lost, small businesses close down, and what is left is infrastructure that is difficult to reuse. In many cases, environmental contamination makes large tracts of land beyond usable. The cleanups of base closures are complete. By the Pentagon's own estimates, some closed California bases won't be fully cleaned up until 2069.

The former McClellan Air Force Base in Sacramento is a good example of the failure of the Department of Defense to clean-up bases that were closed through the BRAC process.

Rob Leonard, the former head of Sacramento's Military Base Conversion Office, recently testified before the Senate Appropriations Committee about the status of McClellan. According to Mr. Leonard's testimony, 6 years ago the estimated cost to clean-up McClellan was $832 million and was projected to take 30 years. Today, the cost is estimated to be $1.3 billion and is anticipated to continue far beyond 2033.

At the same time, however, he goes on to say that "over the past two years the Air Force appropriation requests for the McClellan environmental program have not been fully supported by the Department of Defense and Congress; and as a result, the clean-up schedule has been adversely affected." Another example is the former El Toro Marine Corps Air Station. This base, which was closed in the 1993 round of BRAC, will not be cleaned-up until 2034 at the earliest. The DOD's own estimates say that it will still take at least $77 million to complete the clean-up. Contaminated from the base, including a neighborhood hazardous waste dump, has led to delays in the reuse and redevelopment of the site.

These former California bases are not the exception—they are the norm. Consider the estimated clean-up completion dates for the following California bases: George Air Force Base—2031; Castle Air Force Base—2038; Tuscan Marine Corps Air Station—2038; Moffett Field Naval Air Station—2032; and Fort Ord—2031.

It seems to me that the military should finish one job before it starts another. The DOD should concentrate on cleaning up what has already been closed so that these bases can be put to productive use by local communities.

Given that the Department of Defense continues to drag its feet on cleaning up BRAC sites while pushing for broad exemptions from environmental standards and pursues another painful round of military base closures. I hope my colleagues share this view and I thank the Senator from North Dakota for his amendment.

Mr. LEVIN. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute 45 seconds.

Mr. WARNER. I ask unanimous consent the Senator from Michigan be given 5 minutes—any 5 minutes to both sides. As I understand, there is another Senator. Let's suggest we add another 10 minutes to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I yield myself 5 minutes.

Mr. President, I oppose the amendment. I believe the men and women in uniform and the taxpayers are served better by pursuing the BRAC process go forward. Every day since September 11, they have been on the front lines of our daily fight against terrorism. They have been sent directly into battle in Afghanistan and most recently in Iraq. Every dollar wasted denies them the resources needed to ensure their success and their safety, and the success and safety of future men and women whom we place in harm's way.

The Department of Defense estimates that as much as 25 percent of their current base structure is excess to their needs. We are spending billions of dollars year after year maintaining infrastructure that we simply do not need. It is a waste of public resources to hold onto this infrastructure, and it is an impediment to our efforts to protect our national security.

Estimates of previous savings in previous BRAC rounds stand at $17 billion. Perhaps more significant for this debate is the additional savings we should expect from future base closings which are estimated at $6 billion a year. These savings have been documented countless times by the Department of Defense, by the GAO, and by the Congress, by all Buddeholt. This letter after letter saying the savings are significant. Our forces need resources for training, for technology, for weapons, and to maintain facilities in better condition. We already close what we justify asking our forces to go into combat and into harm's way if we ourselves are unwilling to take the difficult steps to give them the resources that they need and deserve and
that we have the power to give to them?

One of the most important questions that has been raised is, Does September 11 change all of this? We answered that question 2 years ago when we adopted the 2005 round. We authorized it at that time, after September 11.

On November 16, 2001, GEN Richard Myers, Chairman of the Joint Chiefs, wrote us the following:

We estimate that 23 percent of our facilities are underutilized. The Services cannot afford to be associated with this excess infrastructure. The Department of Defense must have the ability to restructure the installations to better meet the current national security needs. The sustained campaign against international terrorism will require wise use of our resources and the aggressive elimination of waste.

A letter written on October 15, 2001—a month after September 11—signed by I think every former Secretary of Defense, says:

We are concerned that the reluctance to close unneeded facilities is a drag on our military forces, particularly in an era when homeland security is being discussed as never before. The forces needed to defend bases that would perhaps otherwise be closed are forces unavailable for the campaign on terrorism. Further, money spent on a redundant facility is money not spent on the latest technology we’ll need to win this campaign.

I ask unanimous consent that those two letters have been identified be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

We believe that the 2005 round of base closures and realignments should provide for our military forces, the finest in the world, the forces that will provide a sustained campaign to combat international terrorism. The efficient and effective use of the resources devoted to this effort will be the responsibility of the Services and the Combatant Commanders. The authority to eliminate excess infrastructure will be an important tool in the coming weeks and months. With the support of Secretary Rumsfeld, together we stand ready to assist in any way we can.

Sincerely,

Chairman of the Joint Chiefs of Staff,


Hon. Carl Levin,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

Dear Mr. Chairman:

As the Conferees debated the FY 2002 Defense Authorization Bill, I asked you to emphasize how critical it is that Congress authorize another round of base closures and realignments.

Instinctively, we are concerned that over all force readiness; however, excess infrastructure detracts from military readiness by diverting limited resources from personnel, training, equipment, modernization, and transformation. We estimate that 23% of our facilities are underutilized. The Services cannot afford the costs associated with this excess infrastructure. The Department of Defense must have the ability to restructure its installations to meet the current national security needs. The sustained campaign against international terrorism will require wise use of our resources and the aggressive elimination of waste.

Therefore, I strongly endorse pending legislation to provide the Department the required tools to close bases and realign. This authority is necessary for our forces to become more efficient and thus serve as better custodians of taxpayer money.

Finally, on behalf of our magnificent men and women in uniform, thank you for your strong and dedicated support.

Sincerely,

Richard B. Myers,
Chairman of the Joint Chiefs of Staff.
down to 1.4 million Americans. Maybe we need some more. But there clearly is not the need for the number of bases we had in 1991.

The Secretary of Defense—obviously a strong leader, obviously a highly respected individual, as his predecessors have been—has submitted a veto of the entire legislation if this BRAC process is taken out of it and not allowed to proceed. Here we are placing at risk all of the hard work that has been done by the committee in hearings and meetings. Communities are dependent upon the military presence. But I urge my colleagues to do what is best for our Nation's security, as articulated by the Chairman of the Joint Chiefs of Staff, by our Secretary of Defense, and literally every other expert on national security: that we need to reduce the number of bases so we can spend the money on the men and women in the military, for their pay, their benefits, their equipment and their housing.

One of the reasons why we have dilapidated barracks in some bases in America is because we have too many of them. We cannot afford to maintain all of them at the level we would like. We cannot afford to maintain America is because we have too many bases. We need some more. But there clearly was a process to come in the days, months, and whatever period it takes.

Mr. President, I now have in hand the letter from the Secretary of Defense as authorized by the President. I have referred in part to an earlier communication from the Secretary of Defense to the House. It is parallel to the one received by the Senate, strongly stating the essential nature of this and concluding:

If the President is presented a bill that amends the BRAC authority passed by Congress two years ago, then I would join other senior advisors to the President recommending that he veto any such legislation.

That is a perilous route to put the Senate in with regard to this important piece of legislation. In my years here, I have witnessed our legislation contested to the very last minute and he being the Appropriations Committee had the distasteful task of trying to pick out those portions of our bill which had to become law. So much of the work—of all the Members, not just the committee members—in that bill is lost in that process of dissembling our bill and putting portions on the Appropriations bill as it goes forward.

The PRESIDING OFFICER. The Senator's time on the amendment has expired.

Mr. WARNER. I strongly urge that this amendment be rejected by the Senate. As I understand, Mr. President, the vote takes place at 2:50 today.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Now, Mr. President, all time has expired but I see the presence of a very valued member of our committee, the Senator from Oklahoma, so I ask unanimous consent that the Senator from Oklahoma be given 5 minutes to speak to this matter. Regrettably, he is not aligned with the chairman, but occasionally that occurs. I ask that his remarks be included as if stated within the time limitation.

The PRESIDING OFFICER. Ten minutes remain for the proponents of the amendment.

Mr. WARNER. Then he is within the bounds of his right to exercise such time as he wishes under the 10 minutes.

The PRESIDING OFFICER. The time on the amendment has expired.

Mr. WARNER. Then he is within the bounds of his right to exercise such time as he wishes under the 10 minutes.

Mr. INHOFE. I thank the distinguished chairman.

Mr. President, first, I thank the distinguished chairman of the Senate Armed Services Committee for his remarks, and also the distinguished Senator from Arizona.

I would like to start off by saying, I was elected to the other body in 1986. In 1987, a very distinguished Congressmen, Dick Armey, came up with the concept of excess infrastructure, using this system that should be free of political influence, or as free as possible. I supported it and voted for it. I went through four BRAC rounds. The first one was in 1988, the second one was in 1991, the third in 1993, and the fourth was in 1995.

During that period of time, it worked very well. We closed or realigned some 300 installations but 97 specific major installations were closed. There was a lot of pain that went with that. There were probably a few people who were defeated on the basis of that. But, nonetheless, the idea he had worked.

I urge my colleagues to reject this amendment that time that with regard to the installations we have in my State of Oklahoma, if they came out through this process and said they, in fact, wanted to do something, and it was necessary to close a classified, excess infrastructure, that we would support that statement. As it turned out, it did not happen.

There are three major reasons, that even though what my colleagues have said sounds very good—and I believe most of it is true and factual; and I know they believe it—but three things are different today than were in those four BRAC rounds.

No. 1, I look across the Chamber and I see a chart that makes reference to the fact that the threat is different since September 11. Well, I will not labor that point because I was not on the floor and I assume that point has been made.

When you talk about the threat that is out there, you are talking about a threat that could not have been foreseen 10 years ago or even 5 years ago or even 3 years ago. It is a totally different threat.

I can remember sitting in a hearing when we had expert testimony by individuals who were saying at that time that we will no longer need ground forces in 10 years. That was 10 years ago, and we have had two major victories—primarily on the ground—in the last year. So these things were not foreseen at that time. The change in the threat is going to cause us to make other adjustments.

The second thing that I have strong feelings about is this: I was listening to the distinguished Senator from Michigan talk about the amount of money that has been saved. I would question that. There are a lot of cleanups that have not been concluded yet. We hear glowing figures about how much is going to be saved by each installation that is closed. Some installation closings have resulted in no savings whatsoever. But there is one thing that is a certainty; and that is, when you close an installation, for the first 2 or 3 or 4 years, you are going to lose more money. For that reason, and that reason alone, I would want to adopt this amendment so we do not have a 2005 BRAC round because we do not have any idea how many installations will be closed and how much money that will cost us.

Right now we are in a crisis in our defense system. I know a lot of people do not like to say this. A lot of people do not believe it. But we went through the first administration, when the proper attention was not given to defending America, and a lot of people had this great euphoria that the cold war was over and thinking there was no longer...
a threat out there and that we could cut down the size of our military; and, as the Senator from Arizona said, we did cut it down from some 3 million troops to 1.4 million. I am certain a mistake was made.

Now we look at the problems we have in our military and they go all the way across the board. No. 1, we have inadequate troop strength. We know that. That is a fact. We can’t do what has to be done in Iraq and other places and have wouh residue. We know what that might happen in North Korea, Syria, or any other place. This is something that has concerned us.

No. 2, force strength deficiency is resulting in a crisis in our reserve component. Our Guard and Reserves are all overworked. They are unable to carry on the responsibilities they have. We can’t expect the employers to continue with all these deployments and pay these people, hold these jobs, particularly in an economy that is not robust. This problem is serious.

A third problem that took place over the last administration was a slowing down of our modernization program. I have said in the Senate that we are sending our troops out to fight with ground that is World War II technology. The best thing we have in artillery right now operating is called Paladin. Paladin technology came about in the 1950s. When you tell people you have to get out and swab the barrel after every shot, they don’t believe you until they see that is the case. There are four countries, including South Africa, making artillery pieces better than that which we have.

Then with all these problems out there, we find out that the threats are greater today than they were during the cold war. People don’t like to hear that, but back in the cold war, we had one great threat. That was the Soviet Union. We were the two superpowers. They were gone. We knew what each other had. We developed a program under a Republican administration that I did not agree with. That was a program of mutual assured destruction. That is, I will make you a case. You don’t defend yourself against us and an incoming missile; we will not defend ourselves. So if you fire on us, we will fire on you. Everybody dies and everybody is happy.

That seemed fairly reasonable at that time. We have a little sense of the changing threat out there and recognize it is not coming from one place. We have some 20 countries that have weapons of mass destruction or that are developing them. It is not something we can quantify now as to what kind of force structure we need.

That brings me to my second point one more time. While we don’t know how much savings will be effected, we do know it is going to cost millions and millions of dollars. We need every instance of modernization that is closed. We cannot afford it now. We cannot afford to leave our force structure where it is, our modernization program where it is. We cannot allow the Russians, who are selling on the open market their S.U. series that are better than our F-15s and F-16s—we want to give our troops, the most capable troops in the world, the resources and modern resources to make something that is better than the enemy has.

The third reason it is very significant is, we are going to rebuild. We have been asking the administration to give us as much detail as to what our future force structure will look like. I am not criticizing them for not being able to come back with it because this is a moving target. We have threats that are out there we didn’t have before. We have to learn how to accommodate these threats and how to combat them. Until such time as we know what the force structure is going to look like, I don’t believe we should be closing any infrastructure. If we have an inadequate force structure right now that does not look like it is going to look like it is going to take to accommodate that.

These three reasons were not present in 1989. They were present in 1991, 1993, and 1995. But they are present today. So we have to face this crisis, which we will, and rebuild our military. And when we get to the point where we know what it is going to look like and how to adequately defend this new threat, we should proceed.

We have said in the Senate that we are cutting down the size of our modernization program. I do not believe we should be closing any infrastructure until such time as we know what the threat is going to be. We don’t know how we will have to rebuild our force structure and our system. So we don’t know what kind of infrastructure it is going to take to accommodate that.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent that there now be a period of morning business until 2:50 this afternoon.

MEASURE PLACED ON THE CALENDAR—S. 1174

Mr. WARNER. Mr. President, I understand that S. 1174 is at the desk and is due for its second reading.

Mr. DURBIN. Mr. President, I ask that the Senate proceed to the measure and I object to further proceeding.

Mr. WARNER. Mr. President, I ask that the Senate proceed to the measure and I object to further proceeding.

Mr. WARNER. Mr. President, I ask that the Senate proceed to the measure and I object to further proceeding.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be equally divided.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

The Senator from Illinois.

OUR OCEANS AT RISK

Mr. DURBIN. Mr. President, I am a Midwesterner by birth. I come from the flatlands of Illinois, cornfields and prairies. Frankly, it has meant I see things differently than others. I can still recall as a young boy the first time I saw an ocean. I was off to my brother’s wedding in California, all of about 9 or 10 years old, and I got to see the Pacific Ocean. It was an amazing spectacle to me. I had never seen anything like it. The closest I had come to that was the Mississippi River. I developed a special attachment and passion of taking my family, as they grew up, to oceans on a regular basis, to beaches, and the great time you have to go out there.

I never reflected on the fact that the great, vast, mighty body of water, that ocean, might some day be vulnerable; it seemed so impenetrable, so vast, so diverse, so huge.

This week in Washington, the Pew Oceans Commission will release its report. The chairman of that commission is an old friend of mine, a great public servant, Leon Panetta of California. I commend this report to everyone in this country, whether you live near an ocean, as most Americans do, or you are from the Midwest and a flatlander, as I am. It talks about a great resource of America and a great resource of the
world which is in crisis, the great re-
source of the world which is in peril.

The area of the ocean under United
States jurisdiction spans 4.5 million
square miles, more than any other sin-
gle country. According to Jane
Lubchenco of Oregon State Univer-
sity, our ocean property as a na-
tion is 23 percent larger than our Na-
tion's land area, making our ocean the
country's largest public domain.

I met Professor Lubchenco last week
in Italy at a seminar that focused on
international global environmental
issues. She spoke at length and in
stark terms about what is happening to
the oceans. Our ocean ecosystems are
unique treasures, places where we can
discover the mystery of life, work and
vacation, and pursue scientific study.
Losing the quality of our oceans and
marine life that thrives in them would be
a tremendous loss.

In addition, damage to ocean eco-
systems can have significant damage
to our economy, public health, and
even our national security.

As the Pew Commission reports, our
oceans face a crisis due to contamina-
tion and failure to address problems
over the years. For example, this
statistic. The National Academy of
Sciences estimates that oil running off
of our streets and driveways in Amer-
ica ultimately flows into the ocean,
creating an Exxon-Valdez-size spill
ever 8 months. I was at Prince Wil-
liam Sound in Alaska after the Exxon
Valdez spill, something I will never for-
get, going to tiny remote islands, see-
ing them literally covered with crude
oil, seeing the wildlife that had been
rescued, some of it perished almost im-
mediately, and with others, valiant at-
tems were made to save them; 10.9
million gallons of crude oil dumped in
Prince William Sound. That is how
much oil we dump as a nation into the
ocean every 8 months with the runoff from our driveways and parking lots find-
ing its way to streams and rivers and our
oceans.

These problems have tragic con-
sequences. Many of our public beaches
have been closed over the years due to
high levels of harmful contamination.
The United States Environmental Pro-
tection Agency about 8 or 9 years ago
created a Web site which reported on
ozone and the impact it would have on
public health. It became increasingly
popular and more parents with children facing asthma attacks went to this
Web site to see if it was safe to send
their kids to school. What was the
ozone reading? Then, almost coinciden-
tially, the EPA released information
about beaches around America that had
been closed because of contamination.
That, too, became an extremely
popular Web site. Families planning
vacations and weekends would go to
this Web site and find out whether the
beach they wanted to visit would be
open to the public or safe for bathing
in.

It is an interesting comment, is it not,
in the world we live in, the Nation
we live in, with all of our progress,
that one of the sources of information
we turn to most frequently is whether
we can breathe the air or can expose
our children to a beach or lake shore
that might be contaminated.

There is a closer relationship to the
fishing industry and its impact, the
impact of the ocean contamination. There
was a paper published in the May 15
issue of Scientific Journal, Nature,
that reported 90 percent of all large
fish—Marlin, swordfish, shark, cod, and
halibut—90 percent of those species are
gone. Do you remember the fish orange roughy? I bet you do. In the
last few years it was a pretty popular
fish. Almost everywhere in America
you would go to a restaurant and an-
orange roughy was on the menu. Try
to find it today. It has been fished to near
extinction. They discovered where to
fish for orange roughy on the coast of
New Zealand and went to depths they
had never been at before and successfully found the species. It was fished out. It turned out to be pop-
ular and no efforts were made to con-
serve it. As a consequence, you will be
able to tell your children you once had
a fish called orange roughy. It is not
likely they will ever taste one.

An article in the Washington Post
also reports the significant fish short-
hages and how the fishing industry is
close to collapsing in many parts of the
United States and around the world.
This week's U.S. News & World Report
devotes its cover story to the problem
of empty oceans.

I will address one part of this prob-
lem, something we can do about it in a
hurry. It relates to cruise ships.

One of the major contributors to
ocean pollution is the cruise ship in-
dustry, which in 2002 carried 8.4 million
passengers to the U.S. In North America. I do not have anything against cruise ships—
they provide many Americans ample
opportunities to relax and learn about
eceans and marine wildlife. However,
they are exempt from critical regula-
tions that protect the beautiful and
inspiring oceans and marine wildlife
that many cruise ships aim to present
to travelers.

I am going to give some data here
that I think is incredibly shocking.

According to EPA and industry data,
a typical 3,000 passenger cruise ship
each week generates 210,000 gallons of
black water, which is raw sewage; 1
million gallons of gray water, included
from engine maintenance that are
toxic to marine life; more than eight
million gallons of ballast water, which
are exempted from the regulations that
might be contaminated. 

According to Oceana, the recent outbreaks of the
Norwalk virus on cruise ships have
sickened more than 3,000 passengers
and crew, forcing many people to aban-
don their vacations early. The Norwalk
virus is found in human waste and on
hands and surfaces that may have had
contact with it. It can be spread by
shellfish contaminated by sewage from
boats. In addition, wastes can wash up
on our beaches and near our shoes,
threatening people who work or vaca-
tional there.

Despite the fact that cruise ships
generate all of this waste, and are an
identifiable source of pollution, they
are exempted from the regulations that
implement the Clean Water Act's point
source permitting system. Indeed,
cruise ships can dump raw, untreated
sewage into the water once the ship is
more than three miles off U.S. shores.
They can also dump gray water and
ballast water without a permit, even
when they are docked at ports that are
in U.S. waters. Finally, they are per-
mitted to dump solid garbage into the
ocean when they are at least 12 miles
from the shore.

This problem is not confined to our
domestic cruise ship industry. Accord-
ing to a February 2000 GAO report, for-
ign-flagged cruise ships were involved
in 87 confirmed illegal discharge cases

In August 2000, EPA issued "Cruise
Ship Wastes Plan," presenting a blue-
print for strengthening the laws regu-
lating cruise ships. However, Congress
has failed to act on this issue.
We cannot delay any longer. that is why I will introduce legislation to strengthen the Clean Water Act and other relevant laws regarding the cruise ship industry. 
Specifically, the legislation I am preparing is based on ideas and recommendations generated by the EPA, GAO, and interest groups. Here is what it would do:

- Remove the exemption of cruise ships from existing Clean Water Act requirements;
- Ban the release of raw sewage anywhere in the ocean, and require treatment standards similar to Alaska's strict standards;
- Ban the release of so-called "treated" wastes within a certain distance of our shores;
- Provide for adequate measures to prevent ballast waters from spreading invasive species;
- Provide for monitoring of compliance with these requirements and the availability of data for public review;
- Enable citizens to bring lawsuits against cruise ships, as provided under the Clean Water Act; and
- Increase resources for inspections and strengthen the inspection requirements.

This is truly an international issue, but the United States must not only do its part, it must lead the way. I urge my colleagues to join me. First, read this Pew Oceans Commission report. It is an eye opener. It is a revelation. Wherever you live in the United States, you will value our oceans and you will come to understand the dangers they face.

I also encourage my colleagues to join me by cosponsoring the legislation I am crafting. The oceans, that cover one-fifth of our planet, cannot face what we are doing.

The oceans are located in today's Record under "Submitted Resolutions."

The PRESIDING OFFICER. The clerks will call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Dakota.

The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. I announce that 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 Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 53, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—42

Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Burns
Campbell
Clinton
Cochran
Collins
Conrad
Daschle
NAYS—53

Akaka
Alexander
Allard
Allen
Biden
Brownback
Byrd
Cantwell
Carper
Chafee
Chambliss
Coleman
Cornyn
Corzine
Craig
Dayton
DeWine

Dole
Ensign
Feingold
Filzerger
Frist
Graham (SC)
Hagel
Harkin
Hatch
Hutchison
Inhofe
Jackson
Kennedy
Lieberman
Lott
Mikulski
Murkowski
Murphy
Murray
Nelson (FL)
Enzi
Enzi
Enzi
Sarbanes
Schumer
Schumer
Shelby
Snowe
Specter
Stevens
Thomas

The PRESIDING OFFICER. The amendment (No. 849) was rejected.

Mr. WARNER. I move to reconsider the vote.

Mr. INHOFE. I move to lay that motion on the table. The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The only remaining amendments authorized are of the chairman. Mr. WARNER. Those amendments will not be forthcoming.

The yeas and nays have been ordered and the clerk will call the roll.

The bill was read the third time. The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 1588), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1588) entitled "An Act 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."

Division A—Department of Defense Authorizations

Title I—Procurement

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.


Sec. 106. Chemical agents and munitions decontamination.

Sec. 107. Defense health programs.

Sec. 108. Reduction in authorization.

Subtitle B—Army Programs

Sec. 111. CH-47 helicopter program.

Sec. 112. Rapid infusion pumps.

Subtitle C—Navy Programs

Sec. 121. Multiyear procurement authority for Navy programs.

Sec. 122. Pilot program for flexible funding of naval vessel conversions and overhauls.

Subtitle D—Air Force Programs

Sec. 131. Elimination of quantity limitations on multiyear procurement. authority for C-130 aircraft.

Sec. 132. B-1B Bomber aircraft.

Title II—Research, Development, Test, and Evaluation

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriatons.


Sec. 204. Defense health programs.
Title III

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 311. Prohibition on transfer of certain programs outside the Office of the Secretary of Defense.

Sec. 312. Objective fire and indirect fire programs.

Sec. 313. Amount for Joint Engineering Data Management Information and Control System.

Sec. 314. Human tissue engineering.

Sec. 315. Non-thermal imaging systems.

Sec. 316. Magnetic levitation.

Sec. 317. Composite sail test articles.

Sec. 318. Portable Mobile Emergency Broadcast Systems.

Sec. 319. Boron energy cell technology.

Sec. 320. Modification of program element of short range air defense radar program of the Army.

Sec. 321. Amount for network centric operations.

Subtitle C—Ballistic Missile Defense

Sec. 322. Military readiness and conservation of defense sites.

Sec. 323. Arctic and Western Pacific Environmental Technology Cooperation Program.

Sec. 324. Participation in wetland mitigation banks in connection with military construction projects.

Sec. 325. Extension of authority to use environmental account funds for relocation of a contaminated facility.

Sec. 326. Applicability of certain procedural and administrative requirements to restoration advisory boards.

Sec. 327. Expansion of authorities on use of vessels stricken from the Naval Vessel Register for experimental purposes.

Sec. 328. Transfer of vessels stricken from the Naval Vessel Register for use as artificial reefs.

Sec. 329. Salvage facilities.

Sec. 330. Task force in resolution of conflict between military training and endangered species protection at Barry M. Goldwater Range, Arizona.

Sec. 331. Public health assessment of exposure to perchlorate.

Subtitle D—Reimbursement Authorities

Sec. 332. Reimbursement of reserve component military personnel accounts for personnel costs of special operations reserve component personnel engaged in landmines clearance.

Sec. 333. Reimbursement of reserve component accounts for costs of intelligence activities support provided by reserve component personnel.

Sec. 334. Reimbursement rate for services provided to the Department of State.

Subtitle E—Defense Dependents Education

Sec. 335. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 336. Impact aid for children with severe disabilities.

Subtitle F—Other Matters

Sec. 337. Sale of Defense Information Systems Agency services to contractors performing the Navy-Marine Corps Intranet contract.

Sec. 338. Use of the Defense Modernization Account for life cycle cost reduction initiatives.

Sec. 339. Exemption of certain firefighting service contracts from prohibition on contracts with contractor performing firefighting functions.

Sec. 340. Technical amendment relating to termination of Sacramento Army Depot, Sacramento, California.

Sec. 341. Exception to competition requirement for workloads previously performed by depot-level activities.

Sec. 342. Support for transfers of decommissioned vessels and shipboard equipment.

Sec. 343. Aircraft for performance of aerial refueling mission.

Sec. 344. Contracting with employers of persons with disabilities.

Sec. 345. Repeal of calendar year limitations on use of commissary stores by certain reserves and others.

TITLE IV—MILITARY PERSONNEL AUTHORITY

Subtitle A—Active Forces

Sec. 346. End strengths for active forces.

Sec. 347. Increased maximum percentage of general and flag officers on active duty authorized to be serving in grades above Brigadier General and Rear Admiral (lower half).

Sec. 348. Extension of certain authorities relating to membership of members of general and flag officers in certain grades.

Sec. 349. Enhancement of voting rights of member of the uniformed services.

Subtitle B—Reserve Forces

Sec. 350. End strengths for Selected Reserve.

Sec. 351. End strengths for Reserves on active duty in support of the Reserves.

Sec. 352. End strengths for military technicians (dual status).

Sec. 353. Fiscal year 2004 limitations on non-dual status technicians.

Subtitle C—Other Matters Relating to Personnel Strengths

Sec. 354. Revision of personnel strength authorization and accounting process.

Sec. 355. Exclusion of recalled retired members from certain strength limitations during period of war or national emergency.

Subtitle D—Authorization of Appropriations

Sec. 356. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 357. Rotation of program officers to fulfill active duty service obligations following failure of selection for promotion.

Sec. 358. Eligibility for appointment as Chief of Army Veterinary Corps.

Subtitle B—Reserve Component Personnel Policy

Sec. 359. Expanded authority for use of Ready Reserve in response to terrorism.

Sec. 360. Streamlined process for continuing officers on the Reserve Active-status list.

Sec. 361. National Guard officers on active duty in command of National Guard units.

Subtitle C—Revision of Retirement Authorities

Sec. 362. Permanent authority to reduce three-year timed senior grade retirement requirement for retirement in grade for officers in grades above Major and Lieutenant Commander.

Subtitle D—Education and Training

Sec. 363. Increased flexibility for management of senior level education and post-education assignments.

Sec. 364. Expanded educational assistance authority for cadets and midshipmen receiving ROTC scholarships.

Sec. 365. Eligibility and cost reimbursement requirements for personnel to receive instruction at the Naval Postgraduate School.

Sec. 366. Actions to address sexual misconduct at the service academies.

Sec. 367. Funding of education assistance enlistment incentives to facilitate national service through Department of Defense Education Benefits Fund and health benefits for minor children.

Subtitle E—Military Justice

Sec. 368. Extended limitation period for prosecution of child abuse cases in courts-martial.

Sec. 369. Clarification of blood alcohol content limit for the offense under the Uniform Code of Military Justice of drunken operation of a vehicle, aircraft, or vessel.

Subtitle F—Other Matters

Sec. 370. High-tempo personnel management and allowance.

Sec. 371. Alternate initial military service obligation for persons entered under direct commission program.

Sec. 372. Policy on concurrent deployment to combat zones of both military spouses of military families with minor children in service.
Sec. 565. Certain travel and transportation allowances for dependents of members of the Armed Forces who have committed dependent abuse.

**TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

**Subtitle A—Pay and Allowances**

Sec. 601. Increase in basic pay for fiscal year 2004.

Sec. 602. Revised annual pay adjustment process.

Sec. 603. Computation of basic pay rate for commissioned officers with prior enlisted or warrant officer service.

Sec. 604. Pilot program of monthly subsistence allowance for non-scholarship Senior ROTC members committing to continue ROTC participation as sophomores.

Sec. 605. Basic allowance for housing for each member married to another member without dependents when both spouses are on sea duty.

Sec. 606. Increased rate of family separation allowance.

**Subtitle B—Bonuses and Special and Incentive Pays**

Sec. 611. One-year extension of certain bonus and special pay authorities for Reserve forces.

Sec. 612. One-year extension of certain bonus and special pay authorities for certain health care professionals.

Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.

Sec. 614. One-year extension of other bonus and special pay authorities.

Sec. 615. Special pay for reserve officers holding positions of unusual responsibility and of critical nature.

Sec. 616. Assignment incentive pay for service in Korea.

Sec. 617. Increased maximum amount of reenlistment bonus for active members.

Sec. 618. Payment of Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.

Sec. 619. Increased rate of hostile fire and imminent danger special pay.

Sec. 620. Availability of hostile fire and imminent danger special pay for reserve component members on inactive duty.

Sec. 621. Expansion of overseas tour extension incentive program to officers.

Sec. 622. Eligibility of warrant officers for accession bonus for new officers in critical skills.

Sec. 623. Incentive bonus for conversion to military occupational specialty to ease personnel shortage.

**Subtitle C—Travel and Transportation Allowances**

Sec. 631. Shipment of privately owned motor vehicle within continental United States.

Sec. 632. Payment or reimbursement of student baggage storage costs for dependent children of members stationed overseas.

Sec. 633. Contracts for full replacement value for loss or damage to personal property transported at Government expense.

Sec. 634. Transportation of dependents to presence of members of the Armed Forces who are retired for illness or injury incurred in active duty.

**Subtitle D—Retired Pay and Survivor Benefits**

Sec. 641. Special rule for computation of retirement pay base for commanders of combatant commands.

Sec. 642. Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.

Sec. 643. Increase in death gratuity payable with respect to deceased members of the Armed Forces.

Sec. 644. Full payment of both retired pay and compensation to disabled military retirees.

**Subtitle E—Other Matters**

Sec. 651. Payment or reimbursement of student baggage storage costs for dependents of members of the Amed Forces.

Sec. 652. GAO study.

**Subtitle F—Naturalization and Family Protection for Military Members**

Sec. 661. Title.

Sec. 662. Requirements for naturalization through service in the Armed Forces of the United States.

Sec. 663. Naturalization benefits for members of the Selected Reserve of the Ready Reserve.

Sec. 664. Extension of posthumous benefits to surviving spouses, children, and parents.

Sec. 665. Effective date.

**TITLE VII—HEALTH CARE**

Sec. 701. Medical and dental screening for members of Selected Reserve units alerted for mobilization.

Sec. 702. TRICARE beneficiary counseling and assistance coordinators for Reserve component beneficiaries.

Sec. 703. Extension of authority to enter into personal services contracts for health care services to be performed at locations outside medical treatment facilities.

Sec. 704. Department of Defense Medicare Eligible Retiree Health Care Fund.

Sec. 705. Surveys on management viability of TRICARE standard.

Sec. 706. Elimination of limitation on covered beneficiaries' eligibility to receive health care services from former Public Health Service treatment facilities.

Sec. 707. Modification of structure and duties of Department of Veterans Affairs—Department of Defense Health Executive Committee.

Sec. 708. Eligibility of reserve officers for health care pending orders to active duty following commissioning.

Sec. 709. Reimbursement of covered beneficiaries for certain travel expenses relating to specialized dental care.

**TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

**Subtitle A—Acquisition Policy and Management**

Sec. 801. Temporary emergency procurement authority to facilitate defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.

Sec. 802. Special temporary contract closeout authority.

Sec. 803. Defense acquisition program management for use of radio frequency spectrum.

Sec. 804. National Security Agency Modernization Program.

Sec. 805. Quality control in procurement of aviation critical safety items and Related services.

**Subtitle B—Procurement of Services**

Sec. 811. Expansion and extension of incentive payment for use of performance-based contracts in procurements of services.

Sec. 812. Public-private competitions for the performance of Department of Defense functions.

Sec. 813. Authority to enter into personal services contracts.

**Subtitle C—Major Defense Acquisition Programs**

Sec. 821. Certain weapons-related prototype projects.

Sec. 822. Applicability of Clinger-Cohen Act policies and requirements to equipment integral to a weapon or weapon system.

Sec. 823. Applicability of requirement for reports on maturity of technology at initiation of major defense acquisition programs.

**Subtitle D—Domestic Source Requirements**

Sec. 831. Exceptions to Berry amendment for contingency operations and other urgent situations.

Sec. 832. Inapplicability of Berry amendment to procurements of waste and byproducts of cotton and wool fiber for use in the production of propellants and explosives.

Sec. 833. Waiver authority for domestic source or content requirements.

Sec. 834. Buy American exception for ball bearings and roller bearings used in foreign products.

**Subtitle E—Defense Acquisition and Support Workforce**

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Sec. 842. Limitation and reinvestment authority relating to reduction of the defense acquisition and support workforce.

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Sec. 852. Federal support for enhancement of State and local anti-terrorism response capabilities.

Sec. 853. Definitions.

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Sec. 862. Operational test and evaluation.

Sec. 863. Multiyear task and delivery order contracts.

Sec. 864. Repeal of requirement for contractor assurances regarding the completeness, accuracy, and contractual sufficiency of technical data provided by the Government.

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Sec. 866. Consolidation of contract requirements.

**TITLE IX—DEFENSE ORGANIZATION AND MANAGEMENT**

**Subtitle A—Department Officers and Agencies**

Sec. 901. Clarification of responsibilities of military departments to support combatant commands.

Sec. 902. Redesignation of National Imagery and Mapping Agency as National Geospatial-Intelligence Agency.

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Sec. 912. Space personnel cadre.

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Sec. 914. Pilot program to provide space surveillance network services to entities outside the United States Government.

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Subtitle C—Other Matters

Sec. 921. Combatant Commander Initiative Fund.

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Sec. 923. Report on changing roles of United States Special Operations Command.

Sec. 924. Integration of Defense intelligence, surveillance, and reconnaissance capabilities.

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TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

Sec. 1101. Authority to employ civilian faculty members at the Western Hemisphere Institute for Security Cooperation.

Sec. 1102. Pay authority for critical positions.

Sec. 1103. Extension, expansion, and revision of authority for experimental personnel program for scientific and technical personnel.

Sec. 1104. Transfer of personnel investigative functions and related personnel of the Department of Defense.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Sec. 1201. Authority to use funds for payment of costs of attendance of foreign visitors under Regional Defense Counterterrorism Fellowship Program.

Sec. 1202. Availability of funds to recognize superior noncombat achievements or performance of members of friendly foreign forces and other foreign nationals.

Sec. 1203. Check cashing and exchange transactions for foreign personnel in coalition forces.

Sec. 1204. Clarification and extension of authority to provide assistance for international nonproliferation activities.

Sec. 1205. Reimbursable costs relating to national security controls on satellite export licenses.

Sec. 1206. Annexation of NATO Prague capabilities commitment and the NATO Response Force.

Sec. 1207. Expansion and extension of authority to provide additional support for counter-drug activities.

Sec. 1208. Use of funds for unified counterdrug and counterterrorism campaign in Colombia.

Sec. 1209. Competitive award of contracts for Iraqi reconstruction.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.

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Sec. 1303. Annual certifications on use of facilities being constructed for Cooperative Threat Reduction projects or activities.

Sec. 1304. Authority to use Cooperative Threat Reduction funds outside the former Soviet Union.

Sec. 1305. One-year extension of applicability of certain conditions on use of funds for chemical weapons destruction.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS


TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Termination of authority to carry out certain fiscal year 2003 projects.

Sec. 2106. Modification of authority to carry out certain fiscal year 2003 projects.

Sec. 2107. Modification of authority to carry out certain fiscal year 2002 project.

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TITLE XXII—NAVY

Sec. 2101. Authorized Navy construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Navy.

Sec. 2105. Termination of authority to carry out certain fiscal year 2003 projects.

TITLE XXIII—AIR FORCE

Sec. 2101. Authorized Air Force construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.


Sec. 2105. Modification of fiscal year 2003 authority relating to improvement of military family housing units.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2101. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.


Sec. 2105. Modification of authority to carry out certain fiscal year 2003 project.

Sec. 2106. Modification of authority to carry out certain fiscal year 2003 projects.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized guard and reserve construction and land acquisition projects.

TITLE XXVII—EXPANSION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

Sec. 2702. Expiration of authorizations of certain fiscal year 2001 projects.

Sec. 2703. Extension of authorizations of certain fiscal year 2000 projects.

Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

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Sec. 2801. Modification of general definitions relating to military construction.

Sec. 2802. Increase in number of family housing units in Italy authorized for lease by the Navy.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Increase in threshold for reports to Congress on real property transactions.
Sec. 2845. Commission personnel matters.
Sec. 2843. Duties of Commission.
Sec. 2842. Establishment of Commission.
Sec. 2841. Short title.

Sec. 2825. Land exchange, Naval and Marine Corps.
Sec. 2824. Land conveyance, Air Force and Air National Guard property, Maryland.
Sec. 2823. Land conveyance, Marine Corps Logistics Base, Albany, Georgia.
Sec. 2821. Transfer of land at Fort Campbell, Kentucky and Tennessee.

Sec. 2812. Acceptance of in-kind consideration for easements.
Sec. 2813. Expansion to military unaccompanied housing of authority to transfer property at military installations to be closed in exchange for military housing.

Sec. 2814. Exemption from screening and use requirements under Mckinney-Vento Homeless Assistance Act of Department of Defense property in emergency support of homeland security.

Subtitle C—Land Conveyances

Sec. 2824. Establishment of Commission.
Sec. 2823. Land conveyance, Marine Corps Logistics Base, Albany, Georgia.
Sec. 2821. Transfer of land at Fort Campbell, Kentucky and Tennessee.
Sec. 2820. Land conveyance, Fort Knox, Kentucky.

Sec. 2822. Feasibility study of conveyance of Louisiana Army Ammunition Plant, Doyline, Louisiana.
Sec. 2821. Transfer of land at Fort Campbell, Kentucky and Tennessee.

Sec. 2820. Land conveyance, Fort Ritchie, Maryland.
Sec. 2819. Transfer of land for the Marine Corps in the amount of $2,100,000.

Title XXXII—Defense Nuclear Facilities Safety Board

Subtitle A—National Security Programs

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Defense energy supply.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Repeal of prohibition on research and development of low-yield nuclear weapons.
Sec. 3132. Readiness posture for resumption by the United States of underground nuclear weapons tests.
Sec. 3133. Technical base and facilities maintenance and recapitalization activities.

Title XXXIII—Defense Nuclear Facilities Safety Board

Subtitle A—Authorization of Appropriations

Sec. 3102. Defense environmental management.

Subtitle C—Defense Nuclear Facilities Safety Board

Subtitle D—Other Matters

Sec. 3122. Readiness posture for resumption by the United States of underground nuclear weapons tests.
Sec. 3123. Continuation of processing, treatment, and disposition of legacy nuclear materials.
Sec. 3124. Requirement for specific authorization of Congress for commencement of engineering development phase or subsequent phase of robust nuclear earth penetrator.

Subtitle E—Consolidation of General Provisions on Department of Energy National Security Programs

Sec. 3161. Consolidation and assembly of recurring and general provisions on Department of Energy national security programs.

Title XXXIV—Defense Nuclear Facilities Safety Board

Subtitle A—Authorization of Appropriations

Sec. 3101. Army.

Subtitle D—Other Matters

Sec. 3122. Readiness posture for resumption by the United States of underground nuclear weapons tests.
Sec. 3123. Continuation of processing, treatment, and disposition of legacy nuclear materials.
Sec. 3124. Requirement for specific authorization of Congress for commencement of engineering development phase or subsequent phase of robust nuclear earth penetrator.

Subtitle D—Other Matters

Sec. 3120. Authorization.

Title XXXVII—Defense National Security Programs

Subtitle A—National Security Programs

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Defense energy supply.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Repeal of prohibition on research and development of low-yield nuclear weapons.
Sec. 3132. Readiness posture for resumption by the United States of underground nuclear weapons tests.
Sec. 3133. Technical base and facilities maintenance and recapitalization activities.

Title XXXVII—Defense National Security Programs

Subtitle A—National Security Programs

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Defense energy supply.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Repeal of prohibition on research and development of low-yield nuclear weapons.
Sec. 3132. Readiness posture for resumption by the United States of underground nuclear weapons tests.
Sec. 3133. Technical base and facilities maintenance and recapitalization activities.

Title XXXVIII—Defense Nuclear Facilities Safety Board

Subtitle A—Authorization of Appropriations

Sec. 3102. Defense environmental management.

Subtitle D—Other Matters

Sec. 3122. Readiness posture for resumption by the United States of underground nuclear weapons tests.
Sec. 3123. Continuation of processing, treatment, and disposition of legacy nuclear materials.
Sec. 3124. Requirement for specific authorization of Congress for commencement of engineering development phase or subsequent phase of robust nuclear earth penetrator.

Subtitle D—Other Matters

Sec. 3120. Authorization.

Title XXXIX—Defense Nuclear Facilities Safety Board

Subtitle A—Authorization of Appropriations

Sec. 3100. National Nuclear Security Administration.
Sec. 3101. Army.

Subtitle C—Other Matters

Sec. 3120. Authorization.

Title XXX—Defense Nuclear Facilities Safety Board

Subtitle A—Authorization of Appropriations

Sec. 3100. National Nuclear Security Administration.
Sec. 3101. Army.

Subtitle C—Other Matters

Sec. 3120. Authorization.
Virginia class submarines under subsection (a)(4).

SEC. 122. PILOT PROGRAM FOR FLEXIBLE FUNDING OF NAVAL VESSEL CONVERSIONS AND OVERHAULS.

(a) ESTABLISHMENT.—The Secretary of the Navy may carry out a pilot program of flexible funding of conversions and overhauls of cruisers of the Navy in accordance with this section.

(b) AUTHORITY.—Under the pilot program the Secretary of the Navy may, subject to subsection (d), transfer appropriated funds described in subsection (c) to the appropriation for the Navy for procurement for shipbuilding and conversion for any fiscal year to continue to fund any conversion or overhaul of a cruiser of the Navy that was initially funded with the appropriation to which transferred.

(c) FUNDS AVAILABLE FOR TRANSFER.—The appropriations available for transfer under this section are the appropriations to the Navy for any fiscal year after fiscal year 2003 and before fiscal year 2013 for the following purposes:

(1) For shipbuilding.
(2) For conversion.
(3) For weapons procurement.
(4) For other procurement.
(5) For research, development, test, and evaluation.
(6) For operation and maintenance.

(d) LIMITATIONS.—(1) A transfer may be made with respect to a cruiser under this section only if the notification shall include the following matters:

(A) The purpose of the transfer.
(B) The amounts to be transferred.
(C) Each account from which the funds are to be transferred.
(D) Each program, project, or activity from which the funds are to be transferred.
(E) Each account to which the funds are to be transferred.
(F) Discussion of the implications of the transfer for the total cost of the cruiser conversion or overhaul program for which the transfer is to be made.

(2) Notwithstanding any other provisions of law, the amounts transferred to an appropriation to the extent that the amount transferred and shall be available for the conversion or overhaul of such cruiser for the same period as the appropriation with which merged.

(f) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to transfer funds under this section is in addition to any other authority provided by law to transfer appropriated funds and is not subject to any restriction, limitation, or procedure that is applicable to the exercise of any such other authority.

(g) FINAL REPORT.—Not later than October 1, 2011, the Secretary of the Navy shall submit to the congressional defense committees a report containing the Secretary’s evaluation of the efficacy of the authority provided under this section.

(h) TERMINATION OF PROGRAM.—No transfer may be made under this section after September 30, 2012.

Subtitle D—Air Force Programs

SEC. 131. ELIMINATION OF QUANTITY LIMITATIONS ON MULTYEAR PROCUREMENT AUTHORITY FOR C-130J AIRCRAFT.

Section 131(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2475) is amended by striking “up to 40 C-130J aircraft in the CC-130J configuration and up to 24 C-130 aircraft in the KC-130J configuration” and inserting “C-130J aircraft in the CC-130J and KC-130J configurations”.

SEC. 132. B-1B BOMBER AIRCRAFT.

(a) AMOUNT FOR AIRCRAFT.—(1) Of the amount authorized to be appropriated under section 103(1), $20,300,000 may be available to reconstitute the fleet of B-1B bomber aircraft through modifications of 23 B-1B bomber aircraft airframe or engine to service in fiscal year 2007 that extend the service life of such aircraft and maintain or, as necessary, improve the capabilities of such aircraft for mission performance.

(2) The Secretary of the Air Force shall submit to the congressional defense committees a report that specifies the amounts necessary to be included in the future-years defense program to reconstitute the B-1B bomber aircraft fleet of the Air Force.

(b) ADJUSTMENT.—(1) The total amount authorized to be appropriated under section 103(1) is hereby increased by $20,300,000.

(2) The total amount authorized to be appropriated under section 103(1) is hereby reduced by $20,300,000, with the amount of the reduction to be allocated to Special Operations Forces operational enhancements.

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $9,012,500,000.
(2) For the Navy, $14,590,784,000.
(3) For the Air Force, $20,382,407,000.
(4) For Defense-wide activities, $19,135,679,000, of which $286,661,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR SCIENCE AND TECHNOLOGY.

(a) AMOUNT FOR PROJECTS.—Of the total amount authorized to be appropriated by section 201, $10,705,561,000 shall be available for science and technology projects.

(b) SCIENCE AND TECHNOLOGY DEFINED.—In this section, the term ‘science and technology project’ means work funded in program elements for defense research, development, test, and evaluation under Department of Defense budget activities.

SEC. 203. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2004 for research, development, test, and evaluation for the Inspector General of the Department of Defense in the amount of $300,000.

SEC. 204. DEFENSE HEALTH PROGRA.MS.

(a) AMOUNT.—Of the total amount authorized to be appropriated for fiscal year 2004 for Department of Defense for research, development, test, and evaluation for carrying out health care programs, projects, and activities, $300,000 shall be available for the Department of Defense in the amount of $65,796,000.

(b) USE OF AMOUNT.—Of the amount authorized to be appropriated for the Department of Defense in the amount of $65,796,000 for the Department of Defense for research, development, test, and evaluation for carrying out health care programs, projects, and activities, $300,000 shall be available for—

(1) Explosive demilitarization technology (program element 0603104D8Z).
(2) High energy laser research initiative (program element 0603085D8Z).
(3) High energy laser research (program element 0602980D8Z).
(4) High energy laser advanced development (program element 0603924D8Z).
(5) University research initiative (program element 0601103D8Z).

SEC. 211. PROHIBITION ON TRANSFER OF CERAMICS AND COMPOSITES.

(a) NAVY RDT&E.—The amount authorized to be appropriated under section 201(2) is hereby increased by $2,100,000, with the amount of the increase to be allocated to Major Test and Evaluation Investment (PE 0604759F).

(b) NAVY PROCUREMENT.—The amount authorized to be appropriated under section 102(a)(4) is hereby reduced by $2,500,000, to be derived from the amount provided for the Joint Engineering Data Management Information and Control System (JEDMICS).

(c) NAVY PROCUREMENT.—The amount authorized to be appropriated under section 301(4) for Operations and Maintenance, Air Force is hereby reduced by $1,700,000.

SEC. 212. AMOUNT FOR JOINT ENGINEERING DATA MANAGEMENT INFORMATION AND CONTROL SYSTEM.

(a) AMOUNT.—Of the amount authorized to be appropriated under section 201(1), $1,700,000 may be available in program element 0606079F for human tissue engineering.

(b) USE.—Of the amount authorized to be appropriated under section 201(2) is hereby increased by $2,000,000, to be available for the Joint Engineering Data Management Information and Control System (JEDMICS).

SEC. 214. HUMAN TISSUE ENGINEERING.

(a) AMOUNT.—Of the amount authorized to be appropriated under section 201(1), $1,700,000 may be available in program element 0606079F for human tissue engineering.

(b) USE.—Of the amount authorized to be appropriated under section 201(2) is hereby increased by $2,000,000, to be available for the Joint Engineering Data Management Information and Control System (JEDMICS).

SEC. 215. NON-TEMPERATURE IMAGING SYSTEMS.

(a) AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy and available for Power Projection Applied Research (PE 602124N), $2,000,000 may be available for research and development of non-thermal imaging systems.

(b) USE.—Of the amount authorized to be appropriated under section 201(2) is hereby increased by $2,000,000.

SEC. 216. MAGNETIC LEVITATION.

(a) AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy and available for Power Projection Applied Research (PE 602124N), $2,000,000 may be available for research and development of non-thermal imaging systems.

(b) USE.—Of the amount authorized to be appropriated under section 201(2) for Research, Development, Test, and Evaluation for the Navy is hereby increased by $2,000,000.
SEC. 221. FIELDING OF BALLISTIC MISSILE DEFENSE CAPABILITIES.

Funds authorized to be appropriated under section 201(b) for the Missile Defense Agency may be used in fiscal year 2004 for the development and fielding of an initial set of ballistic missile defense capabilities.

SEC. 222. REPEAL OF REQUIREMENT FOR CERTAIN TECHNOLOGIES AT THE HOLLISTER HIGH SPEED TEST TRACK.

Pursuant to section 201(b) of the Authorization Act for Fiscal Year 2002 (Public Law 107–107, 10 U.S.C. 2431 note) shall not include the following:

(1) The test plans established under subsection (c); and

(2) An assessment of the progress being made toward verifying through operational testing the performance of the future ballistic missile defense system program as measured by the performance criteria prescribed for the program under subsection (b).
section 1105(a) of title 31.

same time that the President submits the budget
Research Projects Agency to Congress at the
among persons who are experienced and knowl-
appointed by the Secretary of Defense from
management, organization, and personnel of the
program with the international cooperation and
applied research programs.

capabilities at a technical maturity level
comparative assessments of capabilities, cooper-
program with the international cooperation and
research opportunities, and ongoing coop-
program shall be focused on research and techn-
tical maturity level equivalent to Department of Defense basic and
applied research programs.
The Director shall coordinate the pro-
program with the international cooperation and
analysis activities of the military departments and
Defense and Agencies.

The program shall be focused on research and techn-
tical maturity level equivalent to Department of Defense basic and
applied research programs.
The Director shall coordinate the pro-
program with the international cooperation and
analysis activities of the military departments and
Defense and Agencies.

3. The program shall be focused on research and tech-
the potential for yielding significant military

4. The Director shall prepare a strategic plan for the activities

5. The Director shall carry out a Global

6. Members of the panel who are not officers or

(b) REQUIREMENT FOR PLAN.—(1) Subchapter
(b) by inserting after subsection (a) the fol-

(b) PURPOSES OF ACTIVITIES.—The purposes

(v) any other matters that the Secretary con-

(ii) supporting missions of the armed forces; and

(C) Three persons who are representative

Agencies.

(b) REQUIREMENT FOR PLAN.—(1) Subchapter
(b) by inserting after subsection (a) the fol-

(b) PURPOSES OF ACTIVITIES.—The purposes

(v) any other matters that the Secretary con-

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Agencies.

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(v) any other matters that the Secretary con-

(ii) supporting missions of the armed forces; and

(C) Three persons who are representative

Agencies.

(b) REQUIREMENT FOR PLAN.—(1) Subchapter
(b) by inserting after subsection (a) the fol-

(b) PURPOSES OF ACTIVITIES.—The purposes

(v) any other matters that the Secretary con-

(ii) supporting missions of the armed forces; and

(C) Three persons who are representative

Agencies.
(E) develop, to the extent practicable and in consultation with other Federal entities and private industry, cooperative research and development efforts.

(2) The Secretary shall carry out the program of research and development through the Director of Defense Research and Engineering, in full coordination with the Secretary of the Army and the Secretary of the Air Force, in accordance with the strategy developed under paragraph (1).

(b) Strategy for Department of Defense—Not later than September 1, 2004, the Board shall develop a strategy for the Department of Defense for the management of the electromagnetic spectrum in order to ensure the development and use of spectrum-efficient technologies that facilitate the availability of adequate spectrum for network-centric warfare. The strategy shall include specific plans for the management of the electromagnetic spectrum, including the implementation of technologies for the efficient use of spectrum, and proposals for program funding.

(2) In developing the strategy, the Board shall consider and take into account the research and development program carried out under section 236(c).

The Board shall assist in updating the strategy developed under paragraph (1) on an annual basis to address changes in circumstances.

(3) In developing the strategy, the Board shall coordinate with other departments and agencies of the Federal Government in the development of the strategy described in subsection (a)(1), including representatives from the Federal Communications Commission, the National Telecommunications and Information Administration, the Department of Homeland Security, the Federal Aviation Administration, and other appropriate departments and agencies of the Federal Government.

(c) Board of Directors. In this section, the term "Board" means the board of senior acquisition officials as defined in section 822.

SEC. 236. AMOUNT FOR COLLABORATIVE INFORMATION WARFARE NETWORK.

(a) Availability of Funds. Of the amount authorized to be appropriated by section 101(2), for research and development, $5,000,000 may be available for the Collaborative Information Warfare Network.

(b) Offsets. Offsets shall be provided for the amount authorized to be appropriated by section 301(4) for operation and maintenance.

SEC. 237. COPRODUCTION OF ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $24,668,004,000.
(2) For the Navy, $28,051,390,000.
(3) For the Marine Corps, $3,416,356,000.
(4) For the Air Force, $26,975,234,000.
(5) For Defense-wide activities, $15,739,047,000.
(6) For the Army Reserve, $1,952,009,000.
(7) For the Air National Guard, $1,710,421,000.
(8) For the Marine Corps Reserve, $4,227,331,000.
(9) For the Navy Reserve, $160,049,000.
(10) For the Army National Guard, $15,427,331,000.
(11) For the Marine Corps, $3,416,356,000.
(12) For the Defense Inspector General, $360,049,000.
(13) For the United States Court of Appeals for the Armed Forces, $10,333,000.
(14) For Environmental Restoration, Army, $306,038,000.
(15) For Environmental Restoration, Navy, $256,153,000.
(16) For Environmental Restoration, Air Force, $384,307,000.
(17) For Environmental Restoration, Defense-wide, $24,081,000.
(18) For Environmental Restoration, Formerly Used Defense Sites, $957,809,000.
(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $59,000,000.
(20) For Drug Interdiction and Counternarcotics Activities, Defense-wide, $817,000.
(21) For Defense Health Program, $14,862,900,000.
(22) For Cooperative Threat Reduction programs, $450,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the use of the Armed Forces and other activities and agencies of the Department of Defense for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $1,661,300,000.
(2) For the National Defense Sealift Fund, $1,062,762,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2004 from the Armed Forces Retirement Home Trust Fund the sum of $59,000,000 for the operation of the Armed Forces Retirement Home, including the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. EMERGENCY AND MORALE COMMUNICATIONS PROGRAMS.

(a) Armed Forces Emergency Services. Of the amounts authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be made available to the Department of Defense to enable them to make telephone calls to family and friends in the United States.

(b) Department of Defense Morale Telecommunications Program. As soon as possible after the date of enactment of this Act, the Secretary of Defense shall establish and carry out a program to provide, wherever practicable, prepaid phone cards, or an equivalent telecommunications benefit which includes access to telephone service, to members of the Armed Forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary of Defense) in order to enable them to make telephone calls to family and friends in the United States.

(c) The value of the benefit provided by paragraph (1) shall not exceed $40 per month per person.

(d) The program established by paragraph (1) shall terminate on September 30, 2004.

(e) In carrying out the program under this subsection, the Secretary shall maximize the use of existing Department of Defense telecommunications programs and capabilities, private entities free or reduced-cost services, and programs to enhance morale and welfare. In addition, and notwithstanding any limitation on the expenditure or obligation of appropriated amounts, the Secretary may use available funds appropriated to or for the operation of the Department of Defense that are not otherwise obligated or expended to carry out the program.

(f) The Secretary may accept gifts and donations in order to defray the costs of the program. Such gifts and donations may be accepted from foreign governments; foreign or other charitable organizations, including those organized or operating under the laws of a foreign country; and any source in the private sector of the United States or a foreign country.

(g) The Secretary shall work with telecommunications providers to facilitate the deployment of additional telecommunications for use in fulfilling the United States commitments under the program as quickly as practicable, consistent with the timely provision of telecommunications benefits of the program, the Secretary should carry out this subsection in a manner that allows for competition in the provision of such benefits.

(h) The Secretary shall not take any action under this subsection that would compromise the privacy, security, or objectives or mission of the Department of Defense.

SEC. 312. COMMERCIAL IMAGERY INDUSTRIAL BASE.

(a) Limitation. Not less than ninety percent of the total amount authorized to be appropriated under this title for the acquisition, processing, and licensing of commercial imagery, in amounts authorized to be appropriated under this title for experimentation related to commercial imagery, shall be used for the following purposes:

(1) To acquire space-based imagery from commercial sources.

(2) To support the development of next-generation commercial imagery satellites.
the House of Representatives a report on the actions taken and to be taken by the Secretary to implement the President’s commercial remote sensing policy. The Secretary shall consult with the Director of Central Intelligence in preparing the report.

(2) The report under paragraph (1) shall include an assessment of the following matters:

(A) The sufficiency of the policy, the funding for fiscal year 2004 for the procurement of imagery from commercial sources, and the funding planned in the future-years defense program for the procurement of imagery from commercial sources to sustain a viable commercial imagery industrial base in the United States.

(B) The extent to which the United States policy and the Secretary’s efforts to ensure that imagery from commercial sources are sufficient to ensure that imagery is available to the Department of Defense from United States commercial firms to timely meet the needs of the Department of Defense for the imagery.

SEC. 313. INFORMATION OPERATIONS SUSTAINMENT FOR LAND FORCES READINESS OF ARMY RESERVE.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR ARMY RESERVE.—The amount authorized to be appropriated by section 301(b) for operation and maintenance for the Army Reserve is hereby increased by $3,000,000.

(b) AVAILABILITY FOR INFORMATION OPERATIONS SUSTAINMENT.—Of the amounts authorized to be appropriated by section 301(b) for operation and maintenance for the Army Reserve, as increased by subsection (a), $3,000,000 may be available for Information Operations (Account #19640) for Land Forces Readiness Operations Sustainment.

(c) OFFSET.—The amount authorized to be appropriated by section 301(b) for operation and maintenance for the Army Reserve is hereby reduced by $3,000,000.

SEC. 314. SUBMITTAL OF SURVEY ON PERCHLORATE CONTAMINATION AT DEPARTMENT OF DEFENSE SITES.

(a) SUBMITTAL OF PERCHLORATE SURVEY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress the report on the survey on perchlorate contamination at all active and closed military defense sites that was prepared by the United States Air Force Research Laboratory, Aerospace Expeditionary Force Technologies Division, Tyndall Air Force Base and each associated contractor.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Environment and Public Works of the Senate; and

(2) the Committee on Energy and Commerce of the House of Representatives.

Subtitle C—Environmental Provisions

SEC. 321. GENERAL DEFINITIONS APPLICABLE TO FACILITIES AND OPERATIONS.

(a) GENERAL DEFINITIONS APPLICABLE TO FACILITIES AND OPERATIONS.—Section 101 of title 10, United States Code, is amended by—

(1) by redesignating subsections (e) and (f) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (d) the following:

“(e) FACILITIES AND OPERATIONS.—The following definitions relating to facilities and operations shall apply in this title:

(1) The term ‘tertiary munitions’ means all ammunition products and components produced for or used by the armed forces for national defense and security, including ammunition products under the control of the Department of Defense, the Coast Guard, the Department of Energy, and the National Guard. The term includes confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, improvised explosive devices and components thereof.

(2) The term does not include wholly inert items, items designed and used for nuclear weapons, nuclear devices, and nuclear components, except that the term does include non-nuclear components of nuclear devices that are managed for a new use that is incompatible with range activities, except that the term does include non-nuclear components of nuclear devices that are managed for a new use that is incompatible with range activities.

(b) OFFENSES.—The term ‘range activities’ means—

(1) the term ‘use activities’ means

(2) the term ‘use activities’ means

(3) the term ‘use activities’ means

(c) PROOF.—In a prosecution under this title, proof of an offense shall consist of—

(1) the management activities identified in the plan will effectively conserve the threatened species and endangered species within the lands or areas covered by the plan; and

(2) the plan provided assurances that adequate funding will be provided for such management activities.

(3) LIMITATION ON CONSENT AGREEMENTS.—Nothing in subsection (a) may be construed to affect the requirement to consult under section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1536(a)(2)) with respect to any new use that is incompatible with range activities, as defined in that section.

(b) CLERICAL AMENDMENTS.—The table of chapters at the beginning of title 10, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 101 the following new item:

"111. Readiness and Range Preservation ......................... 2020."

SEC. 322. ARCTIC AND WESTERN PACIFIC ENVIRONMENTAL TECHNOLOGY COOPERATION PROGRAM.

(a) AUTHORITY TO CONDUCT PROGRAM.—The Secretary of Defense may, with the concurrence of the Secretary of State, conduct on a cooperative basis with countries of the Arctic and Pacific Regions and Western Pacific regions a program of environmental activities provided for in subsection (b) in such regions. The program shall be known as the ‘Arctic and Western Pacific Environmental Technology Cooperation Program’.

(b) PROGRAM ACTIVITIES.—(1) Except as provided in paragraph (3), activities under the program shall be conducted in cooperation and assistance among elements of the Department of Defense and military departments or relevant agencies of other countries on activities that contribute to the demonstration of environmental technology.

"(2) Activities under the program shall be consistent with the requirements of the Cooperative Threat Reduction Program.

"(3) Activities under the program may not include activities for purposes prohibited under section 1403 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-168; 111 Stat. 1960).

"(b) LIMITATION ON FUNDING FOR PROJECTS OTHER THAN RADIOLOGICAL PROJECTS.—Not later than 30 days after the amount of funds made available for the program under subsection (a) in any fiscal year may be available for projects under the program other than projects on radiological matters.

"(d) ANNUAL REPORT.—(1) Not later than March 1, 2004, and each year thereafter, the Secretary of Defense shall submit to Congress a report on activities under the program under subsection (a) during the preceding fiscal year.

"(2) The report on the program for a fiscal year under paragraph (1) shall include the following:

(A) A description of the activities carried out under the program during that fiscal year, including a separate description of each project under the program.

(B) A statement of the amounts obligated and expended for the program during that fiscal year, set forth in aggregate and by project.

(C) A statement of the life cycle costs of each project, including the life cycle costs of such project as of the end of that fiscal year and an estimate of the total life cycle costs of such project upon completion of such project.

(D) A statement of the participants in the activities carried out under the program during that fiscal year, including the contributions of the Department of Defense and the military departments or agencies of other countries.
SEC. 324. PARTICIPATION IN WETLAND MITIGATION BANKS IN CONNECTION WITH MILITARY CONSTRUCTION PROJECTS.

(a) AUTHORITY TO PARTICIPATE.—Chapter 19 of title 10, United States Code, is amended by adding at the end the following new section:

"§3269. Participation in wetland mitigation banks"

"(a) AUTHORITY TO PARTICIPATE.—In the case of a military construction project that results, or may result, in the destruction of or impacts to wetlands, the Secretary concerned may make one or more payments to a wetland mitigation banking program or consolidated user site (also referred to as an 'in-lieu-of' program) meeting the requirements of subsection (b) in lieu of mitigating a wetland on Federal property as mitigation for the project.

(b) APPROVAL OF PROGRAM OR SITE REQUIREMENTS.—The Secretary concerned may make one or more payments to a wetland mitigation banking program or consolidated user site under subsection (a) only if the program or site is approved in accordance with the Federal Guidance for the Establishment, Use, and Operation of Mitigation Banks or the Federal Guidance on the Use of In-Lieu Fee Arrangements for Compensatory Mitigation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1220 note) or section 10 of the Rivers and Harbors Appropriations Act of 1989 (33 U.S.C. 403).

(c) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated for a military construction project for which a payment is authorized by subsection (a) may be utilized for purposes of making the payment.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"§3269. Participation in wetland mitigation banks—"

SEC. 325. EXTENSION OF AUTHORITY TO USE ENVIRONMENTAL RESTORATION ACCOUNT FUNDS FOR RELOCATION OF A CONTAMINATED FACILITY.

Section 2703(c)(2) of title 10, United States Code, is amended by striking "September 30, 2003" and inserting "September 30, 2006".

SEC. 326. APPLICABILITY OF CERTAIN PROCEDURAL AND ADMINISTRATIVE REQUIREMENTS TO RESTORATION AUTHORIZED BY MILITARY TRAINING RANGE.

Section 2705(d)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(C)(i) Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), relating to publication in the Federal Register of notices of meetings of advisory committees, shall not apply to any meeting of a restoration advisory board under this subsection, but a restoration advisory board shall publish timely notice of each meeting of the restoration advisory board in a local newspaper of general circulation.

(ii) No limitation under any provision of law or regulations on the number of advisory committees (as that term is defined in section 3(2) of the Federal Advisory Committee Act) in existence at any one time shall apply to the number of restoration advisory boards in existence under this subsection at any one time."

SEC. 327. EXPANSION OF AUTHORITY ON USE OF VESSELS STRICKEN FROM THE NAVAL VESSEL REGISTER FOR EXPERIMENTAL PURPOSES.

(a) EXPANSION OF AUTHORITY.—Subsection (b) of section 7306a of title 10, United States Code, is amended to read as follows:

"(b) STRIPPING AND ENVIRONMENTAL REMEDIATION OF VESSELS.—(1) Before using a vessel for experimental purposes pursuant to subsection (a), the Secretary shall carry out such stripping and environmental remediation of the vessel as is required for the use of the vessel for experimental purposes.

(2) Material and equipment stripped from a vessel under paragraph (1) may be sold by the contractor or by a sales agent approved by the Secretary.

(3) Amounts received as proceeds from the stripping of a vessel pursuant to this subsection shall be credited to funds available for stripping and environmental remediation of other vessels for use for experimental purposes."

(b) INCLUSION OF CERTAIN PURPOSES IN USE FOR EXPERIMENTAL PURPOSES.—That section is further amended by adding at the end the following new subsection:

"(c) USE FOR EXPERIMENTAL PURPOSES.—For purposes of this section, the term 'use for experimental purposes of a vessel' includes use of the vessel by the Navy in sink exercises and as a target."

SEC. 328. TRANSFER OF VESSELS STRICKEN FROM THE NAVAL VESSEL REGISTER FOR USE AS ARTIFICIAL REEFS.

(a) AUTHORITY TO MAKE TRANSFER.—Chapter 63 of title 10, United States Code, is amended by inserting after section 7306a the following new section:

"§7306b. Vessels stricken from Naval Vessel Register; transfer by gift or otherwise for use as artificial reefs—"

"(a) AUTHORITY TO MAKE TRANSFER.—Subject to subsection (b), the Secretary may transfer, by gift or otherwise, any vessel stricken from the Naval Vessel Register to any State, Commonwealth, or possession of the United States or any municipal corporation or political subdivision thereof.

(b) INAPPLICABILITY TO CERTAIN VESSELS.—The authority in subsection (a) shall not apply to vessels transferred to the Maritime Administration for disposal under section 546 of title 40.

(c) VESSEL AS ARTIFICIAL REEF.—An agreement for the transfer of a vessel under subsection (a) shall require that—

(1) the recipient use, site, construct, monitor, and manage the vessel as an artificial reef in accordance with the requirements of the National Fishing Enhancement Act of 1984 (title I of Public Law 98-623; 33 U.S.C. 2101 et seq.), except that the recipient may use the artificial reef to enhance diving opportunities if such use does not have an adverse effect on fishery resources (as that term is defined in section 214(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(14))), and

(2) the recipient obtain, and bear all responsibility for complying with, applicable Federal, State, local, or tribal permits for using, siting, constructing, monitoring, and managing the vessel as an artificial reef.

(d) PREPAREDNESS FOR USE AS ARTIFICIAL REEF.—The Secretary shall ensure that the preparation of a vessel transferred under subsection (a) for use as an artificial reef is conducted in accordance with—

(1) the environmental best management practices developed pursuant to section 3504(b) of the Bob Stump National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-314; 16 U.S.C. 1220 note); and

(2) any applicable environmental laws.

(e) COST SHARING.—The Secretary may share with the recipient the cost of a vessel transferred under subsection (a) any costs associated with transferring the vessel under that subsection, including costs of the preparation of the vessel under subsection (d).

(f) NO LIMITATION ON NUMBER OF VESSELS TRANSFERABLE TO PARTICULAR RECIPIENT.—A State, Commonwealth, or possession of the United States, or any municipal corporation or political subdivision thereof, may be the recipient of more than one vessel transferred under subsection (a).

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a transfer authorized by section (a) as the Secretary considers appropriate.

(h) CONSTRUCTION.—Nothing in this section shall be construed to establish a preference for the use of artificial reefs of vessels stricken from the Naval Vessel Register in lieu of other authorized uses of such vessels, including the domestic scavenging of such vessels, or other disposal of such vessels under this chapter or other applicable authority."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"§7306b. Vessels stricken from Naval Vessel Register; transfer by gift or otherwise for use as artificial reefs—"

SEC. 329. SALVAGE FACILITIES.

(a) FACILITIES TO INCLUDE ENVIRONMENTAL PROTECTION EQUIPMENT.—Section 7361(a) of title 10, United States Code, is amended—

(1) by inserting "(U) before "The Secretary"; and

(2) by adding at the end the following new paragraph:

"(F) Purposes of this section, salvage facilities shall include equipment and gear utilized to prevent, abate, or minimize damage to the environment arising from salvage activities."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"§7361. Salvage facilities—"

SEC. 330. TASK FORCE ON RESOLUTION OF CONFLICT BETWEEN MILITARY TRAINING AND ENVIRONMENTAL PROTECTION AT BARRY M. GOLDWATER RANGE, ARIZONA.

(a) PURPOSE.—The purpose of this section is to facilitate the determination of effective means of resolving the current conflict between the dual objectives at Barry M. Goldwater Range, Arizona, of the full utilization of live ordnance delivery areas for military training and the protection of endangered species.

(b) TASK FORCE.—The Secretary of Defense shall establish a task force to determine and assess various means of enabling full use of the live ordnance delivery areas at Barry M. Goldwater Range while also protecting endangered species that are present at Barry M. Goldwater Range.

(c) COMPOSITION.—(1) The task force established under subsection (b) shall be composed of the following:

(A) The Air Force range officer, who shall serve as chair of the task force.

(B) The range officer at Barry M. Goldwater Range.


(D) The commander of Marine Corps Air Station, Yuma, Arizona.

(E) The Director of the United States Fish and Wildlife Service.
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(F) The manager of the Cabeza Prieta National Wildlife Refuge, Arizona.

(G) A representative of the Department of Game and Fish of the State of Arizona, as selected by the Governor of the State of Arizona.

(H) A representative of a wildlife interest group in Arizona, as selected by the Secretary in consultation with Governor of the State of Arizona.

(I) A representative of an environmental interest group in Arizona, as selected by the Secretary in consultation with wildlife interest groups in the State of Arizona.

(J) A representative of an environmental interest group in Arizona, as selected by the Secretary in consultation with environmental interest groups in the State of Arizona.

(K) The force may secure for the task force the services of such experts with respect to the duties of the task force under subsection (d) as the chair considers advisable to carry out such duties.

(L) Duties.—The task force established under subsection (b) shall—

(1) assess the effects of the presence of endangered species on military training activities in the live ordnance delivery areas at Barry M. Goldwater Range and in any other areas of the range that are adversely affected by the presence of endangered species;

(2) determine various means of addressing any significant adverse effects on military training activities in Goldwater Range that are identified pursuant to paragraph (1); and

(3) determine the benefits and costs associated with the implementation of each means identified under paragraph (2).

(3) R EPORT.

(a) Not later than February 28, 2005, the task force under subsection (b) shall submit to Congress a report on its activities under this section. The report shall include—

(1) a description of the assessments and determinations made under subsection (d);

(2) the recommendations for legislative and administrative action as the task force considers appropriate; and

(3) an evaluation of the utility of task force proceedings as a means of resolving conflicts between military training objectives and protection of endangered species at other military training sites and testing ranges.

SEC. 331. PUBLIC HEALTH ASSESSMENT OF EXPOSURE TO PERCHLORATE.

(a) E PIDEMIOLOGICAL STUDY OF EXPOSURE TO PERCHLORATE.

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent epidemiological study of exposure to perchlorate in drinking water.

(2) PERFORMANCE OF STUDY.—The Secretary shall provide for the performance of the study under this subsection through the Centers for Disease Control, the National Institutes of Health, or another appropriate Federal research entity with experience in human endocrinology selected by the Secretary for purposes of the review. The review shall include the pane S conducting the review shall be composed of individuals with expertise in human endocrinology.

(b) MATTERS TO BE INCLUDED IN REVIEW.—In conducting the review under this subsection, the Secretary shall require the Federal entity conducting the review to assess—

(A) available data on human exposure to perchlorate, including clinical data and data on exposure of sensitive subpopulations, and the levels at which health effects were observed; and

(B) available data on other substances that have endocrine effects similar to perchlorate to which the public is frequently exposed.

(c) R EPORT ON REVIEW.—The Secretary shall require the Federal entity conducting the review under this subsection to submit to the Secretary a report on the review not later than June 1, 2005.

Title D—Reimbursement Authorities

SEC. 341. REIMBURSEMENT OF RESERVE COMPONENT MILITARY PERSONNEL ACCOUNTS FOR PERSONNEL COSTS OF SPECIAL OPERATIONS RESERVE COMPONENT PERSONNEL ENGAGED IN LANDMINES CLEARANCE.

(a) R EIMBURSEMENT.—Funds authorized to be available for Overseas Humanitarian, Disaster, and Civic Aid programs shall be available for transfer to reserve component military personnel accounts in reimburse to such accounts for the pay and allowances paid to reserve component personnel under the United States Special Operations Command for duty performed by such personnel in connection with training and other activities relating to the clearing of landmines for humanitarian purposes.

(b) M A XIMUM A MOUNT.—Not more than $5,000,000 may be transferred under subsection (a).

(c) M E RGER OF TRANSFERRED FUNDS.—Funds transferred to reserve component personnel engaged in landmines clearance under this section shall be merged with other sums in the account and shall be available for the same period and purposes as the sums with which merged.

(d) R EIMBURSABLE COSTS.—The transfer authority under this section is in addition to the transfer authority provided under section 303.

SEC. 342. REIMBURSEMENT OF RESERVE COMPONENT ACCOUNTS FOR COSTS OF INTELLIGENCE ACTIVITIES SUPPORT PROVIDED TO UNITS.

(a) I N GENERAL.—Chapter 1895 of title 10, United States Code, is amended to read as follows:

"§ 18503. Reserve components: reimbursement for costs of intelligence support provided by reserve component personnel.

(a) A UTHORITY.—The Secretary of Defense may authorize the use of the Defense reimbursement rate for military airlift services provided by a component of the Department of Defense as follows:

(1) Military airlift services provided; and

(b) by adding at the end the following new paragraphs:

(2) Military airlift services provided to the Department of State for the transportation of armored motor vehicles to a foreign country to meet the requirements of the Department of State for armored motor vehicles in such foreign country.

(b) C ONFORMING AND CLERICAL AMENDMENTS.—(1) The heading for this section is amended to read "2642. Reimbursement rate for airlift services provided to Central Intelligence Agency or Department of State".

(2) The table relating to such section in the table of sections at the beginning of chapter 157 is amended by inserting the following new section:

"2642. Reimbursement rate for airlift services provided to Central Intelligence Agency or Department of State.

(c) C OSTS OF GOODS AND SERVICES PROVIDED TO DEPARTMENT OF STATE.—For any fee charged to the Department of State by the Department of State during any year for the maintenance, upgrade, or construction of United States diplomatic facilities, the Secretary of Defense may remit to the Department of State only that portion, if any, of the total amount of the fee charged for such year that exceeds the total amount of the costs incurred by the Department of Defense for goods and services to the Department of State during such year.

(d) D ROP IN PRICE.—The Secretary shall provide for the performance of duty in providing intelligence support, counterintelligence support, or intelligence and counterintelligence support to a combatant command, Defense Intelligence Agency, or joint intelligence activity, including any activity or program within the National Foreign Intelligence Program, the Joint Military Intelligence Program, or the Tactical Intelligence Program Related to Special Operations Forces, only on the written authorization of the joint or combatant command.

(e) S OURCES OF REIMBURSEMENT.—Funds available for operation and maintenance for the Army, Navy, Air Force, or Marine Corps, for a combatant command, or joint intelligence activity, including any activity or program within the National Foreign Intelligence Program, the Joint Military Intelligence Program, or the Tactical Intelligence Program Related to Special Operations Forces, shall be available for transfer under this section to military personnel accounts and operation and maintenance accounts of the reserve component.

(f) D ISTRIBUTION TO UNITS.—Amounts reimbursed to an account for duty performed by reserve component personnel shall be distributed to the lowest level unit or other organization of such personnel that administers and is accountable for the appropriated funds charged the costs that are being reimbursed.

"2650. Reserve components reimbursement costs of intelligence support provided by reserve component personnel."
SEC. 351. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES.--The Secretary of Defense shall make available to local educational agencies assistance to local educational agencies for fiscal year 2004 of--

(a) Continuation of Department of Defense Program for Fiscal Year 2004.—Of the amount authorized to be appropriated pursuant to section 301(f) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies.

(b) Notification.—Not later than June 30, 2004, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2004 of—

(1) that agency’s eligibility for the assistance; and

(2) the amount of the assistance for which that agency is eligible.

(c) Disbursement of Funds.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) Availability of Funds for Local Educational Agencies Affected by the Brooks Air Force Base Demonstration Project.—Up to $500,000 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 other 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 2004 from the conversion of Federal property to other 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.

(e) Definitions.—In this section:


(2) The term “local educational agency” has the meaning given that term in section 803(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(a)).

(3) The term “basic support payment” means a payment authorized under section 803(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(1)).

SEC. 352. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(f) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2003 (as enacted into law by Public Law 106-398: 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 352. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(f) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2003 (as enacted into law by Public Law 106-398: 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 352. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(f) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2003 (as enacted into law by Public Law 106-398: 114 Stat. 1654A–77; 20 U.S.C. 7703a).


(a) Funds Available for Defense Modernization Account.—Section 2216 of title 10, United States Code is amended—

(1) by striking subsection (c) and inserting—

(1) in paragraph (2), by striking “or” and inserting “and”; and

(2) by adding at the end the following new subsection:

(2) MOUNTS TRANSFERRED TO THE DEFENSE MODERNIZATION ACCOUNT.—The Defense Modernization Account consists of—

(1) an amount transferred to the Defense Modernization Account out of funds made available for defense modernization projects during fiscal year 2004;

(2) amounts transferred to the Defense Modernization Account out of funds made available for defense modernization projects during fiscal year 2005; and

(3) amounts transferred to the Defense Modernization Account out of funds made available for defense modernization projects during fiscal year 2006.

(b) Start-Up Funding.—Section (d) of such subsection is amended—

(1) by adding “the maximum amount of funds transferred to the Defense Modernization Account shall be determined by the Secretary” after the semicolon at the end of paragraph (2); and

(2) by inserting “shall be used to fund the” after the semicolon at the end of paragraph (3).

(c) Definition.—In this section:

(1) The term “Transfer” means the transfer of funds to the Defense Modernization Account made available for fiscal years 2004, 2005, and 2006, pursuant to subsection (a).

(d) Regulations.—Subsection (h) of such section is amended—

(1) by inserting “(1)” after “COMPTROLLER.—”;

(2) by strike at the end of the following new paragraph:

(2) The regulations prescribed under paragraph (1) may provide for—

(i) the use of a competitive process for the evaluation of such proposals and the selection of proposals; and

(ii) the amounts to be reimbursed to the Defense Modernization Account from among those proposed for such funding;

(3) by striking the following new subparagraph:

(iii) The calculation of—

(4) by striking “quarter” in subparagraph (A), (B), and (C), and inserting “fiscal year”;

(e) Extension of Authorization.—The Marine Corps Intranet contract shall be deemed to be a contract for the life cycle cost of a new or existing system.

SEC. 354. EXEMPTION OF CERTAIN FIREFIGHTING SERVICE CONTRACTS FROM PROHIBITION ON CONTRACTS FOR PERFORMANCE OF FIREFIGHTING FUNCTIONS.

Section 2465(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end of the period and inserting “and”;

(2) in paragraph (3), by striking “or” and inserting “and”;

(3) by adding at the end the following new paragraph:

(4) to a contract for the performance of firefighting functions if the contract is—

(A) for a period of one year or less; and

(B) for the performance of firefighting functions that would otherwise be performed by military firefighters who are otherwise deployed.

SEC. 355. TECHNICAL AMENDMENT RELATING TO TERMINATION OF SACRAMENTO ARMY DEPOT, SACRAMENTO, CALIFORNIA.

Section 2466 of title 10, United States Code, is amended by striking subsection (d).

SEC. 356. EXCEPTION TO COMPETITION REQUIREMENT FOR DEPOT-LEVEL ACTIVITIES.

Section 2469 of title 10, United States Code, is amended by striking paragraph (2).
SEC. 366. SUPPORT FOR TRANSFERS OF DECOMMISSIONED VESSELS AND SHIPBOARD EQUIPMENT.

(a) In General—Section 633 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7316. Support for transfers of decommissioned vessels and shipboard equipment.

"(a) AUTHORITY TO PROVIDE ASSISTANCE.—

The Secretary of the Navy may provide an entity described in subsection (b) with assistance in support of a transfer of decommissioned vessels and shipboard equipment described in such subsection that is being executed under section 2572, 7306, 7307, or 7545 of this title, or under any other authority.

(b) ENTITY AND EQUIPMENT.—The entity under this section applies to any contractor for the operation and maintenance of a Department of Defense facility designated by the Secretary of the Navy or by law to receive transfer of the vessel; and the in-kind——

(1) in the case of a decommissioned vessel that——

(A) is owned and maintained by the Navy, is located at a Navy facility, and is not in active use; and

(B) is being transferred to an entity designated by the Secretary of the Navy or by law to receive transfer of the vessel; and

(2) in the case of any shipboard equipment that——

(A) is on a vessel described in paragraph (1)(A); and

(B) is being transferred to an entity designated by the Secretary of the Navy or by law to receive transfer of the equipment.

(c) REQUIREMENT OF ASSISTANCE.—The Secretary may require a recipient of assistance under subsection (a) to reimburse the Navy for amounts expended by the Navy in providing the assistance.

(d) FUNDING.—Funds received in a fiscal year under subsection (c) shall be credited to the appropriation available for operation and maintenance for the office of the Navy managing inactive ships, shall be merged with other sums in the appropriation that are available for such office, and shall be available for the same purposes and periods with which merged.

(b) Clerical Amendment.—The table of sections at the beginning of this chapter is amended by adding at the end the following new item:

"7316. Support for transfers of decommissioned vessels and shipboard equipment."

SEC. 367. AIRCRAFT FOR PERFORMANCE OF AERIAL REFUELING MISSION.

(a) RESTRICTION ON RETIREMENT OF KC-135E AIRCRAFT.—The Secretary of the Air Force shall ensure that the KC-135E aircraft of the Air Force that are retired in fiscal year 2004, if any, do not exceed 12 such aircraft.

(b) REQUIRED ANALYSIS.—Not later than March 2004, the Secretary of the Air Force shall submit to the congressional defense committees an analysis of alternatives for meeting the aerial refueling requirements that the Air Force has the mission to meet. The Secretary shall provide for the analysis to be performed by a federally funded research and development center or another entity independent of the Department of Defense.

SEC. 368. CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.

(a) In General.—The Randolph-Sheppard Act does not apply to any contract described in subsection (b) for so long as the contract is in effect, including for any period for which the contract is extended pursuant to a option provided in the contract.

(b) JAVITS-WAGNER-O'DAY CONTRACTS.—Subsection (a) does not apply to any contract for the operation of a Department of Defense facility described in subsection (c) that was entered into before the date of the enactment of this Act with a non-profit agency for the blind or an agency for other severely handicapped in compliance with section 3 of the Javits-Wagner-O'Day Act (41 U.S.C. 48) and is in effect on such date.

(c) FACILITIES OF DEPARTMENT OF DEFENSE.—The Department of Defense facilities referred to in subsection (b) are as follows:

1. A military troop dining facility.
2. A military mess hall.
3. Any similar dining facility operated for the purpose of providing meals to members of the Armed Forces.

(d) ENACTMENT OF POPULAR NAME AS SHORT TITLE.—The Act entitled "An Act to authorize the Secretary of the Navy to purchase and operate by blind persons, to enlarge the economic opportunities of the blind, and for other purposes," approved June 20, 1936 (commonly known as the "Randolph-Sheppard Act") (42 U.S.C. 2056 et seq.), is amended by adding at the end the following new section:

"Sec. 11. This Act may be cited as the "Randolph-Sheppard Act.""

SEC. 402. INCREASED MAXIMUM PERCENTAGE OF PERSONS WITH DISABILITIES EMPLOYING PERSONS WITH DISABILITIES.

(a) A UTHORITY TO PROVIDE ASSISTANCE.

(1) In General.—Section 604(c) of title 10, United States Code, is amended by inserting "50 percent" both places it appears and inserting "55 percent".

(b) EXTENSION OF CERTAIN AUTHORITIES RELATING TO MANAGEMENT OF NUMBERS OF GENERAL AND FLAG OFFICERS IN CERTAIN GRADES.

(1) SENIOR JOINT OFFICER GRADES.—Section 604(c) of title 10, United States Code, is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(2) DEMONSTRATION PROJECTS FOR CONTRACTORS EMPLOYING PERSONS WITH DISABILITIES.—(B) The Secretary may enter into one or more contracts for the purpose of providing service for at least 2 years.

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.—

(a) In General.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2004, as follows:

1. Senate, 7,641.
2. The Army, 73,599.
3. The Navy, 34,600.
4. The Marine Corps, 15,700.

(b) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICERS GRADES.—Section 525(b)(5)(C) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(c) AUTHORIZED STRENGTH FOR GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—Section 526(b)(3) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

Subtitle B—Reserve Forces

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2004, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administrating, recruiting, instructing, or training the reserve components:

1. The Army National Guard of the United States, 12,191.
2. The Army Reserve, 14,374.
3. The Navy Reserve, 25,599.
4. The Marine Corps Reserve, 39,600.
5. The Air National Guard of the United States, 107,030.
6. The Air Force Reserve, 75,800.
7. The Coast Guard Reserve, 10,000.
8. The Army National Guard of the United States, 25,599.
10. The Navy Reserve, 39,600.
11. The Marine Corps Reserve, 39,600.
12. The Air National Guard of the United States, 107,030.
13. The Army Reserve, 75,800.
15. The Marine Corps Reserve, 39,600.
17. The Army Reserve, 25,599.
18. The Navy Reserve, 39,600.
20. The Air National Guard of the United States, 107,030.
SEC. 421. REVISION OF PERSONNEL STRENGTH AUTHORIZATION AND ACCOUNTING PROCESS.

(a) ANNUAL AUTHORIZATION OF STRENGTHS.—Subsection (a) of section 115 of title 10, United States Code, is amended as follows:

(1) The average strength for each of the armed forces (other than the Coast Guard) for active-duty personnel who are to be paid from funds appropriated for active-duty personnel.

(2) The average strength for each of the armed forces (other than the Coast Guard) for active-duty personnel and full-time National Guard duty personnel who are to be paid from funds appropriated for reserve personnel.

(3) The strength for the Selected Reserve of each reserve component of the armed forces.

(b) LIMITATION ON USE OF FUNDS.—Subsection (b) of such section is amended by striking "end strength" in paragraphs (1) and (2) and inserting "strength".

(c) AUTHORITY OF SECRETARY OF DEFENSE TO VARY STRENGTHS.—Subsection (c) of such section is amended—

(1) by striking "end strength" each place it appears and inserting "strength";

(2) by striking "strength" in subsections (a)(1)(A) and inserting "section (a)(1)";

(3) in paragraph (2), by striking "section (a)(1)(B)" and inserting "section (a)(2)"; and

(4) in paragraph (3), by striking "section (a)(2)(A)" and inserting "section (a)(3)".

(d) TECHNICAL AMENDMENT.—Subsection (d) of such section is amended—

(1) by striking "end-strengths authorized pursuant to subsection (a)(1)" and inserting "strengths authorized pursuant to paragraphs (1) and (2) of subsection (a)";

(2) by striking "Secretary of Defense" in the first sentence and inserting "subsection (a)(1)"; and

(3) by striking "Secretary of Defense" and inserting "section (a)(1)".

(e) NAVY STRENGTH WHEN AUGMENTED BY COAST GUARD.—Subsection (e) of such section is amended by striking "subsection (a)(3)" and inserting "paragraphs (1) and (2) of subsection (a)".

(f) AUTHORITY OF SECRETARIES OF MILITARY DEPARTMENTS TO VARY STRENGTHS.—Subsection (f) of such section is amended—

(1) by striking "end strength" both places it appears and inserting "strength";

(2) by striking "section (a)(1)(A)" in the first sentence and inserting "section (a)(1)"; and

(3) by striking "section (a)(1)(B)" and inserting "section (a)(2)".

Subtitle C—Other Matters Relating to Personnel Strengths

SEC. 422. ELIMINATION OF RECALLED RETIRED MEMBERS FROM CERTAIN STRENGTH LIMITATIONS DURING PERIOD OF WAR OR NATIONAL EMERGENCY.

(a) ANNUAL AUTHORIZED END STRENGTHS.—Section 115(d) of title 10, United States Code, is amended by striking at the end the following new paragraph:

"(2) Members of the armed forces ordered to active duty under section 688 of this title during any period of war declared by Congress or any period of national emergency declared by Congress or the President in which members of a reserve component are serving on active duty pursuant to an order to active duty under section 688 of this title for so long as the members ordered to active duty under such section 688 continue to serve on active duty during the period of the war or national emergency, as the case may be."

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for active-duty personnel for fiscal year 2004 a total of $99,194,206,000. The authorization in the preceding sentence supersedes any other authorization for such purpose for fiscal year 2004.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. RETENTION OF HEALTH PROFESSIONAL OFFICERS TO FULFILL ACTIVE DUTY SERVICE OBLIGATIONS FOLLOWING FAILURE OF SELECTION FOR PROMOTION.

(a) IN GENERAL.—Subsection (a) of section 632 of title 10, United States Code, is amended—

(1) by striking "or" at the end of paragraph (2); and

(2) by striking the period at the end of paragraph (3) and inserting "; or".

(b) COVERED HEALTH PROFESSIONS OFFICERS.—Section 632 of such title is amended by adding at the end the following new subsection:

"(1) A medical officer.

(2) A dental officer.

(3) Any other officer appointed in a medical skill (as defined in regulations prescribed by the Secretary of Defense)."

(c) TECHNICAL AMENDMENT.—Subsection (a)(3) of such section is amended by striking "clause (1)" and inserting "paragraph (1)".

SEC. 502. ELIGIBILITY FOR APPOINTMENT AS CHIEF OF VETERINARY CORPS.

(a) APPOINTMENT FROM AMONG MEMBERS OF THE CORPS.—Section 3084 of title 10, United States Code, is amended by inserting after "The Chief of the Veterinary Corps of the Army" the following: "shall be appointed from among officers of the Corps. The Chief of the Veterinary Corps"

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to members of the Veterinary Corps who are on active duty on or after the date of the enactment of this Act.

Subtitle B—Reserve Component Personnel Policy

SEC. 511. EXPANDED AUTHORITY FOR USE OF READY RESERVE IN RESPONSE TO TERRORISM.

Section 12304(a)(1) of title 10, United States Code, is amended by striking "catastrophic".

SEC. 512. STREAMLINED PROCESS FOR CONTINUING OFFICERS ON THE READY RESERVE LIST.

(a) CANCELLATIONS.—Subsection (c) of section 14701 of title 10, United States Code, is amended—

(1) by striking "Foreign Service" and inserting "Foreign Service or the Uniformed Services"; and

(2) by inserting "; or" at the end of paragraph (1) and inserting "; or" after "paragraph (2)".

(b) IN GENERAL.—Subsection (c) of section 14701 is amended by striking "; or" after "paragraph (2)" and inserting "; or paragraph (3)".
SEC. 513. NATIONAL GUARD OFFICERS ON ACTIVE DUTY IN COMMAND OF NATIONAL GUARD UNITS.

(a) Continuation in State Status.—Subsection (a) of section 325 of title 32, United States Code, is amended—

(1) by striking "(a) Each" and inserting "(a) Relief Required.—(1) Except as provided in paragraph (2), each"; and

(2) by adding at the end the following new paragraph:

"(2) An officer of the Army National Guard of the United States or the Air National Guard of the United States is not relieved from duty in the National Guard of the State in which the National Guard unit is organized to serve on active duty in the National Guard, or to serve on active duty in the United States, to remain on active duty in command of a National Guard unit if—

(A) the Governor of the State in which the National Guard unit is organized orders the unit to active duty for a period to begin during the first 24-month period beginning on October 1, 2002, and ending on December 31, 2003; or

(B) under guidance prescribed by the Governor, the Secretary of the Army, or the Secretary of the Air Force orders the unit to active duty for a period to begin during the first 24-month period beginning on October 1, 2002, and ending on December 31, 2003; and

"(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively.

SEC. 514. NATIONAL GUARD OFFICERS ON ACTIVE DUTY IN COMMAND OF NATIONAL GUARD UNITS.

(b) Form Amendment.—Subsection (b) of section 325 of title 32, United States Code, is amended—

(1) by inserting "(b) Each" and inserting "(b) Relief Required.—(1) Except as provided in paragraph (2), each"; and

(2) by adding at the end the following new paragraph:

"(2) An officer of the Army National Guard of the United States or the Air National Guard of the United States is not relieved from duty in the National Guard of the State in which the National Guard unit is organized to serve on active duty in the National Guard, or to serve on active duty in the United States, to remain on active duty in command of a National Guard unit if—

(A) the Governor of the State in which the National Guard unit is organized orders the unit to active duty for a period to begin during the first 24-month period beginning on October 1, 2002, and ending on December 31, 2003; or

(B) under guidance prescribed by the Governor, the Secretary of the Army, or the Secretary of the Air Force orders the unit to active duty for a period to begin during the first 24-month period beginning on October 1, 2002, and ending on December 31, 2003; and

"(B) The Secretary may provide financial assistance described in paragraph (2) for a student appointed as a cadet by the Secretary under subsection (a).

(2) The financial assistance provided for a student under this subsection shall be the payment of one of the two sets of expenses selected by the Secretary concerned, as follows:

(i) Tuition, fees, books, and laboratory expenses.

(ii) Expenses for room and board and any other necessary expenses imposed by the student's educational institution for the academic year in which the student is enrolled, which may include any of the expenses described in clause (i)."
and procedures on sexual misconduct to prevent criminal sexual misconduct involving academy personnel.

(2) For the assessment for each of the 2004, 2005, 2006, 2007, and 2008 academy program years, the Superintendent of the academy shall conduct a survey of all academy personnel—

(A) to measure—

(i) the incidence, in such program year, of sexual misconduct events, on or off the academy reservation, that have been reported to officials of the academy; and

(ii) the policies, training, and procedures on sexual misconduct involving academy personnel;

(B) the perceptions of the academy personnel on—

(i) the policies, training, and procedures on sexual misconduct involving academy personnel;

(C) the policies, procedures, and processes implemented by the Secretary of the military department concerned and the leadership of the academy in response to sexual misconduct involving academy personnel during the program year.

(C) In the report for the 2004 academy program year, a discussion of the survey conducted under subsection (b), together with an analysis of the survey and the Secretary’s comments on the survey and any initiatives undertaken on the basis of such results and analysis.

(D) In the report for each of the subsequent academy program years, the results of the annual survey conducted in such program year under subsection (b).

(E) A plan for the actions that are to be taken in the following academy program year regarding prevention of and response to sexual misconduct involving academy personnel.

(3) The Secretary of a military department shall transmit the annual report on an academy under this subsection, together with the Secretary’s comments on the report, to the Secretary of Defense and the Board of Visitors of the academy.

(4) The Secretary of Defense shall transmit the annual report on each academy under this subsection, together with the Secretary’s comments on the report to, the Committees on Armed Services of the Senate and the House of Representatives.

(5) The report for the 2004 academy program year for each academy shall be submitted to the Secretary of the military department concerned not later than one year after the date of the enactment of this Act.

(6) In this section, the term "academy program year" with respect to a year, means the academy program year that ends in that year.

SEC. 535. FUNDING OF EDUCATION ASSISTANCE ENLISTMENT INCENTIVES TO FACILITATE NATIONAL SERVICE THROUGH DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.

(a) In General.—Subsection (j) of section 510 of title 10, United States Code, is amended to read as follows:

"(j) Funding.—(1) Amounts for the payment of incentives under paragraphs (1) and (2) of subsection (a) shall be derived from amounts available to the Secretary of the Department of Defense concerned for the payment of, allowances and other expenses of the members of the armed forces constituting the military departments of the Department of Defense.

"(2) Amounts for the payment of incentives under paragraphs (3) and (4) of subsection (a) shall be derived from the Department of Defense Education Benefits Fund under section 2006 of this title.

(b) Conforming Amendments.—Section 2006(b) of such title is amended—

(1) in subsection (a), by inserting "Department of Defense" for "Secretary of Defense"; and

(2) in subsection (f), by striking "Department of Defense" and inserting "Secretary of Defense".

(c) Limitation on Beneficiaries.—Section 510(e) of title 10, United States Code, is amended by adding at the end the following paragraph:

"(f) The Secretary of Defense shall prescribe policy for the purpose of this section by the Secretary of Defense for Personnel and Readiness. The maximum number of days so prescribed may not exceed 220 days.

"(2) A member may be deployed, or continued in a deployment, without regard to paragraph (1), as if the member were not deployed, or continued deployment, is approved by—

(1) a member of the Senior Executive Service designated by the Secretary of Defense to do so; or

(2) the first officer in the member’s chain of command who is—

(A) a general officer or, in the case of the Navy, an officer in a grade above captain; or

(B) a colonel or, in the case of the Navy, a captain who is recommended for promotion to a higher grade or rear admiral, respectively, in a report of a selection board convened under section 611(a) or 1401(a) of this title that has been approved by the President.

"(g) High-tempo Allowance. — (1) Subsection (a) of section 436 of title 37, United States Code, is amended to read as follows:

"(a) MONTHLY ALLOWANCE. — The Secretary of the military department concerned shall pay a high-tempo allowance to a member of the armed forces under the Secretary’s jurisdiction for the following purposes:

"(1) Each month during which the member is deployed and has, as of any day during that month, been deployed—

(A) for at least the number of days of the period of 370 days that is prescribed for the purpose of this subparagraph by the Under Secretary of Defense for Personnel and Readiness, except that the number of days so prescribed may not be more than 401 days; or

(B) at least the number of consecutive days that is prescribed for the purpose of this subparagraph by the Under Secretary of Defense for Personnel and Readiness, except that the number of days so prescribed may not be more than 191 days.

(2) Each month that includes a day on which the member serves on active duty pursuant to a call or order to active duty for a period of more than 30 days under a provision of law referred to in section 611(a) or 1401(a) of title 37, United States Code, in which the member serves on active duty pursuant to a call or order issued under such a provision of law.

(2) Subsection (c) of such section is amended to read as follows:

"(c) MONTHLY AMOUNT. — The Secretary of the military department concerned shall pay the high-tempo allowance in a single payment to a member of the armed forces under the Secretary’s jurisdiction for the following periods:

"(1) Each month during which the member is deployed and has, as of any day during that month, been deployed—

(A) for at least the number of days out of the preceding 730 days that is prescribed for the purpose of this subparagraph by the Under Secretary of Defense for Personnel and Readiness, except that the number of days so prescribed may not be more than 401 days; or

(B) at least the number of consecutive days that is prescribed for the purpose of this subparagraph by the Under Secretary of Defense for Personnel and Readiness, except that the number of days so prescribed may not be more than 191 days.

(3) Each month that includes a day on which the member serves on active duty pursuant to a call or order to active duty for a period of more than 30 days under a provision of law referred to in section 611(a) or 1401(a) of title 37, United States Code, in which the member serves on active duty pursuant to a call or order issued under such a provision of law.

(ii) the blood alcohol content limit specified in paragraph (3).
(a) Requirement for Program.—The Secretary of Defense shall carry out a direct entry program for persons with critical military skills who enter the Armed Forces for an initial period of service in the Armed Forces.

(b) Eligible Persons.—The Secretary shall prescribe the eligibility requirements for entering the Armed Forces under the direct entry program carried out under this section. The Secretary may limit eligibility as the Secretary determines appropriate to meet the needs of the Armed Forces.

(c) Critical Military Skills.—The Secretary shall designate the military skills that are critical military skills for the purposes of this section.

(d) Initial Service Obligation.—The Secretary shall prescribe the period of initial service in the Armed Forces for persons who enter the Armed Forces under the direct entry program.

(e) Reports.—(1) Not later than 30 days after the direct entry program commences under this section, the Secretary shall submit a report on the establishment of the program to the Committee on Armed Services of the Senate and the House of Representatives.

(f) Period of Program.—The direct entry program shall commence on October 1, 2003, and shall terminate on September 30, 2005.

SEC. 563. POLICY ON CONCURRENT DEPLOYMENT TO COMBAT ZONES OF BOTH MILITARY SPOUSES OF MILITARY FAMILIES WITH MINOR CHILDREN.

(a) Publication of Policy.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) prescribe the policy of the Department of Defense on concurrent deployment to a combat zone of both spouses of a dual-military family with one or more minor children; and

(2) transmit the policy to the Committees on Armed Services of the Senate and the House of Representatives.

(b) Dual-Military Family Defined.—In this section, the term "dual-military family" means a family in which both spouses are members of the Armed Forces.

SEC. 564. ENHANCEMENT OF VOTING RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) Standard for Invalidation of Ballots Cast by Absent Uniformed Services Voters in Federal Elections.—Section 102 of title 43, United States Code, is amended by adding at the end the following new paragraph:

"(c) Standards for invalidation of certain ballots.——

(1) In general.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter—

(A) solely on the grounds that the ballot lacked—

(i) a notarized witness signature; or

(ii) an address (other than on a Federal write-in absentee ballot, commonly known as an "SF 100"); or

(iii) a postmark if there are any other indicia that the vote was cast in a timely manner; or

(iv) an overseas postmark; or

(B) solely on the basis of a comparison of signatures on ballots, envelopes, or registration forms unless there is a lack of reasonable similarity between the signatures.

(2) No Effect on Filing Deadlines Under State Law.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.

(b) Definitions.—Section 100 of title 43, United States Code, is amended by adding at the end the following new paragraph:

"(d) Uniformed services voter means—

(1) a member of the uniformed service; or

(2) a member of the merchant marine; and

(3) a spouse of a member as defined in subsection (a)(1) of section 102 of title 43, United States Code.

(c) Certain Travel and Transportation Allowances for Dependents of Members of the Armed Forces Who Have Committed Dependent Abuse.—Section 406(h) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(3) A determination described in this subparagraph is a determination by the commanding officer of a member that—

(i) the member has committed a dependent abuse offense against the spouse or a dependent of the member; or

(ii) the safety plan and counseling have been provided to the spouse or such dependent; and

(iii) the safety of the spouse or such dependent is at risk; and

(iv) the relocation of the spouse or such dependent is advisable.

(C) A request described in this subparagraph is a request by the spouse of a member, or by the parent or legal guardian of a dependent child of a member, for relocation assistance.

(D) Transportation may be provided under this paragraph for household effects or a motor vehicle only if a written agreement of the member, or an order of a court of competent jurisdiction, gives possession of the effects or vehicle to
### Congressionals Record — Senate

**TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

**Subtitle A—Pay and Allowances**

**SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2004.**

(a) **Waiver of Section 1009 Adjustment.**—The adjustment to become effective during fiscal 2004 required by section 1009 of title 37, United States Code, in the rates of basic pay authorized members of the uniformed services shall not be made.

(b) **Increase in Basic Pay.**—Effective on January 1, 2004, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

#### Commissioned Officers

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<td>5,588.40</td>
<td>5,588.40</td>
<td>5,609.70</td>
</tr>
<tr>
<td>O-5</td>
<td>3,879.50</td>
<td>4,382.80</td>
<td>4,793.40</td>
<td>4,851.90</td>
<td>5,044.80</td>
</tr>
<tr>
<td>O-4</td>
<td>3,433.50</td>
<td>3,974.70</td>
<td>4,239.90</td>
<td>4,299.00</td>
<td>4,545.30</td>
</tr>
<tr>
<td>O-3</td>
<td>3,018.90</td>
<td>3,422.40</td>
<td>3,693.90</td>
<td>4,027.20</td>
<td>4,220.10</td>
</tr>
<tr>
<td>O-2</td>
<td>2,608.20</td>
<td>2,970.60</td>
<td>3,421.50</td>
<td>3,537.00</td>
<td>3,609.90</td>
</tr>
<tr>
<td>O-1</td>
<td>2,264.40</td>
<td>2,356.50</td>
<td>2,848.50</td>
<td>2,848.50</td>
<td>2,848.50</td>
</tr>
</tbody>
</table>

#### Enlisted Officer or Warrant Officer

1Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades O-1 through O-10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

2Subject to the preceding footnote, the rate of basic pay for an officer in this grade while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or Commander of a unified or specified combatant command (as defined in section 161(c) of title 10, United States Code) is $14,634.20, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

3This table does not apply to commissioned officers in pay grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

#### Commissioned Officers with over 4 years of Active Duty Service as an Enlisted Member or Warrant Officer

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>2 or less</th>
<th>Over 2</th>
<th>Over 3</th>
<th>Over 4</th>
<th>Over 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>O-1E</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>O-1E</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>O-1E</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>O-1E</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>O-1E</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

#### Warrant Officers

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>2 or less</th>
<th>Over 2</th>
<th>Over 3</th>
<th>Over 4</th>
<th>Over 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-5</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>W-4</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>W-3</td>
<td>3,119.40</td>
<td>3,355.80</td>
<td>3,452.40</td>
<td>3,547.20</td>
<td>3,710.40</td>
</tr>
<tr>
<td>W-2</td>
<td>2,505.90</td>
<td>2,649.00</td>
<td>2,774.10</td>
<td>2,865.30</td>
<td>2,943.30</td>
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<tr>
<td>W-1</td>
<td>2,212.80</td>
<td>2,394.00</td>
<td>2,515.20</td>
<td>2,593.50</td>
<td>2,682.30</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>2 or less</th>
<th>Over 2</th>
<th>Over 3</th>
<th>Over 4</th>
<th>Over 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-5</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>W-4</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>W-3</td>
<td>3,871.50</td>
<td>4,035.00</td>
<td>4,194.30</td>
<td>4,359.00</td>
<td>4,617.30</td>
</tr>
</tbody>
</table>

#### Note

(E) In this paragraph, the term ‘dependent-abuse offense’ means an offense described in section 1099(c) of title 10.
SEC. 602. REVISED ANNUAL PAY ADJUSTMENT PROCESS.

(a) REQUIREMENT FOR ANNUAL ADJUSTMENT.—Subsection (a) of section 1009 of title 37, United States Code, is amended to read as follows:

"(a) REQUIREMENT FOR ANNUAL ADJUSTMENT.—Effective on January 1 of each year, the rates of basic pay for members of the uniformed services under section 203 of title 37, United States Code, shall have the force and effect of law.

(b) EFFECTIVENESS OF ADJUSTMENT.—Subsection (b) of such section is amended by striking "shall have the force and effect of law.""

(c) PERCENTAGE OF ADJUSTMENT.—Subsection (c) of such section is amended to read as follows:

"(c) EQUAL PERCENTAGE INCREASE FOR ALL MEMBERS.—(1) An adjustment made under this section in a year shall provide all eligible members with an increase in the monthly basic pay that is the percentage (rounded to the nearest one-tenth of 1 percent) by which the ECI for the base quarter of the year before the preceding year exceeds the ECI for the base quarter of the second half of the year before the preceding calendar year (if at all).

(2) Notwithstanding paragraph (1), but subject to subsection (d), the percentage of the adjustment taking effect under this section during each of fiscal years 2004, 2005, and 2006, shall be one-half of 1 percentage point higher than the percentage that would otherwise be applicable under such paragraph."
(2) by striking subparagraph (B) and inserting the following new subparagraph:

(2) Service as a warrant officer, as an enlisted member, or as a warrant officer and an enlisted member for which at least 11 months have been credited to the officer for the purposes of section 1272(a)(2) of title 10.

SEC. 604. PILOT PROGRAM OF MONTHLY SUBSISTENCE ALLOWANCE FOR NON-SCHOLARSHIP SENIOR ROTC MEMBERS COMMITTING TO CONTINUE ROTC PARTICIPATION AS SOPHOMORES.

(a) AUTHORITY.—Section 209 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(e) NON-SCHOLARSHIP SENIOR ROTC MEMBERS NOT IN ADVANCED TRAINING.—(1) A member of the Reserve Officers’ Training Corps described in subsection (b) is entitled to a monthly subsistence allowance at a rate prescribed under subsection (a).

(2) A member shall receive a subsistence allowance under this subsection, a member must—

(A) be a citizen of the United States;

(B) enlist in an armed force under the jurisdiction of the Secretary of the military department concerned for the period prescribed by the Secretary;

(C) have a contract, with the consent of his parent or guardian if he is a minor, with the Secretary of the military department concerned, or his designated representative, to serve for the period required by the program;

(D) agree in writing that he will accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be, and that he will serve in the armed forces for the period prescribed by the Secretary;

(E) successfully complete the first year of a four-year program of Reserve Officers’ Training Corps course;

(F) not be eligible for advanced training under section 2104 of title 10; and

(G) have been appointed under section 2107 of title 10.

(3) A member may execute a certificate of loyalty in such form as the Secretary of Defense prescribes or take a loyalty oath as prescribed by the Secretary.

(b) EFFECTIVE DATE.—This subsection shall take effect on October 1, 2003.

SEC. 605. BASIC ALLOWANCE FOR HOUSING FOR EACH MEMBER MARRIED TO ANOTHER MEMBER WITHOUT DEPENDENTS WHO ARE BOTH SPOUSES ARE ON SEA DUTY.

(a) ENTITLEMENT.—Section 403(12)(C) of title 37, United States Code, is amended—

(1) in the first sentence, by striking "are jointly entitled to one basic allowance for housing" and inserting "are each entitled to a basic allowance for housing for each member";

(2) by striking "The amount of the allowance" and all that follows and inserting "The amount of the allowance payable to a member under the preceding sentence shall be based on the without dependents rate for the pay grade of the member."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2003.

SEC. 606. INCREASED RATE OF FAMILY SEPARATION ALLOWANCE.

(a) RATE.—Section 427(a)(1) of title 37, United States Code, is amended by striking "$100" and inserting "$250".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003.

Title II—Bonuses and Special Incentive Pay

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308(b)(1) of title 37, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308(e)(1) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308(c) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(d) SELECTED RESERVE AFFILIATION BONUS.—Section 308(e)(1) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308(g) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(f) PRIOR SERVICE ENLISTMENT BONUS.—Section 308(f) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(g) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302(a)(1) of title 37, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(h) INCENTIVE PAY FOR NURSE ANESTHETISTS.—Section 302(a)(1) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(i) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302(a)(2) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—(1) Chapter 5 of title 37, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 1630(d) of such title is amended by striking "January 1, 2004" and inserting "January 1, 2005".

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302(a)(1) of title 37, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302(a)(1) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTY.—Section 305(f) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(c)(1) of title 37, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312(c) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312(d)(c) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITIES.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301(b) of title 37, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(b) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(c) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(e) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(d) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS.—Section 323(i) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

SEC. 615. SPECIAL PAY FOR RESERVE OFFICERS HOLDING POSITIONS OF UNUSUAL RESPONSIBILITY AND OF CRITICAL NATURE.

(a) ELIGIBILITY.—Section 306 of title 37, United States Code, is amended—

(1) in subsection (a), by inserting "under section 201 of this title, or under the compensation under section 206 of this title," after "is entitled to the basic pay";

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):—

"(b) in the case of an officer who is a member of a reserve component, special pay under subsection (a) shall be paid at the rate of 1/4% of the monthly rate authorized by that subsection for each day of the performance of duties described in that subsection."

(b) LIMITATION.—Subsection (d) of such section, as redesignated by subsection (a)(2) of this section, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2) of the number of officers in the Selected Reserve of the Ready Reserve of an armed force who are not on active duty (other than for training), not more than 5 percent of the number of such officers in each of the pay grades O-3 and below, and not more than 10 percent of the number of such officers in pay grade O-4, O-5, or O-6, may be paid special pay under subsection (b)."

SEC. 616. ASSIGNMENT INCENTIVE PAY FOR SERVICE IN KOREA.

(a) AUTHORITY.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 307a the following new section:

"§307b. Special pay: Korea service incentive pay.

(a) AUTHORITY.—The Secretary concerned shall pay monthly incentive pay under this section to a member of a uniformed service for the period that the member performs service in Korea while entitled to basic pay.

(b) RATE.—The monthly rate of incentive pay payable to a member under this section is $350.

(c) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Incentive pay paid to a member under this subsection is in addition to any other incentive pay or allowances to which the member is entitled.

(d) STATUS NOT AFFECTED BY TEMPORARY DUTY OR LEAVE.—The service of a member in an assignment referred to in subsection (a) shall not be considered discontinued during any period that the member is not performing service in
the assignment by reason of temporary duty performed by the member pursuant to orders or absence of the member for authorized leave.

"(e) TERMINATION OF AUTHORITY.—Special pay authorized under this section shall cease to be payable in the case of a member entitled to a bonus under this section who is called or ordered to active duty if the person signing such agreement from the debt arising under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(f) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section.

Subtitle C—Travel and Transportation Allowances

SEC. 631. SHIPMENT OF PRIVATELY OWNED MOTOR VEHICLE WITHIN CONTINENTAL UNITED STATES.

(a) AUTHORITY TO PRODUCE CONTRACT FOR TRANSPORTATION OF MOTOR VEHICLE.—Section 2634 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

"§326. Incentive bonus: conversion to military occupational specialty to ease personal shortage.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§326. Incentive bonus: conversion to military occupational specialty to ease personal shortage.

(a) INCENTIVE BONUS AUTHORIZED.—The Secretary of Defense may pay a bonus under this section to an eligible member of the armed forces who executes a written agreement to convert to, and serve for a period of not less than four years in, a military occupational specialty for which there is a shortage of trained and qualified personnel.
(b) ALLOWANCE FOR SELF-PROCUREMENT OF TRANSPORTATION OF MOTOR VEHICLE.—Section 406(b)(1)(B) of title 37, United States Code, is amended by adding at the end the following new subsection:

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payable under Federal, State, and local laws for employees of the Federal Government, State governments, and local governments. Not later than November 1, 2003, the Comptroller General shall submit a report describing the results of the study to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 644. FULL PAYMENT OF BOTH RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES.

(a) RESTORATION OF FULL RETIRED PAY BENEFITS.—Section 1414 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) by adding at the end the following:

"§ 1414. Members eligible for retired pay who have service-connected disabilities; payment of retired pay and veterans' disability compensation.

(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without reduction the amounts that, but for such service-connected disabilities, the member or former member would have been entitled to under the provisions of this chapter.

(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service before October 1, 2003, shall be reduced by the amount of accelerated annuity required to be paid under section 1415 of such title at the time of retirement.

(c) Exception.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service before October 1, 2003, if the amount of the member's retired pay under chapter 61 of such title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

(d) Effective Date.—The amendments made by this section shall take effect—

(1) on October 1, 2003; and

(2) as of the date of the enactment of this Act.

SEC. 650.aroo.

SEC. 651. RETENTION OF ACCUMULATED LEAVE.

(a) HIGHER MAXIMUM LIMITATION ASSOCIATED WITH PRACTICE OF LAW.—Section 701(f) of title 10, United States Code, is amended to read as follows:

"(f)(1) The Secretary of Defense may authorize a member eligible under paragraph (2) to retain 120 days' leave accumulated by the end of the fiscal year described in such paragraph,

"(2) Paragraph (1) applies to a member who—

"(A) during a fiscal year—

"(i) serves on active duty for a continuous period of at least 120 days in an area in which the Secretary of Defense designates for the purpose of this section; and

"(ii) is assigned to a deployable ship, to a mobile unit, to duty in support of a contingency operation, or to a training exercise designated for the purpose of this section; and

"(B) except for paragraph (1), would lose any accumulated leave in excess of 60 days at the end of the fiscal year if the member did not—

"(i) serve on active duty for a continuous period of at least 120 days in an area in which the Secretary of Defense designates for the purpose of this section; and

"(ii) is assigned to a deployable ship, to a mobile unit, to duty in support of a contingency operation, or to a training exercise designated for the purpose of this section; and

"(2) Leave in excess of 60 days accumulated under this subsection is lost unless it is used by the member before the end of the third fiscal year after the fiscal year in which the service described in paragraph (2) terminated.

(b) SAVINGS PROVISIONS.—Regulations in effect under section (f) of section 701 of title 10, United States Code, on the day before the date of the enactment of this Act shall remain in effect until revised or superseded by regulations prescribed to implement the authority under the amendment made by subsection (a).

(c) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2003.

SEC. 652. GAO STUDY.

Not later than April 1, 2004, the Comptroller General shall submit a report regarding the adequacy of special pays and allowances for service members who have service-connected disabilities: payment of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

SEC. 653. RETENTION OF ACCUMULATED LEAVE.

(a) RETENTION.—A member of the armed forces is entitled to remain on active duty for a continuous period of 20 years or more of service before October 1, 2003, under the provisions of this chapter.

(b) Effective Date.—The amendments made by this section shall take effect—

(1) on October 1, 2003; and

(2) as of the date of the enactment of this Act.

SEC. 654. AMENDMENT TO DETERMINE TIMELINESS OF SUBMISSIONS FOR POSTHUMOUS BENEFITS.

(a) Amendment.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1439(b)(3)) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "three years" and inserting "two years"; and

(B) by inserting at the end—

"(2) In the case of a decedent (regardless of whether the decedent died as a result of injury or disease incurred in or aggravated by combat) who is a member of the armed forces and who died after discharge; and

(b) Effective Date.—The amendments made by this section shall take effect—

(1) on October 1, 2003; and

(2) as of the date of the enactment of this Act.

SEC. 655. AMENDMENTS TO DETERMINE TIMELINESS OF SUBMISSIONS FOR POSTHUMOUS BENEFITS.

(a) Amendment.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1439(b)(3)) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "three years" and inserting "two years"; and

(B) by inserting at the end—

"(2) In the case of a decedent (regardless of whether the decedent died as a result of injury or disease incurred in or aggravated by combat) who is a member of the armed forces and who died after discharge; and

(b) Effective Date.—The amendments made by this section shall take effect—

(1) on October 1, 2003; and

(2) as of the date of the enactment of this Act.

SEC. 656. EXTENSION OF POSTHUMOUS BENEFITS TO SURVIVING SPOUSES, CHILDREN, AND PARENTS.

(a) Treatment as Immediate Relatives.—

(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1439(b)(3)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, the alien shall be considered, for purposes of section 201(b)(2)(A)(i) of such Act, to remain an immediate relative of the citizen of the United States if—

(A) the alien remarries; and

(B) the alien files a petition under section 204(a)(1)(A)(iii) of such Act within 2 years after such date and on or before the date on which the alien remarries.

(b) CHILDREN.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, the alien shall be considered, for purposes of section 201(b)(2)(A)(i) of such Act, to remain a child of the citizen of the United States if—

(A) the alien remarries; and

(B) the alien files a petition under section 204(a)(1)(A)(iii) of such Act within 2 years after such date and on or before the date on which the alien remarries.

(c) PARENTS.—In the case of an alien who was the parent of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, the alien shall be considered, for purposes of section 201(b)(2)(A)(i) of such Act, to remain a parent of the citizen of the United States if—

(A) the alien remarries; and

(B) the alien files a petition under section 204(a)(1)(A)(iii) of such Act within 2 years after such date and on or before the date on which the alien remarries.

(d) Effective Date.—The amendments made by this section shall take effect—

(1) on October 1, 2003; and

(2) as of the date of the enactment of this Act.
the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1) of such Act (8 U.S.C. 1154(a)(1)(A)).

(3) PARENTS.—
(A) IN GENERAL.—In the case of an alien who was the parent of a citizen of the United States at the time of the citizen’s death, if the citizen served honorably in an active duty status in the military, air, or naval forces of the United States and died of any cause or disease incurred in or aggravated by combat, the alien shall be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), an alien described in paragraph (2), and who applied for

(b) APPLICATIONS FOR ADJUSTMENT OF STATUS

(A) IN GENERAL.—An alien described in paragraph (2)(B), may have such application

(C) EXCEPTION.—Notwithstanding section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), for purposes of this paragraph, a citizen described in paragraph (A) does not have to be 21 years of age for a parent to benefit under this paragraph.

(d) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY

The Secretary of Homeland Security, but only if the

(f) BENEVOLENCE AND DIGNITY.

The Secretary of Homeland Security may waive the

(g) BENEFACTOR;

The Secretary of Homeland Security may afford

(h) SECULAR;

The Secretary of Homeland Security may afford

(i) RELIGIOUS;

The Secretary of Homeland Security may afford

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The Secretary of Homeland Security may afford

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The Secretary of Homeland Security may afford

(z) RELIGIOUS;

The Secretary of Homeland Security may afford

{SEC. 655. EFFECTIVE DATE.}

This subtitle and the amendments made by this subtitle shall take effect as if enacted on September 11, 2001.

TITLE VII—HEALTH CARE

SEC. 701. MEDICAL AND DENTAL SCREENING FOR MEMBERS OF SELECTED RESERVE UNITS ALIGNED FOR MOBILITY.

(a) AN AMENDMENT.

(b) AN AMENDMENT.

(c) AN AMENDMENT.

(d) AN AMENDMENT.

(e) AN AMENDMENT.

(f) AN AMENDMENT.

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(v) AN AMENDMENT.

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(x) AN AMENDMENT.

(y) AN AMENDMENT.

(z) AN AMENDMENT.

{SEC. 702. ENROLLMENT IN TRICARE PROGRAM.

(a) AN AMENDMENT.}

(b) AN AMENDMENT.

(c) AN AMENDMENT.

(d) AN AMENDMENT.

(e) AN AMENDMENT.

(f) AN AMENDMENT.

(g) AN AMENDMENT.

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(v) AN AMENDMENT.

(w) AN AMENDMENT.

(x) AN AMENDMENT.

(y) AN AMENDMENT.

(z) AN AMENDMENT.
apply under this chapter for health care provided under the same TRICARE program option to dependents described in subparagraph (A), (D), or (I) of section 1072(b) of this title.

(b)(1) in subparagraph (A) of that section, and

(ii) the per capita cost of providing health care benefits plan coverage in the case of a member called or ordered to active duty is the period that.

(iii) the extent to which the Secretary is not the Secretary of Defense, the total amount that, subject to subparagraph (A), shall be charged to ensure the viability of TRICARE providers is adequate to ensure the viability of TRICARE market areas.

(2) For the purposes of this paragraph, health care providers are accepting new patients if the Secretary of Defense shall conduct surveys in the continental United States each fiscal year after fiscal year 2003 until all such market areas in the continental United States are experiencing significant levels of access-to-care problems under TRICARE Standard.

SEC. 703. EXTENSION OF AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS FOR HEALTH CARE SERVICES TO BE PERFORMED AT LOCALITY FACILITIES AND MEDICAL TREATMENT FACILITIES.

Section 1091(a)(1) of title 10, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

(B) designate for each of the TRICARE program regions at least one person (other than a person designated under subparagraph (A)) to serve full-time as a beneficiary counseling and assistance coordinator solely for members of the reserve components and their dependents who are beneficiaries under the TRICARE program; and

SEC. 704. DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE RELATED BENEFITS AND CONTRIBUTIONS.

(a) SEPARATE PERIODIC ACTUARIAL VALUATION FOR SINGLE UNIFORMED SERVICE.—Section 1116(b) of title 10, United States Code, is amended by striking “December 31, 2003” and inserting “December 31, 2008”.

SEC. 705. SURVEYS ON CONTINUED VIABILITY OF TRICARE STANDARD.

(a) REQUIREMENT FOR SURVEYS.—(1) The Secretary shall carry out surveys in the TRICARE Standard market areas in the continental United States to determine how many health care providers are accepting new patients under TRICARE Standard in each such market area.

(2) The Secretary shall carry out the surveys in at least 20 TRICARE market areas in the continental United States each fiscal year after fiscal year 2003 until all such market areas in the continental United States have been surveyed. The Secretary shall complete six of the fiscal year 2004 surveys not later than March 31, 2004.

(b) PRIORITIZATION OF MARKET AREAS.—(1) In prioritizing the market areas for the survey, the Secretary shall carry out the surveys in the market areas in the continental United States that are experiencing significant levels of access-to-care problems under TRICARE Standard and shall give a high priority to surveying health care providers in such areas.

The Secretary shall designate a senior official of the Department of Defense to take the actions necessary for achieving and maintaining participation of health care providers in TRICARE contracts in each TRICARE market area in a number that is adequate to ensure the viability of TRICARE Standard for TRICARE beneficiaries in that market area.

(2) The official designated under paragraph (1) shall have the following duties:
(A) To educate health care providers about TRICARE Standard.
(B) To encourage health care providers to accept patients under TRICARE Standard.
(C) To ensure that TRICARE beneficiaries have the information necessary to locate TRICARE Standard providers readily.
(D) To recommend adjustments in TRICARE Standard provider payment rates that the official considers necessary to ensure adequate availability of TRICARE Standard providers for TRICARE Standard beneficiaries.

(2)(A) The Comptroller General shall, on an ongoing basis, review—
(A) the processes, procedures, and analysis used by the Department of Defense to determine the adequacy of health care providers accepting TRICARE Standard beneficiaries as patients under TRICARE Standard in each TRICARE market area;
(B) the actions taken by the Department of Defense to ensure ready access of TRICARE Standard beneficiaries to health care under TRICARE Standard in each TRICARE market area.

(2)(A) The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a semiannual report on the results of the review under paragraph (1). The first semiannual report shall be submitted not later than June 30, 2004.

(B) The semiannual report under subparagraph (A) shall include the following:

(i) An analysis of the adequacy of the surveys under subsection (a).
(ii) The adequacy of existing statutory authority to address inadequate levels of participation by health care providers in TRICARE Standard.
(iii) An identification of policy-based obstacles to achieving adequacy of availability of TRICARE Standard health care in the TRICARE Standard market areas.
(iv) An assessment of the adequacy of Department of Defense education programs to inform health care providers about TRICARE Standard.
(v) An assessment of the adequacy of Department of Defense initiatives to encourage health care providers to accept patients under TRICARE Standard.
(vi) An assessment of the adequacy of information to TRICARE Standard beneficiaries to facilitate access by such beneficiaries to health care under TRICARE Standard.
(vii) A recommendation of adjustment of health care provider payment rates to attract participation in TRICARE Standard by appropriate numbers of health care providers.

(a) In General—
In this section, the term "TRICARE Standard" means the option of the TRICARE program that is also known as the Civilian Health and Medical Program of the Uniformed Services, as defined in section 1072(a) of title 10, United States Code.

(b) 적용
Section 706. ELIMINATION OF LIMITATION ON COVERAGE OF DENTAL CARE.
Section 706 of title 10, United States Code, is amended—
(1) by striking "(2) in paragraph (2), by striking "(iii) the orders are to be issued but have not been issued; and"
(2) by adding at the end the following new paragraph:
(3) The Committee shall submit to the Secretary of Defense for the Defense Health Program any findings made by the Secretary pursuant to section 8111 of title 38, United States Code, to which the amendments made by this section relate.

(b) 적용
Section 708. ELIGIBILITY OF RESERVE OFFICERS UNDER ELIMINATION OF LIMITATION ON COVERAGE OF DENTAL CARE.
Section 708(a) of title 10, United States Code, is amended—
(1) by inserting "(1)" after "(a);"
(2) by striking "who is on active duty" and inserting "described in paragraph (2);" and
(3) by adding the following new paragraph:
(4) The Secretary may designate, or the member to receive the care under subparagraph (B) shall receive care under subparagraph (A) if—
(i) the member has requested to receive care under subparagraph (B) and the member's initial period of active duty following the commissioning of the member as an officer; and
(ii) the request for care has been approved;
(b) the orders are to be issued but have not been issued; and
(iii) the member does not have health care insurance that is not covered by any other health benefits plan.

Section 801. TEMPORARY EMERGENCY PROCUREMENT AUTHORITY TO FACILITATE DEFENSE AGAINST OR RECOVERY FROM TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.
(a) Extension of Authority—
(b) Expanded Scope—
Section 836(a) is further amended—
(1) in paragraph (1), by striking "the defense against terrorism or biological or chemical attack" and inserting "defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack;" and
(2) in paragraph (2), by striking "the defense against terrorism or biological attack" and inserting "defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack;"
SEC. 802. TEMPORARY SPECIAL CONTRACT CLOSOUT AUTHORITY.

(a) AUTHORITY.—The Secretary of Defense may settle any financial account for a contract entered into by the Secretary or the Secretary of a military department before October 1, 1996, that is administratively complete if the financial account has an unencumbered balance, either positive or negative, that is less than $100,000.

(b) FINALITY OF DECISION.—A settlement under this section shall be final and conclusive upon the accounting officers of the United States.

(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of the authority under this section.

(d) TERMINATION OF AUTHORITY.—A financial account may not be settled under this section after September 30, 2006.

SEC. 803. DEFENSE ACQUISITION PROGRAM MANAGEMENT FOR USE OF RADIO FREQUENCY SPECTRUM.

(a) REVISION OF DEPARTMENT OF DEFENSE DIRECTIVE.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall revise and reissue Department of Defense Directive 4650.1, relating to management and use of the radio frequency spectrum, last issued on June 24, 1987, to update the procedures applicable to Department of Defense management and use of the radio frequency spectrum.

(b) ACQUISITION PROGRAM REQUIREMENTS.—

The Secretary of Defense shall—

(1) require that each military department or Defense Agency carrying out a program for the acquisition of a system that is to use the radio frequency spectrum consult with the official or board designated under subsection (c) on the usage of the spectrum by the system as early as practicable during the concept exploration and technology development phases of the acquisition program;

(2) prohibit the program from proceeding into system development and demonstration, or otherwise obtaining production or procuring any unit of the system, until—

(A) evaluation of the proposed radio frequency spectrum usage by the system is completed in accordance with requirements prescribed by the Secretary; and

(B) the evaluation is approved by the official or board reviews and approves the proposed usage of the spectrum by the system;

(3) prescribe a procedure for waiving the prohibition imposed under paragraph (2) in any case in which it is determined necessary to do so in the national security interests of the United States.

(c) DESIGNATION OF OFFICIAL OR BOARD.—The Secretary of Defense shall designate an appropriate official or board of the Department of Defense to perform the functions described for the official or board in subsection (b).

804. NATIONA. SECURITY AGENCY MODERNIZATION PROGRAM.

(a) RESPONSIBILITIES OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall—

(1) direct the acquisition activities under the National Security Agency Modernization Program; and

(2) designate the projects under such program as major defense acquisition programs.

(b) PROJECTS COMPRISEING PROGRAM.—The National Security Agency Modernization Program includes the following projects of the National Security Agency:

(1) The Trailblazer project.

(2) The Groundbreaker project.

(c) DEFINITIONS.—In this section, the terms "aviation critical safety item" and "design control activity" have the meanings given such terms in section 2319(g) of title 10, United States Code, as amended by this Act.

(d) CONFORMING AMENDMENT TO TITLE 10.—Section 2319 of title 10, United States Code, is amended by inserting before the period the following: "or, in the case of a contract for the procurement of an aviation critical safety item, the head of the design control activity for such item."
(iv) In addition to the cost referred to in clause (i), an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract.

(5) After the date on which the solicitation has been issued in accordance with paragraph (3), before the end of the pilot program period, any solicitation for which a solicitation has been issued shall include a certification by the Secretary that the personnel, training, and search and sound analysis services necessary for the award of a contract for the procurement of services described in section 3109 of title 5 that are necessary to carry out a mission of that element without regard to the limitations described in such section is consistent with the capital planning, investment control, and performance and results-based management processes and requirements provided under sections 11302, 11303, 11312, and 11313 of title 10, United States Code, or to the extent that such processes requirements are applicable to the acquisition of such equipment.

(ii) Issues of spectrum availability, interoperability, and information security are appropriately addressed in the development of weapons and weapon systems; and

(iii) In the case of information technology equipment that is to be incorporated into a weapon or a weapon system under a major defense acquisition program, the information technology equipment is incorporated in a manner that is consistent with—

(A) the planned approach to applying certain provisions of law to major defense acquisition programs; and

(B) the acquisition process that the Secretary of Defense reported to Congress under section 802 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-116, 114 Stat. 1243).

(3) THE SECRETARY OF DEFENSE—The Secretary of Defense shall establish a board of senior acquisition officials to—

(a) Submit annual reports to the Congress under section 802 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-116, 114 Stat. 1243); and

(b) The executive director of each military department or Defense Agency, for the purpose of carrying out this section, is designated as the head of such department or Agency for the purposes of this section.

Following Definitions.—In this section:

"(1) The term 'acquisition executive', with respect to a military department, means the official who is designated as the senior procurement executive of that department under section 163 of the Office of Federal Procurement Policy Act (41 U.S.C. 4143).

"(2) The term 'information technology' has the meaning given such term in section 11101 of title 40.

"(3) The term 'major defense acquisition program' has the meaning given such term in section 2304 of title 41.

"(4) MODERATELY COMPLEX SYSTEM includes any weapon or weapon system, the responsibilities for which follow through a hierarchical management structure."

Note: The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement that is set forth in a law enacted after the enactment of this section.

SEC. 823. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR CONTENT REQUIREMENTS.—

(a) AUTHORITY.—The Secretary of Defense may, by inserting after the following new subsection:

"(2) Waste and byproducts of cotton and wool fiber for use in the production of propellants and explosives...

(3) by adding at the end the following new paragraph:

"(2) Waste and byproducts of cotton and wool fiber for use in the production of propellants and explosives...

(4) by striking the third sentence.

SEC. 824. BUY AMERICAN EXCEPTION FOR BALL BEARINGS AND ROLLER BEARINGS USED IN FOREIGN PRODUCTS.—

Section 2533a(c) of title 10, United States Code, is amended by inserting after the period the following new sentence: ‘‘except ball bearings and roller bearings being procured for use in an end product manufactured by a manufacturer that does not satisfy the requirements of subsection (b) or in a component part manufactured by such a manufacturer.’’

SEC. 841. FLEXIBILITY FOR MANAGEMENT OF THE DEFENSE ACQUISITION AND SUPPORT WORKFORCE.—

(a) MANAGEMENT STRUCTURE.—(1) Sections 1703, 1705, 1706, and 1707 of title 10, United States Code, are repealed.

(2) Subject to paragraph (3), the Secretary of Defense may exercise any authority under this section (A) by striking ‘‘the board’’ and inserting ‘‘the Secretary’’; and

(B) by striking the third sentence.

(3) Section 1752(b) of such title is amended—

(A) in paragraph (1), by striking ‘‘the acquisition career program board concerned’’; and

(B) by striking ‘‘and the Secretary of Defense’’.
**SEC. 583. CLARIFICATION AND REVISION OF AUTHORITY FOR DEMONSTRATION PROJECT RELATING TO CERTAIN ACQUISITION PERSONNEL MANAGEMENT POLICIES.**

Section 4308 of the National Defense Authorization Act for Fiscal Year 1996 (10 U.S.C. 1701 note) is amended—

(1) in subsection (b), by striking paragraph (3) and inserting the following:

"(3) Conditions.—(Paragraph (2) shall not apply with respect to a demonstration project unless—"

"(A) for each organization or team participating in the demonstration project—"

"(i) at least one-third of the workforce participating in the demonstration project consists of members of the acquisition workforce; and"

"(ii) at least two-thirds of the workforce participating in the demonstration project consists of members of the acquisition workforce and supporting personnel assigned to work directly with the acquisition workforce;"

"(B) the demonstration project commences before October 1, 2007;"

"(C) in subsection (d), by striking "95,000" in subsection (d) and inserting "120,000;"

"(D) by redesignating subsection (e) as subsection (f); and"

"(E) by inserting after subsection (f) the following:

"(4) EFFECT OF REORGANIZATIONS.—The applicability of paragraph (3) of subsection (b) to an organization or team shall not terminate by reason that the organization or team, after having satisfied the conditions in paragraph (3) of subsection (b) with respect to a demonstration project under this section, ceases to exist or becomes a part of another organization, reorganization, restructuring, realignment, consolidation, or other organizational change."

Subtitle F—Federal Support for Procurement of Federal Supplies and Services by State and Local Governments

SEC. 851. APPLICATION OF INDEMNIFICATION AUTHORITY TO STATE AND LOCAL GOVERNMENTS

(a) Authority.—Subject to the limitations of subsection (b), the President may exercise the
SEC. 852. FEDERAL SUPPORT FOR ENHANCEMENT OF STATE AND LOCAL ANTI-TERRORISM CAPABILITIES

(a) PROCUREMENTS OF ANTI-TERRORISM TECHNOLOGIES AND SERVICES BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL CONTRACTS.

(1) AUTHORITY.

In this section, the term "State" shall include the District of Columbia, the term "local government" shall mean any political subdivision of a State, and the term "eligible entity" shall mean a State or an entity that is designated by a State as an eligible entity for purposes of this section.

(b) CONTENT.

The designated Federal procurement official shall:

(1) require that all contracts awarded by the designated Federal procurement official under this section provide, to the extent practicable, for the procurement of anti-terrorism technologies and anti-terrorism services designed to prevent, detect, or recover from acts of terrorism.

(c) RESPONSIBILITIES OF THE CONTRACTING OFFICIAL.

In carrying out the provisions of this section, the designated Federal procurement official shall:

(1) require that all contracts awarded by the designated Federal procurement official under this section provide, to the extent practicable, for the procurement of anti-terrorism technologies and anti-terrorism services designed to prevent, detect, or recover from acts of terrorism.

(2) establish procedures in accordance with subsection (c) to address the procurement of anti-terrorism technologies and anti-terrorism services by States and units of local government under this program.

(d) USE OF FUNDS.

The proceeds of a SAFER grant to an eligible entity may be used only for the purpose specified in paragraph (1).

(1) AUTHORITY.

The designated Federal procurement official shall:

(2) DISBURSEMENT OF FUNDS.

A SAFER grant may be disbursed in 4 equal annual installments.

(3) DURATION.

The proceeds of a SAFER grant shall be disbursed to the eligible entity in 4 equal annual installments.

(4) FEDERAL SHARE.

(A) REQUIREMENT.

An eligible entity may receive a SAFER grant only if the entity enters into an agreement with the designated Federal procurement official to contribute non-Federal funds to achieve the purpose of the grant in the following amounts:

(i) During the second year in which funds of a SAFER grant are received, an amount equal to 25 percent of the amount of the SAFER grant funds received that year.

(ii) During the third year in which funds of a SAFER grant are received, an amount equal to 50 percent of the amount of the SAFER grant funds received that year.

(iii) During the fourth year in which funds of a SAFER grant are received, an amount equal to 75 percent of the amount of the SAFER grant funds received that year.

(B) WAIVER.

The designated Federal procurement official may waive the requirement for a non-Federal contribution described in subparagraph (A) in the case of any eligible entity.
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ceeds of a SAFER grant made to an eligible entity for that year for the purpose of providing technical assistance to an eligible entity.

(2) INFORMATION TECHNOLOGY.—The term ‘information technology’ means any product, service (including a support service), or other kind of service (including a support service) that is designed, developed, modified, or acquired for the purpose of providing, assisting in the provision of, or otherwise deterring, or recovering from acts of terrorism.

(3) SAFER GRANT.—The term ‘SAFER grant’ means any grant made to an eligible entity under this section.

(4) SAFER GRANT OFFICIAL.—The term ‘SAFER grant official’ means the designated Federal procurement official responsible for the administration of a SAFER grant.


(6) TYPICAL URBAN CONSUMER.—The term ‘typical urban consumer’ means an all-urban consumer published by the Department of Commerce, identifying, otherwise deterring, or recovering from acts of terrorism.

(a) S UPPLEMENT NOT SUPPLANT .—Subsection (A) shall also apply with respect to SAFER grants.

(b) REVOCATION OR SUSPENSION OF FUNDING.—The designated Federal procurement official may revoke or suspend the grant to an eligible entity if the eligible entity

164 of title 10, United States Code, is amended by adding above the end the following:

164 of title 10, United States Code, is amended by adding after the end the following:

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2004 $1,030,000,000; and for fiscal year 2005 $1,061,000,000 for the operation and maintenance of the system.

(b) INTELLIGENCE AND SECURITY AGENCIES.—The following intelligence and security agencies shall be provided in a time and manner consistent with requirements of operational security:

(1) ANTI-TERRORISM TECHNOLOGY AND SERVICES.—The terms ‘anti-terrorism technology’ and ‘anti-terrorism service’ mean any product, device, or service, including information technology, and any service, system integration, or other kind of service (including a support service), that is related to technology and is designed, developed, modified, or procured for the purpose of preventing, detecting, identifying, otherwise deterring, or recovering from acts of terrorism.

(2) INFORMATION TECHNOLOGY.—The term ‘information technology’ means any product, service (including a support service), or other kind of service (including a support service) which is designed, developed, modified, or acquired for the purpose of providing, assisting in the provision of, or otherwise deterring, or recovering from acts of terrorism.

(3) SAFER GRANT.—The term ‘SAFER grant’ means any grant made to an eligible entity for that year for the purpose of providing technical assistance to an eligible entity.

(4) SAFER GRANT OFFICIAL.—The term ‘SAFER grant official’ means the designated Federal procurement official responsible for the administration of a SAFER grant.


(6) TYPICAL URBAN CONSUMER.—The term ‘typical urban consumer’ means an all-urban consumer published by the Department of Commerce.

(7) PERFORMANCE EVALUATION.—(A) REQUIREMENT FOR INFORMATION.—The designated Federal procurement official shall evaluate, each year, whether an entity receiving SAFER grants in that year is substantially complying with the terms and conditions of the grant and the Federal procurement official may revoke or suspend the grant to an eligible entity if the eligible entity.

(8) ACCESS TO DOCUMENTS.—(A) AUDITS BY DESIGNATED FEDERAL PROCUREMENT OFFICIAL.—The designated Federal procurement official shall have access to the books, documents, papers, or records of an eligible entity that receives a SAFER grant.

(9) TERMINATION OF SAFER GRANT AUTHORITY.—(A) IN GENERAL.—The authority to award a SAFER grant shall terminate at the end of September 30, 2010.

(b) ANY OTHER EQUIPMENT THAT THE COMMANDER MAY DETERMINE TO BE NECESSARY.—(1) Any other equipment that the commander may determine to be necessary shall be provided in a time and manner consistent with requirements of operational security:

(c) OPERATIONAL TEST AND EVALUATION.—(A) OPERATIONAL TEST AND EVALUATION.—The term ‘operational test and evaluation’ means any operational test and evaluation activity described in section 164 of title 10, United States Code. The term ‘OT&E’ means operational test and evaluation.

(2) OPERATIONAL TEST AND EVALUATION.—(A) OPERATIONAL TEST AND EVALUATION.—The term ‘operational test and evaluation’ means any operational test and evaluation activity described in section 164 of title 10, United States Code. The term ‘OT&E’ means operational test and evaluation.

(3) OPERATIONAL TEST AND EVALUATION.—(A) OPERATIONAL TEST AND EVALUATION.—The term ‘operational test and evaluation’ means any operational test and evaluation activity described in section 164 of title 10, United States Code. The term ‘OT&E’ means operational test and evaluation.

(4) OPERATIONAL TEST AND EVALUATION.—(A) OPERATIONAL TEST AND EVALUATION.—The term ‘operational test and evaluation’ means any operational test and evaluation activity described in section 164 of title 10, United States Code. The term ‘OT&E’ means operational test and evaluation.

(5) OPERATIONAL TEST AND EVALUATION.—(A) OPERATIONAL TEST AND EVALUATION.—The term ‘operational test and evaluation’ means any operational test and evaluation activity described in section 164 of title 10, United States Code. The term ‘OT&E’ means operational test and evaluation.

(6) OPERATIONAL TEST AND EVALUATION.—(A) OPERATIONAL TEST AND EVALUATION.—The term ‘operational test and evaluation’ means any operational test and evaluation activity described in section 164 of title 10, United States Code. The term ‘OT&E’ means operational test and evaluation.

(b) CLIENT ENTITY.—(A) REQUIREMENT FOR INFORMATION.—The term ‘client entity’ means the entity that is an intended client of the services being provided by the contractor.

(2) INFORMATION TECHNOLOGY.—The term ‘information technology’ means any product, device, or service, including information technology, and any service, system integration, or other kind of service (including a support service), that is related to technology and is designed, developed, modified, or procured for the purpose of preventing, detecting, identifying, otherwise deterring, or recovering from acts of terrorism.

(3) SAFER GRANT.—The term ‘SAFER grant’ means any grant made to an eligible entity for that year for the purpose of providing technical assistance to an eligible entity.

(4) SAFER GRANT OFFICIAL.—The term ‘SAFER grant official’ means the designated Federal procurement official responsible for the administration of a SAFER grant.


(6) TYPICAL URBAN CONSUMER.—The term ‘typical urban consumer’ means an all-urban consumer published by the Department of Commerce.
SEC. 863. MULTIYEAR TASK AND DELIVERY ORDER CONTRACTS.

(a) REPEAL OF APPLICABILITY OF EXISTING AUTHORITY AND REQUIREMENTS.—Section 2306c of title 10, United States Code, is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(b) MULTIYEAR CONTRACTING AUTHORITY.—Section 230a of such title is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) MULTIYEAR CONTRACTS.—The head of a Federal agency may enter into a task or delivery order contract under this section may provide for the contract to cover any period up to five years and may extend the contract period for one or more successive periods pursuant to an option provided in the contract or a modification of the contract. In no event, however, may the total contract period as extended exceed eight years.".

SEC. 864. REPEAL OF REQUIREMENT FOR CONTRACT ASSURANCES REGARDING TITLE, DESCRIPTION, AND CONTRACTUAL SUFICICIENCY OF TECHNICAL DATA PROVIDED BY PROCESSOR CONTRACTORS.

Section 2320(b) of title 10, United States Code, is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

SEC. 865. REESTABLISHMENT OF AUTHORITY FOR SHORT-TERM LEASES OF REAL OR PERSONAL PROPERTY ACROSS FISCAL YEARS.

(a) REESTABLISHMENT OF AUTHORITY.—Subsection (a) of section 2410a of title 10, United States Code, is amended —

(1) by inserting "(1)" before "The Secretary of Defense";

(2) by striking "for procurement of severable services" and inserting "for a purpose described in paragraph (2)"; and

(3) by adding at the end the following new paragraph:

"(2) The purpose of a contract described in this paragraph is as follows:

"[(A) The procurement of severable services."

"(B) The lease of real or personal property, including the maintenance of such property when contracted for as part of the lease agreement."

"(c) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§2410a. Contracts for periods crossing fiscal years: severable service contracts; leases of real or personal property."

(2) The table of sections at the beginning of chapter 141 of such title is amended by striking the item relating to section 2410a and inserting the following new item:

"2410a. Contracts for periods crossing fiscal years: severable service contracts; leases of real or personal property.

SEC. 866. CONSOLIDATION OF CONTRACT REQUIREMENTS.

(a) AMENDMENT TO TITLE 10.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2391 the following new section:

"§2382. Consolidation of contract requirements; policy and restrictions

"(a) POLICY.—The Secretary of Defense shall require the Secretary of each military department, the head of each Defense Agency, and the head of each Department of Defense Field Activity to ensure that the decisions made by that official regarding consolidation of contract requirements, agency, or field activity, as the case may be, are made with a view to providing small business concerns with appropriate opportunities to participate in Department of Defense procurements as prime contractors and appropriate opportunities to participate in such procurements as subcontractors.

"(b) CONSOLIDATION OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—(1) An official of a military department, Defense Agency, or Department of Defense Field Activity may not establish an acquisition strategy that includes a consolidation of contract requirements of the military department, agency, or activity with a total value in excess of $5,000,000, unless the senior procurement executive concerned first—

"(A) conducts market research;

"(B) identifies contracting approaches that would involve a lesser degree of consolidation of contract requirements; and

"(C) determines that the consolidation is necessary and justified.

"(2) A senior procurement executive may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for the purposes of paragraph (1) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under subparagraph (A) of that paragraph. However, savings in administrative or personnel costs alone do not constitute, for such purposes, a sufficient justification for a consolidation of contract requirements in a procurement unless the total amount of the cost savings is expected to be substantial in relation to the total cost of the procurement.

"(3) Benefits considered for the purposes of paragraphs (1) and (2) may include cost and, regardless of whether quantifiable in dollar amounts:

"(A) quality;

"(B) acquisition cycle; and

"(C) terms and conditions; and

"(D) other.

"(c) DEFINITIONS.—In this section:

"(1) The terms "consolidation of contract requirements" and "consolidation", with respect to contract requirements of a military department, Defense Agency, or Department of Defense Field Activity, mean a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy two or more requirements of that department, agency, or activity for goods or services that have previously been provided to, or performed for, that department, agency, or activity under separate contracts, or in smaller cost than the total cost of the contract for which the offers are solicited.

"(2) The term "multiple award contract" means—

"(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of this title;

"(B) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 2304a through 2306d of this title; or

"(C) any other indeterminate delivery, indeterminate quantity contract that is entered into by the head of a Federal agency with two or more sources pursuant to the same solicitation.

"(3) The term "senior procurement executive concerned" means—

"(A) with respect to a military department, the official designated under section 163(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)) as the senior procurement executive for the military department; or

"(B) with respect to a Defense Agency or a Department of Defense Field Activity, the official so designated for the Department of Defense.

"(4) The term "small business concern" means a business concern that is determined by the Administrator of the Small Business Administration to be a small-business concern by application of the standards prescribed under section 3(a) of the Small Business Act (15 U.S.C. 632(a))."

(2) by redesigning subsection (c) as subsection (b) and redesignating subsection (b) as subsection (c).

(b) DATA REVIEW.—(1) The Secretary of Defense shall revise the data collection systems of the Department of Defense to ensure that such systems are capable of identifying a procurement that involves a consolidation of contract requirements within the department with a total value in excess of $5,000,000.

"(2) The Secretary shall ensure that appropriate officials of the Department of Defense periodically review the information collected pursuant to paragraph (1) in cooperation with the Small Business Administration.

(A) to determine the extent of the consolidation of contract requirements in the Department of Defense; and

(B) to assess the impact of the consolidation of contract requirements on the availability of opportunities for small business concerns to participate in Department of Defense procurements, both as prime contractors and as subcontractors.

(3) In this subsection:

"(A) The term "consolidation of contract requirements" has the meaning that is determined by the Administrator of the Small Business Administration to be a small-business concern by application of the standards prescribed under section 3(a) of the Small Business Act (15 U.S.C. 632(a))."

"(B) The term "small business concern" means a business concern that is determined by the Administrator of the Small Business Administration to be a small-business concern by application of the standards prescribed under section 3(a) of the Small Business Act (15 U.S.C. 632(a))."

"(C) APPLICABILITY.—This section applies only with respect to contracts entered into with funds authorized to be appropriated by this Act.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department Officers and Agencies

SEC. 901. CLARIFICATION OF RESPONSIBILITY OF MILITARY DEPARTMENTS TO SUPPORT DIRECT COMBATANT COMMANDS.

Sections 3013(c)(4), 5013(c)(4), and 8013(3)(c)(4) of title 10, United States Code, are amended by striking "(to the maximum extent practicable)".

SEC. 902. REDESIGNATION OF NATIONAL IMAGERY AND MAPPING AGENCY AS NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) REDESIGNATION.—The National Imagery and Mapping Agency (NIMA) is hereby redesignated as the National Geospatial-Intelligence Agency (NGA).

(b) CONFORMING AMENDMENTS.—

(1) TITLe 10, UNITED STATES CODE.—(A) Chapter 22 of title 10, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears in the penalty place it appears in section 461(b) of this title and inserting "National Geospatial-Intelligence Agency".

(B) Section 4531b of such title is amended by striking "NIMA" each place it appears and inserting "NGA".

(2) TITLE IX, UNITED STATES CODE.—(A) Section 3103(c)(3), 4513(c)(4), and 5103(3)(c)(4) of title 10, United States Code, are amended by striking "(to the maximum extent practicable)".

TITLE X—DEPARTMENT OF DEFENSE ACQUISITION AND MANAGEMENT

Subtitle A—Department Officers and Agencies

SEC. 1001. AUTOMATION OF ACQUISITION FUNCTION.

Sections 424(b), 424(h), 8313, and 8315 of title 10, United States Code, are amended by striking the last paragraph and inserting "(to the maximum extent practicable)".

SEC. 1002. INCREASED MINIMUM BUDGET FOR SPACE ACQUISITIONS.

(A) The National Reconnaissance Office (NGA).

(B) National Geospatial-Intelligence Agency.
amended in the item relating to section 424 by striking ‘‘National Imagery and Mapping Agency’’ and inserting ‘‘National Geospatial-Intelligence Agency’’.

(ii) The heading for chapter 22 of such title is amended to read as follows:

‘‘CHAPTER 22—NATIONAL GEOGRAPHIC INTELLIGENCE AGENCY.’’

(iii) The table of chapters at the beginning of subtitle A of such title, and at the beginning of part I of such subtitle, are each amended by striking the item relating to chapter 22 and inserting the following new item:

‘‘22. National Geospatial-Intelligence Agency 441.’’

(2) NATIONAL SECURITY ACT OF 1947.—(A) Section 307 of the National Security Act of 1947 (50 U.S.C. 403a(4)(E)) is amended by striking ‘‘National Imagery and Mapping Agency’’ and inserting ‘‘National Geospatial-Intelligence Agency’’.

(B) That Act is further amended by striking ‘‘National Imagery and Mapping Agency’’ each place it appears in sections 105, 105a, 105c, 106, and 110 (50 U.S.C. 403-3, 403-5a, 403-5c, 403-6, 404e) and inserting ‘‘National Geospatial-Intelligence Agency’’.

(C) Section 105C of that Act (50 U.S.C. 403-5c) is further amended—

(i) by striking ‘‘NIMA’’ each place it appears and inserting ‘‘NGA’’;

(ii) by adding at the end the following new paragraph:

‘‘(3) Not later than March 15, 2004, the Under Secretary of the Air Force, with Department of Defense officials regarding matters in which Board members classified information and other confidential information about the plans and operations of the Department of Defense and appropriate limitations on any use of such information for private gain.’’

(3) Not later than September 1, 2004, the Comptroller General shall submit a report containing the findings and assessment under paragraph (1) to the Committees on Armed Services of the Senate and the House of Representatives.

(b) DEFINITIONS.—(1) The term ‘‘research laboratory of the Department of Defense’’ means the following:

(A) The Air Force Research Laboratory.

(B) The Naval Research Laboratory.

(C) The Office of Naval Research.

(D) The Army Research Laboratory.

(2) The term ‘‘Department of Defense research component’’ means the following:

(A) The Defense Advanced Research Projects Agency.

(B) The National Reconnaissance Office.

(c) SPACE PERSONNEL CADRE.—(1) The Secretary of Defense shall develop a human capital resources strategy for space personnel of the Department of Defense.

(2) The strategy shall be designed to ensure that the space career fields of the military departments are integrated to the maximum extent practicable.

(d) REPORT.—Not later than January 1, 2004, the Secretary shall submit a report on the strategy to the Committees on Armed Services of the Senate and the House of Representatives. The report shall contain the following information:

(1) the strategy;

(2) an assessment of the progress made in integrating the space career fields of the military departments;

(3) a comprehensive assessment of the adequacy of the establishment of the Air Force officer career field for space under section 8084 of title 10, United States Code, as a solution for correcting deficiencies identified by the Commission To Assess United States National Security Space Management and Organization established under section 1621 of Public Law 106-165; and

(4) the findings and assessment under paragraph (3) of section 912.

SEC. 911. SPACE ACTIVITIES.

(a) SPACE SCIENCE AND TECHNOLOGY ACTIVITIES OF THE DEPARTMENT OF DEFENSE.—(1) The Under Secretary of the Air Force, in consultation with the Director of Defense Research and Engineering, shall develop a space science and technology strategy and shall review and, as appropriate, revise the strategy annually.

(2) The strategy shall, at a minimum, address the following:

(A) The short-term and long-term goals of the space science and technology programs of the Department of Defense.

(B) The process for achieving the goals, including an implementation plan.

(C) The process for assessing progress made toward achieving the goals.

(3) Not later than June 15, 2004, the Under Secretary shall submit a report on the space science and technology strategy to the Committee on Armed Services of the Senate and the House of Representatives.

SEC. 105C. PROTECTION OF OPERATIONAL FILES OF THE NATIONAL GEOGRAPHIC INTELLIGENCE AGENCY.

SEC. 105D. PROTECTION OF MISSION CRITICAL DATABASES OF THE NATIONAL GEOGRAPHIC INTELLIGENCE AGENCY.

SEC. 2207. NONGOVERNMENTAL ORGANIZATIONS.;
SEC. 913. POLICY REGARDING ASSURED ACCESS TO SPACE FOR UNITED STATES NATIONAL SECURITY PAYLOADS.

(a) Policy.—The policy of the United States for the President to undertake actions appropriate to ensure, to the maximum extent practicable, that the United States has the capabilities necessary to launch and insert United States national security payloads into space whenever such payloads are needed in space.

(b) Inluded Actions.—The actions referred to in subsection (a) shall include, at a minimum, providing resources and policy guidance to sustain—

(1) the availability of at least two space launch facilities; the United States or a contractor of the United States capable of delivering into space all payloads designated as national security payloads by the Secretary of Defense and the Director of Central Intelligence; and

(2) a robust space launch infrastructure and industrial base.

(c) Coordination.—The Secretary of Defense shall—

(1) to the maximum extent practicable, pursue the attainment of the capabilities described in subsection (a) in coordination with the Administrator of the National Space and Aeronautics Administration; and

(2) promptly establish a program under section 166a of title 10, United States Code, to coordinate the appropriate efforts of the Department of Defense with the Department of Commerce.

SEC. 914. PILOT PROGRAM TO PROVIDE SPACE SURVEILLANCE NETWORK SERVICES TO ENTITIES OUTSIDE THE UNITED STATES GOVERNMENT.

(a) Establishment.—The Secretary of Defense shall carry out a pilot program to provide eligible entities with the Department of Defense with satellite tracking services using assets owned or controlled by the Department of Defense.

(b) Eligible Entities.—The Secretary shall prescribe the requirements for eligibility to obtain services under the pilot program. The requirements shall, at a minimum, provide eligibility to—

(1) the governments of States;

(2) the governments of political subdivisions of States;

(3) United States commercial entities;

(4) the governments of foreign countries;

(5) foreign commercial entities;

(6) the Military Department of the United States military services;

(7) the United States Special Operations Command;

(8) and any other entities that the Secretary may designate as providing national security services.

(c) Sale of Services.—Services under the pilot program may be provided by sale, except in the case of services provided to a government described in paragraph (1) or (2) of subsection (b).

(d) Reimbursement of Costs.—Services under the pilot program may be provided either directly to an eligible entity or through a contractor of the United States or a contractor of the United States Special Operations Command.

(e) Satellite Data and Related Analyses.—The services provided under the pilot program may include satellite tracking data or any other data derived from the services. The Secretary shall determine that it is in the national security interests of the United States for the services to include such data or analysis, respectively.

(f) Crediting to Charged Accounts.—(1) The proceeds of a sale of services under the pilot program, together with any amounts reimbursed under subsection (d) in connection with the sale, shall be credited to the appropriation for the fiscal year in which collected that is or corresponds to the appropriation charged the costs of such services.

(2) Amounts credited to an appropriation under paragraph (1) shall be merged with other sums in the appropriation and shall be available for the same purposes as the sums with which merged.

(h) Nontransferability Agreement.—The Secretary shall require a recipient of services under the pilot program to enter into an agreement not to transfer any data or technical information, including any analysis of satellite tracking data, to any other entity without the expressed approval of the Secretary.

(i) Prohibition Concerning Intelligence Assets or Data.—Services and information concerning the ownership or control of United States intelligence assets or data may not be provided under the pilot program.

(j) Definitions.—In this section:

(1) the term "United States commercial entity" means an entity that is involved in commerce and is organized under laws of a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or American Samoa;

(2) the term "commercial entity" means an entity that is involved in commerce and is organized under laws of a foreign country;

(3) the term "Department" means the Department of Defense; and

(4) the term "Secretary" means the Secretary of Defense.

SEC. 915. CONTENT OF RIENIAL GLOBAL POSITIONING SYSTEM REPORT.

(a) Revised Content.—Paragraph (1) of section 2281(d) of title 10, United States Code, is amended—

(1) by striking subparagraph (C);

(2) by striking paragraph (E) and inserting "Any progress made toward and inserting "Progress and challenges in";

(3) by striking subparagraph (F), and inserting the following:

(F) Progress and challenges in protecting GPS from jamming, disruption, and interference;

(4) by redesignating subparagraphs (D), (E), and (F), as subparagraphs (C), (D), and (E), respectively; and

(5) by inserting after subparagraph (E), as so redesignated, the following new subparagraph (F):

(F) Progress and challenges in developing the enhanced Global Positioning System required by section 218(b) of Public Law 105-261 (112 Stat. 151; 10 U.S.C. 2281 note)."

(b) Conforming Amendments.—(1) Section 2283(d) of title 10, United States Code, is amended—

(1) by striking the heading for subsection (a) and inserting "COMBATANT COMMANDER INITIATIVE FUND.

Subtitle C—OTHER Matters

SEC. 921. COMBATANT COMMANDER INITIATIVE FUND.

(a) Redesignation of CINC Initiative Fund.—(1) The CINC Initiative Fund administered under section 166a of title 10, United States Code, is redesignated as the "Combatant Commander Initiative Fund".

(2) Section 166a of title 10, United States Code, is amended—

(1) by striking the heading for subsection (a) and inserting "COMBATANT COMMANDER INITIATIVE FUND"; and

(2) by striking "CINC Initiative Fund" in subsections (a), (c), and (d) and inserting "Combatant Commander Initiative Fund".

(b) Authorized Activities.—Subsection (b) of section 166a of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(10) joint warfighting capabilities."

(c) Increased Maximum Amounts Authorized for Use.—Subsection (e)(1) of such section is amended—

(1) in subparagraph (A), by striking "$7,000,000" and inserting "$15,000,000";

(2) in subparagraph (B), by striking "$1,000,000" and inserting "$3,000,000"; and

(3) in subparagraph (C), by striking "$2,000,000" and inserting "$10,000,000".

SEC. 922. AUTHORITY FOR THE MARINE CORPS UNIVERSITY TO AWARD THE DEGREE OF MASTER OF OPERATIONAL STUDIES.

Section 7102(b) of title 10, United States Code, is amended—

(1) by striking "MARINE CORPS WAR COLLEGE" and inserting "AWARDING OF DEGREES.—(1)"; and

(2) by adding at the end the following new paragraph:

"(2) Upon the recommendation of the Director and faculty of the Command and Staff College of the Marine Corps University, the President of the Marine Corps University may confer the degree of master of operational studies upon graduates of the School of Advanced Warfighting of the Command and Staff College who fulfill the requirements for that degree.

SEC. 923. REPORT ON CHANGING ROLES OF UNITED STATES SPECIAL OPERATIONS COMMAND.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the changing roles of the United States Special Operations Command.

(b) Content of Report.—(1) The report shall specifically discuss in detail the following matters:

(A) The expanded role of the United States Special Operations Command in the global war on terrorism;

(B) The reorganization of the United States Special Operations Command to function as a supported combatant command for planning, executing operations, and conducting operations;

(C) The role of the United States Special Operations Command as a supporting combatant command;

(2) The report shall also include, in addition to the matters discussed pursuant to paragraph (1), a discussion of the following matters:

(A) The military strategy to employ the United States Special Operations Command to fight the war on terrorism and how that strategy contributes to the overall national security strategy with regard to the global war on terrorism;

(B) The decision-making procedures for authorizing, planning, and conducting individual missions, including procedures for consultation with Congress;

(C) The procedures for the commander of the United States Special Operations Command to use to coordinate with commanders of other combatant commands, especially geographic commands;

(D) Future organization plans and resource requirements for conducting the global counterterrorism mission;

(E) The impact of the changing role of the United States Special Operations Command on other special operations missions, including foreign internal defense, psychological operations, civil affairs, unconventional warfare, counterdrug activities, and humanitarian activities;

(F) Forms of Report.—The report shall be submitted in unclassified form and, as necessary, in classified form.

SEC. 924. INTEGRATION OF DEFENSE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE.

(a) Findings.—Congress makes the following findings:
15 years.

(1) Section 101 of title 10, United States Code, is amended by striking "the Commonwealth of the Northern Mariana Islands," after "the Northern Mariana Islands," and inserting "the Commonwealth of the Northern Mariana Islands, and Puerto Rico," each place it appears in subsections (a) and (b), and (c) after "or of Puerto Rico,".

(2) Section 121(i)(3) is amended by inserting "of Puerto Rico," after "or of Puerto Rico" in the sentence following the oath.

(3) Section 314 is amended by inserting ", the Northern Mariana Islands, and " or of Puerto Rico" in the sentence following the oath.

(4) Section 315 is amended by inserting ", the Northern Mariana Islands, and " or of Puerto Rico" in the sentence following the oath.

(5) Section 322(a) is amended by inserting "the Northern Mariana Islands," after "Puerto Rico".

(6) Section 501(b) is amended by inserting "the Northern Mariana Islands," after "Puerto Rico".

(7) Section 503(b) is amended by inserting "the Northern Mariana Islands," after "Puerto Rico".

(8) Section 504(b) is amended by inserting "the Northern Mariana Islands," after "Puerto Rico".

(9) Section 505 is amended by inserting "or the Northern Mariana Islands," after "Puerto Rico," in the first sentence.

(10) Section 703 is amended by inserting "the Commonwealth of the Northern Mariana Islands," after "the Commonwealth of Puerto Rico,".

(11) Section 702 is amended—
(A) in subsection (a), by inserting "or the Northern Mariana Islands," after "Puerto Rico";
(B) (in subsections (b), (c), and (d), by inserting ", the Northern Mariana Islands," after "Puerto Rico".

(12) Section 704 is amended by inserting "the Northern Mariana Islands," after "Puerto Rico".

(13) Section 705 is amended by inserting "the Northern Mariana Islands," after "Puerto Rico".

(14) Section 706 is amended by inserting "or the Northern Mariana Islands," after "Puerto Rico," in subsections (a) and (b).

(15) Section 707 is amended by inserting "the Northern Mariana Islands," after "Puerto Rico," in subsections (a) and (b).

(16) Section 708 is amended—
(A) in subsection (a), by striking "and Puerto Rico," and inserting "Puerto Rico, and the Northern Mariana Islands,"; and
(B) in subsection (b), by inserting ", the Northern Mariana Islands," after "Puerto Rico".

(17) Section 710 is amended by inserting "the Northern Mariana Islands," after "Puerto Rico," in the first sentence it appears in subsections (c), (d), (e), and (f).

(18) Section 711 is amended by inserting "the Northern Mariana Islands," after "Puerto Rico".

(19) Section 712(1) is amended by inserting "the Northern Mariana Islands," after "Puerto Rico".

(20) Section 715(c) is amended by striking "or the District of Columbia or Puerto Rico," and inserting "or the District of Columbia, Puerto Rico, or the Northern Mariana Islands".

(21) Amendments to title 37—Section 101 of title 37, United States Code, is amended by striking "the Canal Zone," in paragraphs (7) and (9) and inserting "the Northern Mariana Islands,".

(22) Other references—Any reference that is made to any other provision of law or in any regulation of the United States to a State, or to the Governor of a State, in relation to the National Guard (as defined in section 101(3) of title 32, United States Code) shall be considered to include a reference to the Commonwealth of the Northern Mariana Islands or to the Governor of the Northern Mariana Islands, respectively.

TITLE II—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary...
of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2004 for the common-funded budgets of NATO that is set forth as the authority to which transfers are available for contributions for the fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this subdivision may not exceed $5,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items of a priority higher than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) REPORT.—Not later than February 1, 2004, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the transfers of funds authorized under section 2501.

Subtitle B—Improvement of Travel Card Management

SEC. 1011. MANDATORY DISBURSEMENT OF TRAVEL ALLOWANCES DIRECTLY TO TRAVEL CARD CREDITORS.

(a) In general.—Section 2784a(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "The Secretary of Defense may require" and inserting "The Secretary of Defense shall require";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Secretary of Defense may waive the requirement that direct payment to a travel card care issuer under paragraph (1) in any case in which it is determined under regulations prescribed by the Secretary that the direct payment would be against equity and good conscience or would be contrary to the best interests of the United States.".

(b) Definitions.—For purposes of this section:

(1) Common-funded budgets of NATO.—The term "common-funded budgets of NATO" means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) Fiscal year 1998 baseline limitation.—The term "fiscal year 1998 baseline limitation" means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth in the annual limitation in section 2(II) of title II of chapter 47 of title 10, United States Code.

(3) Amounts available for direct payment.—The amounts available for direct payment shall be determined by the Secretary of Defense in accordance with the guidelines and penalties prescribed under section (e).

(4) Amounts authorized to be appropriated to the Department of Defense for fiscal year 2004.

Subtitle C—Reports

SEC. 1021. ELIMINATION AND REVISION OF VARIOUS REPORTING REQUIREMENTS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) Provisions of title 10.—Title 10, United States Code, is amended as follows:

(1) Section 128 is amended by striking subsection (d).

(2) Section 437 is amended—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(B) by striking the period at the end of paragraph (3) and inserting a semicolon.

(3) Section 1060 is amended by striking subsection (b).
(11) Section 2350(d) is amended—
(A) by striking paragraphs (1) and (2) and inserting the following new paragraph:
(1) Not later than 90 days after the end of each fiscal year in which the Secretary of Defense has authority delegated as described in subsection (a), the Secretary shall submit to Congress a report on the administration of such authority under this section. The report for a fiscal year shall include the following information:
(A) Each prime contract that the Secretary required to be awarded to a particular prime contractor during such fiscal year, and each subcontract that the Secretary required to be awarded to a particular subcontractor during such fiscal year, together with a cooperative agreement, together with the reasons that the Secretary exercised authority to designate a particular contractor or subcontractor, as the case may be;
(B) Each exercise of the waiver authority under subsection (c) during such fiscal year, including the particular provision or provisions of law that were waived; and
(C) by redesigning paragraph (3) as paragraph (2).

(12) Section 2371(h) is amended by adding at the end the following new paragraph:
(3) No report is required under this section for fiscal years after fiscal year 2006.

(13) Section 2541d is amended—
(A) by striking “ANNUAL REPORT.—” and inserting “BIENNIAL REPORT.—”;
(B) in paragraph (1)(B), by striking “biennial report” and inserting “biennial report for fiscal years 1999 through 2008”;
and
(C) by striking paragraph (2).

(14) Section 2541d is amended—
(A) by striking “ANNUAL REPORT.—” and inserting “ANNUAL REPORT.—”;
(B) in paragraph (1)(B), by striking “biennial report” and inserting “biennial report for fiscal years 1999 through 2008”;
and
(C) by striking paragraph (2).

(15) Section 2541d is amended—
(A) by striking paragraph (2); and
(B) by striking “TRICARE.—” and inserting “TRICARE.—”;
and
(C) by striking paragraph (2).

(16) Section 2880 is amended by striking subsection (b).

(17) Section 2688(e) is amended to read as follows:
(e) QUARTERLY REPORT.—(1) Not later than 30 days after the end of each quarter of a fiscal year, the Secretary shall submit to the congressional defense committees a report on the conveyances made under subsection (a) during such fiscal quarter. The report shall include, for each such conveyance, an economic analysis (based upon accepted life-cycle costing procedures approved by the Secretary of Defense) demonstrating—
(A) the long-term economic benefit of the conveyance to the United States exceeds the long-term economic cost of the conveyance to the United States; and
(B) the conveyance will reduce the long-term costs of the United States for utility services provided by the utility system concerned.

(2) In this section, the term ‘‘congressional defense committees’’ means the following:
(A) The Committee on Armed Services and the Committee on Appropriations of the Senate;
(B) The Committee on Armed Services and the Committee on Appropriations of the House of Representatives;

(18) (G) The use by the Secretary of Defense of $5,000,000 and inserting “$1,000,000”.

(19) Section 2827 is amended—
(A) by striking subparagraph (b); and
(B) in paragraph (3)(B), by striking “Secretary” and inserting “Secretary’s”.

(20) Section 2002(g) is amended—
(A) by striking paragraph (2); and
(B) by striking “(g)1 and inserting “(g)1”;

(21) Section 9514 is amended—
(A) in subsection (c)—
(i) by striking “Congress” and all that follows through “notification of the loss” in paragraph (1) and inserting “to Congress notification of the loss”;
(ii) by striking “loss;” and inserting “loss;;”;
(iii) by striking paragraph (2); and
(B) by striking subsection (f).


(23) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—Section 324 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2367; 10 U.S.C. 2701 note) is amended—
(1) by striking subsection (b); and
(2) in subsection (a), by striking “(a) SENSE OF CONGRESS.—”;


(1) in section 745(e) (112 Stat. 2078; 10 U.S.C. 1071 note)—
(A) by striking paragraph (2); and
(B) by striking “TRICARE.—” and inserting “TRICARE.—”;
and

(1) by striking section 1025 (113 Stat. 748; 10 U.S.C. 113 note);
(2) in section 1039 (113 Stat. 756; 10 U.S.C. 113 note), by striking subsection (b); and
(3) in section 1201 (113 Stat. 779; 10 U.S.C. 186 note) by striking subsection (A).

(28) DEPARTMENT OF DEFENSE AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES ACT, 2002.—Section 8009 of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–107; 115 Stat. 217; 10 U.S.C. 2249) is amended by striking ‘‘;’’ and these obligations shall be reported to the Congress as of September 30 of each year’’.

SEC. 1023. REPORT ON THE CONDUCT OF OPERATIONS IN IRAQI FREEDOM.

(a) REPORT REQUIRED.—(1) The Secretary of Defense shall submit to the congressional defense committees, not later than March 31, 2004, a report on the conduct of military operations under Operation Iraqi Freedom.

(2) The report shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff, the Commander of the United States Central Command, and other officials as the Secretary considers appropriate.

(b) CONTENT.—(1) The report shall include a discussion of the matters described in paragraph (2), with a particular emphasis on accomplishments and shortcomings and on near-term and long-term corrective actions to address the shortcomings.

(2) The matters to be discussed in the report are as follows:
(A) The military objectives of the international coalition conducting Operation Iraqi Freedom, the military strategy selected to achieve the objectives, and an assessment of the execution of the military strategy.
(B) The deployment process, including the availability of the personnel and equipment necessary to sustain prompt global strike capabilities.
(C) The reserve component mobilization process, including the timeliness of notification, training, and subsequent demobilization.
(D) The use and performance of major items of United States military equipment, weapon systems, and munitions (including items classified special access procedures and items drawn from prepositioned stocks) and any expected effects of the experience with the use and performance of those items on the doctrinal and tactical employment of those assets.
(E) The use of special operations forces, including operational and intelligence uses.
(F) The scope of logistics support, including support from other nations.

The use of special operations forces, including operational and intelligence uses.

(H) The scope of logistics support, including support from other nations.

The use of special operations forces, including operational and intelligence uses.

The scope of logistics support, including support from other nations.
identification systems in mitigating friendly fire incidents.

(i) The adequacy of spectrum and bandwidth to transmit all necessary information to operational forces, including contractors, including contractors without aerial vehicles, ground vehicles, and individual soldiers.

(ii) The effectiveness of information operations, including the effectiveness of Commando Solo and other psychological operations assets, in achieving established objectives, together with a description of technological and other restrictions on the use of psychological operations capabilities.

(iii) The rapid insertion and integration, if any, of developmental but mission-essential equipment during all phases of the operation.

(iv) The most critical lessons learned that could lead to long-term doctrinal, organizational, and technological changes, and the probable extent and implications of such changes would have on current visions, goals, and plans for transformation of the Armed Forces.

(v) The results of a study, carried out by the Secretary of Defense, regarding the availability of family support services provided to the dependents of each component of the Armed Forces and other components of the Armed Forces who are called or ordered to active duty (hereinafter referred to as "mobilized members"), including, at a minimum, the following matters:

(a) A discussion of the extent to which cooperative agreements are in place or need to be entered into to ensure that dependents of mobilized members receive adequate family support services from within existing family readiness groups at military installations without regard to the members' armed force or component of an armed force.

(b) A discussion of what additional family support services, and what additional family support agreements between and among the Armed Forces (including the Coast Guard), are necessary to ensure that adequate family support services are provided to the families of mobilized members.

(c) A discussion of what additional resources are necessary to ensure that adequate family support services are available to the dependents of each component of the Armed Forces and other components of the Armed Forces who are called or ordered to active duty at the military installation nearest the residence of the dependents.

(d) The additional outreach programs that should be established between families of mobilized members and the sources of family support services at the military installations in their respective regions.

(e) A discussion of the procedures in place for providing information on availability of family support services to families of mobilized members at the time the members are called or ordered to active duty.

(f) The amount of the contract.

(g) A brief description of the scope of the contract.

(h) A discussion of how the executive agency identified and solicited offers from potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers.

(i) The justifications for issuance of documents on which was based the determination to use procedures other than those that provide for full and open competition.

(j) Whether or not (A) does not apply to a contract entered into more than one year after date of enactment.

(k) The results of an executive agency may—

(i) withhold from publication and disclosure under paragraph (1) any document that is classified for restricted access in accordance with an executive order in the interest of national defense or foreign policy; and

(ii) redact any part so classified that is in a document not so classified before publication and disclosure of the document under paragraph (1).

(l) In any case in which the head of an executive agency withholds information under paragraph (1), the executive agency shall include, for the period covered by the report, a discussion of the advisability of, and the issues identified with, and the findings:

(1) A discussion of the issues identified with respect to the long-term supply of beryllium.

(2) An assessment of the need, if any, for modernization of the primary sources of production of beryllium.

(3) A discussion of the advisability of, and concepts for, meeting the future defense requirements of the United States for beryllium and maintaining a stable domestic industrial base of sources of beryllium through—

(A) cooperative arrangements commonly referred to as public-private partnerships; and

(B) the administration of the National Defense Stockpile under the Strategic and Critical Materials Stock Piling Act; and

(C) any other means that the Secretary identifies as feasible.

Subtitle D—Other Matters

SEC. 1031. BLUE FORCES TRACKING INITIATIVE.

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

(1) For military commanders, a principal purpose of technology is to enable the commanders to ascertain the location of the units in their commands in near real time.

(2) The Armed Forces is developing and testing a variety of technologies for tracking friendly forces (known as "blue forces").

(3) Situational awareness of blue forces has become improved since the 1991 Persian Gulf War, but blue forces tracking remains a complex problem characterized by information that is incomplete, not fully accurate, or untimely.

(b) REPORT.—The report under section 4 of the ExecutiveAcquisitor Act of 2004 (Public Law 108-447), as inserted into the United States Code, shall include—

(1) An assessment of how necessary it would be to call or order Reserves to active duty in the event of a war or contingency operation (as defined in section 101(a)(13) of title 10, United States Code) if such changes were implemented.

(2) On the basis of the experience of calling and ordering Reserves to active duty during the period, an assessment of the process for calling and ordering Reserves to active duty, preparing such Reserves for the active duty, processing the Reserves into the force upon entry onto active duty, and deploying the Reserves, including an assessment of the adequacy of the alert and notification process from the perspectives of the individual Reserves, reserve component units, and employers of Reserves.

SEC. 1041. REPORT ON MOBILIZATION OF THE RESERVES.

(a) REQUIREMENT FOR REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the mobilization of reserve component forces during fiscal years 2002 and 2003.

(b) CONTENT.—The report under subsection (a) shall include, for the period covered by the report, the following information:

(1) The number of Reserves who were called or ordered to active duty under a provision of law referred to in section 101(a)(13) of title 10, United States Code.

(2) The number of such Reserves who were called or ordered to active duty for one year or more, including any extensions on active duty.

(3) The military specialties of the Reserves counted under paragraph (2).

(4) The number of Reserves who were called or ordered to active duty more than once under a provision of law referred to in section 101(a)(13) of title 10, United States Code.

(5) The military specialties of the Reserves counted under paragraph (4).

(6) The known effects on the reserve components of recruitment, retention of personnel for the reserve components, that have resulted from—
SEC. 1032. LOAN, DONATION, OR EXCHANGE OF OBSOLETE OR SURPLUS PROPERTY.

During fiscal years 2004 and 2005, the Secretary of the Navy, in consultation with the Secretary of Defense, may enter into arrangements with the Zulu Training Group for the transfer of equipment.

SEC. 1033. ACCEPTANCE OF GIFTS AND DONATIONS.

(a) AUTHORIZED SOURCES OF GIFTS AND DONATIONS.—Subsection (a) of section 2611 of title 10, United States Code, is amended—

(i) by striking "foreign gifts and donations" and "gifts and donations from foreign sources" from the list of authorized sources in section 2611(a) of title 10, United States Code; and

(ii) by striking the limitation in section 2611(a) of title 10, United States Code, that gifts and donations shall not be accepted "from any country not at peace with the United States".

(b) OCCASIONAL GIFTS AND DONATIONS.—Subsection (b) of section 2611 of title 10, United States Code, is amended—

(i) by striking "foreign gifts and donations" and "gifts and donations from foreign sources" from the list of authorized sources in section 2611(b) of title 10, United States Code; and

(ii) by striking the limitation in section 2611(b) of title 10, United States Code, that gifts and donations shall not be accepted "from any country not at peace with the United States".

SEC. 1034. PROVISION OF LIVING QUARTERS FOR CERTAIN STUDENTS WORKING AT NATIONAL SECURITY AGENCY LABORATORY.

Section 2195 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(6) In determining which students are eligible to receive living quarters at the National Security Agency Laboratory, the Secretary of Defense may consider the special needs of students who are members of the National Guard or the Reserve Components of the Armed Forces, are members of the Armed Forces and serve on an active duty status under chapter 60 of title 10, United States Code, or are members of the Armed Forces and have been discharged for a most recent period of active duty service of at least 90 days in the Armed Forces prior to such date of discharge.

SEC. 1035. PROTECTION OF OPERATIONAL FILES OF THE NATIONAL SECURITY AGENCY.

(a) CONSOLIDATION OF CURRENT PROVISIONS ON PROTECTION OF OPERATIONAL FILES.—The provisions of section 2195 of title 10, United States Code, are redesignated as section 2195a and are transferred, with such changes as may be necessary—

(i) to transfer the definition of "operational file" from section 2195(c) of title 10, United States Code, to section 2195a(b) of such title; and

(ii) to conform the text of section 2195 of title 10, United States Code, to section 2195a of such title.

(b) PROTECTION OF OPERATIONAL FILES OF NSA.—Title VII of such Act, as amended by section (a), is further amended by adding at the end the following new section:

"OPERATIONAL FILES OF THE NATIONAL SECURITY AGENCY.

"SEC. 705. (a) EXEMPTION OF CERTAIN OPERATIONAL FILES FROM FEE, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) Operational files of the National Security Agency (hereafter in this section referred to as "NSA") may be exempted by the Director of NSA, in consultation with the Director of Central Intelligence, from the provisions of section 552 of title 5, United States Code, which require publication, disclosure, search, or review in connection therewith.

"(2)(A) In this section, the term "operational files" means:

(i) files of the Signals Intelligence Directorate, and its successor organizations, which document the means by which foreign intelligence or counterintelligence is collected through technical systems;

(ii) files of the Research Associate Directorate, and its successor organizations, which document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems;

(iii) files which are the sole repository of disseminated intelligence and files that have been accessioned into NSA. Accessioned files shall not be subject to search and review; and

(iv) files that are the repository of disseminated intelligence and files that have been accessioned into NSA. Accessioned files shall not be subject to search and review.

"(B) Operational files may be exempted under paragraph (1) only if:

(i) the operational files are necessary for the conduct of defense or foreign policy or for the protection of national security; and

(ii) the files are not released to other agencies or organizations.

(c) EFFECT.—Subsection (a) shall be effective on publication of regulations prescribed by the Director.

SEC. 1036. PROTECTION OF OPERATIONAL FILES OF THE NATIONAL SECURITY AGENCY.

(a) CONSOLIDATION OF CURRENT PROVISIONS ON PROTECTION OF OPERATIONAL FILES.—The provisions of section 2195 of title 10, United States Code, are redesignated as section 2195a and are transferred, with such changes as may be necessary—

(i) to transfer the definition of "operational file" from section 2195(c) of title 10, United States Code, to section 2195a(b) of such title; and

(ii) to conform the text of section 2195 of title 10, United States Code, to section 2195a of such title.

(b) PROTECTION OF OPERATIONAL FILES OF NSA.—Title VII of such Act, as amended by section (a), is further amended by adding at the end the following new section:

"OPERATIONAL FILES OF THE NATIONAL SECURITY AGENCY.

"SEC. 705. (a) EXEMPTION OF CERTAIN OPERATIONAL FILES FROM FEE, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) Operational files of the National Security Agency (hereafter in this section referred to as "NSA") may be exempted by the Director of NSA, in consultation with the Director of Central Intelligence, from the provisions of section 552 of title 5, United States Code, which require publication, disclosure, search, or review in connection therewith.

"(2)(A) In this section, the term "operational files" means:

(i) files of the Signals Intelligence Directorate, and its successor organizations, which document the means by which foreign intelligence or counterintelligence is collected through technical systems;

(ii) files of the Research Associate Directorate, and its successor organizations, which document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems;

(iii) files which are the sole repository of disseminated intelligence and files that have been accessioned into NSA. Accessioned files shall not be subject to search and review; and

(iv) files that are the repository of disseminated intelligence and files that have been accessioned into NSA. Accessioned files shall not be subject to search and review.

"(B) Operational files may be exempted under paragraph (1) only if:

(i) the operational files are necessary for the conduct of defense or foreign policy or for the protection of national security; and

(ii) the files are not released to other agencies or organizations.

(c) EFFECT.—Subsection (a) shall be effective on publication of regulations prescribed by the Director.

SEC. 1036. PROTECTION OF OPERATIONAL FILES OF THE NATIONAL SECURITY AGENCY.

(a) CONSOLIDATION OF CURRENT PROVISIONS ON PROTECTION OF OPERATIONAL FILES.—The provisions of section 2195 of title 10, United States Code, are redesignated as section 2195a and are transferred, with such changes as may be necessary—

(i) to transfer the definition of "operational file" from section 2195(c) of title 10, United States Code, to section 2195a(b) of such title; and

(ii) to conform the text of section 2195 of title 10, United States Code, to section 2195a of such title.

(b) PROTECTION OF OPERATIONAL FILES OF NSA.—Title VII of such Act, as amended by section (a), is further amended by adding at the end the following new section:

"OPERATIONAL FILES OF THE NATIONAL SECURITY AGENCY.

"SEC. 705. (a) EXEMPTION OF CERTAIN OPERATIONAL FILES FROM FEE, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) Operational files of the National Security Agency (hereafter in this section referred to as "NSA") may be exempted by the Director of NSA, in consultation with the Director of Central Intelligence, from the provisions of section 552 of title 5, United States Code, which require publication, disclosure, search, or review in connection therewith.

"(2)(A) In this section, the term "operational files" means:

(i) files of the Signals Intelligence Directorate, and its successor organizations, which document the means by which foreign intelligence or counterintelligence is collected through technical systems;

(ii) files of the Research Associate Directorate, and its successor organizations, which document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems;

(iii) files which are the sole repository of disseminated intelligence and files that have been accessioned into NSA. Accessioned files shall not be subject to search and review; and

(iv) files that are the repository of disseminated intelligence and files that have been accessioned into NSA. Accessioned files shall not be subject to search and review.

"(B) Operational files may be exempted under paragraph (1) only if:

(i) the operational files are necessary for the conduct of defense or foreign policy or for the protection of national security; and

(ii) the files are not released to other agencies or organizations.

(c) EFFECT.—Subsection (a) shall be effective on publication of regulations prescribed by the Director.
files in order to make the demonstration required under subsection (l), unless the complainant disputes NSA’s showing with a sworn written submission based on personal knowledge or otherwise acceptable evidence.

“(v) In proceedings under clauses (iii) and (iv), the parties may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure that requests for admissions may be made pursuant to rules 26 and 36.

“(vi) If the court finds under this paragraph that NSA has improperly withheld requested records because of failure to comply with any provision of this subsection, the court shall order NSA to search and review the appropriate exempted files or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this subsection.

“(vii) If at any time following the filing of a complaint pursuant to this paragraph NSA agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint.

“(viii) Any information filed with, or produced for the court pursuant to clauses (i) and (iv) shall be coordinated with the Director of Central Intelligence before submission to the court.

“(b) DECENTRAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of the National Security Agency and the Director of Central Intelligence shall review the exemptions in force under subsection (a)(1) to determine whether such exemptions may be removed from a category of exempted files or otherwise amended. The Director of Central Intelligence must approve any determination to remove such exemptions.

“(2) The review required by paragraph (1) shall also consider the composition of the historical value or other public interest in the subject matter of a particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

“(3) A complainant that alleges that NSA has improperly withheld records because of failure to comply with this subsection may seek judicial review of the decision under this section.

“(a) R EQUIPMENT FOR REPORT. —Not later than April 1, 2004, the President shall submit to Congress a report on the potential uses of unmanned aerial vehicles for monitoring the performance of homeland security missions.

“(b) C ONTEN T.—The report shall, at a minimum, include the following matters:

“(1) An assessment of the potential for using unmanned aerial vehicles for monitoring activities in remote areas along the northern and southern borders of the United States.

“(2) An assessment of the potential for using unmanned aerial vehicles for monitoring the safety and integrity of critical infrastructure within the territory of the United States, including the following:

(A) Oil and gas pipelines.

(B) Dams.

(C) Hydroelectric power plants.

(D) Nuclear power plants.

(E) Drinking water utilities.

(F) Long-distance power transmission lines.

(G) An assessment of the potential for using unmanned aerial vehicles for monitoring the transportation of hazardous cargo.

“(H) A discussion of the safety issues involved in using unmanned aerial vehicles by agencies other than the Department of Defense;
(b) The operation of unmanned aerial vehicles over populated areas of the United States.

(6) A discussion of—

(A) the effects on privacy and civil liberties that could result from the monitoring uses of unmanned aerial vehicles operated over the territory of the United States; and

(B) any restrictions on the domestic use of unmanned aerial vehicles that should be imposed, or any other actions that should be taken, to prevent any adverse effect of such use of unmanned aerial vehicles on privacy or civil liberties.

(7) A discussion of what, if any, legislation and organizational changes may be necessary to accompany the unmanned aerial vehicles of the Department of Defense in support of the performance of homeland security missions, including any amendment of section 3385 of title 18, United States Code (as popularly referred to as the “Posse Comitatus Act”).

(8) An evaluation of the capabilities of manufacturers of unmanned aerial vehicles to produce such vehicles at higher rates if necessary to meet any increased requirements for homeland security and homeland defense missions.

(c) Referral to Committees.—The report under subsection (a) shall be referred—

(1) upon receipt in the Senate, to the Committee on Armed Services of the Senate; and

(2) upon receipt in the House of Representatives, to the Committee on Armed Services of the House of Representatives.

SEC. 1038. CONVEYANCE OF SURPLUS T-37 AIRCRAFT TO THE FORCE AVIATION HERITAGE FOUNDATION, INCORPORATED.

(a) Authority.—The Secretary of the Air Force may convey, without consideration, to the Force Aviation Heritage Foundation, Incorporated, of Georgia (in this section referred to as the Foundation), all right, title, and interest of the United States in and to one surplus T-37 “Tweet” aircraft. The conveyance shall be made by means of a conditional deed of gift.

(b) Condition of Aircraft.—The Secretary may not convey ownership of the aircraft under subsection (a) until the Secretary determines that the Foundation has placed the aircraft in such manner as the Secretary determines necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability as the Secretary has designed to have. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) CONDITION FOR CONVEYANCE.—(1) The conveyance of a T-37 aircraft under this section shall be subject to the following conditions:

(A) That the Foundation convey, own, possess, and maintain the aircraft in such a manner as the Secretary determines necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability as the Secretary has designed to have.

(B) The Foundation shall bear all reasonable expenses necessary to place ownership of the aircraft in the condition required by this section.

(2) The Secretary shall include the conditions under paragraph (1) in the instrument of conveyance of the T-37 aircraft.

(d) Payment to the United States.—Any conveyance of a T-37 aircraft under this section shall be made at no cost to the United States. Any costs associated with such conveyance, costs of determining compliance by the Foundation with the conditions in subsection (b), and costs of operation and maintenance of any aircraft conveyed shall be borne by the Foundation.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(f) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, upon the conveyance of ownership of a T-37 aircraft to the Foundation under subsection (a), the United States shall not have any responsibility for the death, injury, or damage that results from any use of that aircraft by any person other than the United States.

SEC. 1039. SENSE OF SENATE ON REWARD FOR INFORMATION LEADING TO RESOLUTION OF STATUS OF MEMBERS OF THE ARMED FORCES WHO REMAIN MISSING IN ACTION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense estimates that there are more than 10,000 members of the Armed Forces and others who as a result of activities during the Vietnam and Persian Gulf Wars were placed in a missing status or a prisoner of war status, or who were determined to have been killed in action although the body was not recovered, and who remain unaccounted for.

(2) One member of the Armed Forces, Navy Captain Michael Scott Speicher, remains missing in action from the first Persian Gulf War, and there have been credible reports of him being seen alive in Iraq in the years since his plane was shot down on January 16, 1991.

(3) The findings of those reports could provide every lead and leave no stone unturned to completely account for the fate of its missing members of the Armed Forces.

(4) The Secretary of Defense has the authority to disburse funds as a reward to individuals who provide information leading to the conclusive resolution of cases of missing members of the Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Secretary of Defense should use the authority available to the Secretary to disburse funds as a reward to individuals who provide information leading to the conclusive resolution of the cases of missing members of the Armed Forces;

(2) the Secretary of Defense should authorize and promote a reward of $1,000,000 for information leading to the conclusive resolution of any case of missing members of the Armed Forces, such as Michael Scott Speicher, who the Secretary has reason to believe may yet be alive in captivity.

SEC. 1040. ADVANCED SHIPBUILDING ENTERPRISE.

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

(1) The President’s budget for fiscal year 2004, as submitted to Congress, includes $10,300,000 for the Advanced Shipbuilding Enterprise of the National Shipbuilding Research Program.

(2) The Advanced Shipbuilding Enterprise is an innovative program to encourage greater efficiency among shipyards in the defense industrial base.

(3) The leaders of the Nation’s shipbuilding industry have embraced the Advanced Shipbuilding Enterprise as a method of exploring and collaborating on innovation in shipbuilding and ship design and to better meet the needs and preferences of ship owners.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of the Navy strongly supports the innovative Advanced Shipbuilding Enterprise of the National Shipbuilding Research Program that has yielded new processes and techniques to reduce the cost of building and repairing ships in the United States;

(2) the Senate is concerned that the future-years defense program as submitted to Congress for fiscal year 2004 does not reflect any funding for the Advanced Shipbuilding Enterprise after fiscal year 2004; and

(3) the Secretary of Defense and the Secretary of the Navy should continue funding the Advanced Shipbuilding Enterprise at a sustaining level through the future-years defense program to support subsequent cost reduction research that reduce the cost of designing, building, and repairing ships.

SEC. 1041. 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, fees, or penalties.

(2) offer flexible terms that allow members of the armed forces on active duty to purchase, change, or cancel tickets without time restrictions, fees, or penalties.

SEC. 1042. SENSE OF SENATE ON DEPLOYMENT OF AIRBORNE CHEMICAL AGENT MONITORING SYSTEMS; AUTHORIZATION TO DISBURSE FEDERAL ASSISTANCE FOR STATE PROGRAMS FOR AIRBORNE CHEMICAL STOCKPILE DISPOSAL SITES IN THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Millions of assembled chemical weapons are stockpiled at chemical agent disposal facilities and depot sites across the United States.

(2) Some of these weapons are filled with nerve agents, such as GB and VX and blister agents such as HD (mustard agent).

(3) Hundreds of thousands of United States citizens live in the vicinity of these chemical weapons stockpile sites and depots.

(4) The airborne chemical agent monitoring systems at these sites are insufficient or outdated compared to newer and advanced technologies on the market.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Army should develop and deploy a program to upgrade the airborne chemical agent monitoring systems at all chemical stockpile disposal sites across the United States in order to achieve the broadest and most possible protection of the general public, personnel involved in the chemical demilitarization program, and the environment.

SEC. 1043. FEDERAL ASSISTANCE FOR STATE PROGRAMS UNDER THE NATIONAL GUARD CHALLENGE PROGRAM.

(a) MAXIMUM FEDERAL SHARE.—Section 509(d) of title 32, United States Code, is amended—

(1) by striking paragraphs (1), (2), and (3); and

(2) by redesignating paragraph (4) as paragraph (1); and

(3) in paragraph (1), as so redesignated, by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following new paragraph:

“(2) for fiscal year 2004 (notwithstanding paragraph (1)), 65 percent of the costs of operating the State program during that year.”;

(b) STUDY.—(1) The Secretary of Defense shall carry out a study to evaluate (A) the adequacy of the requirement under section 509(d) of title 32, United States Code, for the United States to fund 60 percent of the costs of operating a State program of the National Guard Challenge Program and the State to fund 40 percent of such costs, and (B) the value of the Challenge program to the Department of Defense.

(2) In carrying out the study under paragraph (1), the Secretary shall identify potential alternative funding sources, including any additional funding provided for the National Guard Challenge Program under section 509(d) of title 32, United States Code.
SEC. 1101. AUTHORITY TO EMPLOY CIVILIAN FACILITY MEMBERS OF THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

Section 1592(a) of title 10, United States Code, as amended by adding at the end the following new paragraph:

"(b) The Western Hemisphere Institute for Security Cooperation.”

SEC. 1102. PAY AUTHORITY FOR CRITICAL POSITIONS.

(a) AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1590e. Pay authority for critical positions

"(a) AUTHORITY GENERALLY.—(1) When the Secretary of Defense seeks a grant of authority under section 5317 of title 5 for critical pay for one or more positions within the Department of Defense, the Director of the Office of Management and Budget may fix the rate of basic pay, notwithstanding sections 5371(d)(1) and 5307 of such title, to an amount in the Secretary set in accordance with section 104 of title 3.

"(2) Notwithstanding section 5307 of title 5, no allowance, differential, bonus, award, or similar cash payment may be paid to any employee receiving critical pay at a rate fixe4 under paragraph (1), in any calendar year if, or to the extent that, the employee’s total annual compensation payable at the salary set in accordance with section 104 of title 3.

(b) TEMPORARY STREAMLINED CRITICAL PAY AUTHORITY.—(1) The Secretary of Defense may establish, fix the compensation of, and appoint persons to positions designated as critical administrative, technical, or professional positions needed to carry out the functions of the Department of Defense, subject to paragraph (2).

"(2) The authority under paragraph (1) may be exercised with respect to a position only if—

"(A) the position—

"(i) requires expertise of an extremely high level in an administrative, technical, or professional field; and

"(ii) is critical to the successful accomplishment of an important mission by the Department of Defense;

"(B) the exercise of the authority is necessary to recruit or retain a person exceptionally well qualified for the position;

"(C) the personnel positions are covered by the exercise of the authority does not exceed 40 at any one time;

"(D) in the case of a position designated as a critical administrative, technical, or professional position, the employee may not be separated, other than for cause, during such one-year period.

"(3) The authority under this subsection may be exercised with regard to—

"(A) subsection (a);

"(B) the provisions of title 5 governing appointments in the competitive service or the Senior Executive Service;

"(C) chapters 51 and 53 of title 5, relating to classification and pay rates;

"(D) the term of appointment to the position is limited to not more than four years;

"(E) the term of appointment to the position is not applicable to the employee during a term of service without a break in service in a position to which appointed under this subsection, the expiration of authority under this subsection does not terminate the appointment of the employee to the position or the term for which the employee is appointed to the position before the end of the term for which appointed under this subsection, or affect the compensation fixed for the person’s service in the position during such term of appointment.

"(4) In the case of an employee transferred to the Department of Defense as of the date of the enactment of this Act, the performance of those functions immediately before the transfer of functions; and

"(5) The Secretary of Defense may transfer to the Office of Personnel Management under paragraph (1) or, whether a full-time or part-time employee—

"(A) subsections (b) and (c) of section 5302 of title 5, United States Code, relating to grade retention, shall apply to the employee, except that—

"(i) the grade retention period shall be the one-year period beginning on the date of the transfer; and

"(ii) paragraphs (1), (2), and (3) of such subsection (c) shall not apply to the employee; and

"(6) the employee may not be separated, other than pursuant to chapter 75 of title 5, United States Code, during such one-year period.

SEC. 1103. EXTENSION, EXPANSION, AND REVISION OF AUTHORITY FOR EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.


(b) INCREASED LIMITATION ON NUMBER OF APPOINTMENTS.—Subsection (b)(1)(A) of such section is amended by striking “40” and inserting “50”.

(c) COMMENSURATE EXTENSION OF REQUIREMENT FOR ANNUAL REPORT.—Subsection (g) of such section is amended by striking “2006” and inserting “2009”.

SEC. 1104. TRANSFER OF PERSONNEL INVESTIGATIVE FUNCTIONS AND RELATED PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) TRANSFER OF FUNCTIONS.—(1) With the consent of the Director of Personnel Management, the Secretary of Defense may transfer to the Office of Personnel Management the personnel security investigations function of the Department of Defense; and

"(2) The Director of the Office of Personnel Management may accept a transfer of functions under paragraph (1).

"(3) Any transfer of a function under this section is a transfer of function within the meaning of section 3003 of title 5, United States Code.

(b) TRANSFER OF PERSONNEL.—(1) If the Director of the Office of Personnel Management accepts a transfer of functions under subsection (a), the Secretary of Defense shall also transfer to the Office of Personnel Management the Defense Security Service employees who perform those functions immediately before the transfer of functions; and

"(2) The Defense Security Service employees whose services transfer under paragraph (1) shall be transferred to the Office of Personnel Management with such separations, if any, as are necessary in the interest of effective performance of the transferred functions; and

"(3) The Secretary of Defense shall transfer to the Office of Personnel Management employees of the Defense Security Service designated as critical pay employees, if any, transferred under subsection (a) or (b) (including supervisors transferred under paragraph (1) if the Director of the Office of Personnel Management accepts a transfer of functions under such section) and the positions of such employees to the Office of Personnel Management are necessary in the interest of effective performance of the transferred functions; and

"(4) The Secretary of Defense shall transfer to the Office of Personnel Management employees of the Defense Security Service designated as critical pay employees, if any, transferred under subsection (a) or (b) (including supervisors transferred under paragraph (1) if the Director of the Office of Personnel Management accepts a transfer of functions under such section) and the positions of such employees to the Office of Personnel Management are necessary in the interest of effective performance of the transferred functions.
function in accordance with the requirements of the Office of Management and Budget Circular A-76.

TITLE XII—MATTERS RELATING TO OTHER AUTHORITIES AND PROGRAMS

SEC. 1201. AUTHORITY TO USE FUNDS FOR PAYMENT OF COSTS OF ATTENDANCE OF FOREIGN VISITORS UNDER REGIONAL DEFENSE COUNTERTERRORISM FELLOWSHIP PROGRAM

(a) AUTHORITY TO USE FUNDS.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§2249c. Authority to use appropriated funds for costs of attendance of foreign visitors under Regional Defense Counterterrorism Fellowship Program

(a) AUTHORITY TO USE FUNDS.—(1) Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§2249c. Authority to use appropriated funds for costs of attendance of foreign visitors under Regional Defense Counterterrorism Fellowship Program

(b) BILATERAL OR REGIONAL COOPERATION PROGRAMS: AVAILABILITY OF FUNDS TO RECOGNIZE SUPERIOR NONCOMPETE ACHIEVEMENTS OR PERFORMANCE.—In addition to the funds made available under subsection (a), the Secretary of Defense shall—

(1) by striking "or" at the end of paragraph (6),

(2) by striking the period at the end of paragraph (7) and inserting "; or", and

(3) by adding at the end the following new paragraph:

"(8) a member of the armed forces of a foreign nation who is participating in a combined operation, combined exercise, or combined humanitarian operation that is carried out with armed forces of the United States pursuant to an alliance or coalition of the foreign nation with the United States if—

(A) the action is taken by or on behalf of the armed forces of the United States participating in the operation, exercise, or mission has authorized the action under paragraph (1) or (2) of subsection (a); and

(B) the government of the foreign nation has guaranteed payment for any deficiency resulting from such action; and

(C) in the case of an action on a negotiable instrument, the negotiable instrument is drawn on a financial institution located in the United States or on a foreign branch of such an institution.

(b) REFERENCES TO UNITED NATIONS SPECIAL COMMISSION ON IRAQ.—Section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is further amended—

(1) in subsection (b)(2), by striking "United Nations Special Commission on Iraq (or any successor organization)" and inserting "United Nations Monitoring, Verification, and Inspection Commission"; and

(2) in subsection (d)(4)(A), by striking "United Nations Special Commission on Iraq (or any successor organization)" and inserting "United Nations Monitoring, Verification, and Inspection Commission".

SEC. 1205. REMBURSABLE COSTS RELATING TO NATIONAL SECURITY CONROLS ON SATELLITE EXPORT LICENSING

(a) DIRECT COSTS OF MONITORING FOREIGN LAUNCHES OF SATELLITES.—Section 1514(a)(1)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 22 U.S.C. 2778 note) is amended by striking "The costs of such monitoring services" in the second sentence and inserting the following:

"The Department of Defense costs that are directly related to monitoring the launch, including transportation and per diem costs;"

(b) GAO STUDY.—(1) The Comptroller General shall conduct a study of the Department of Defense costs of monitoring launches of satellites in a foreign country under section 1514 of Public Law 105-261.

(2) Not later than April 1, 2004, the Comptroller General shall submit a report on the study to the Committees on Armed Services of the Senate and the House of Representatives.

(3) The report shall include—

(A) an assessment of the Department of Defense costs of monitoring the satellite launches described in paragraph (1),

(B) a review of the costs reimbursed to the Department of Defense by each person or entity receiving the satellite launch monitoring services, including the extent to which indirect costs have been included.
for focusing and promoting improvements in NATO’s military capabilities. It is expected to have initial operational capability by October 2004, and full operational capability by October 2006.

(b) Annual Report.—(1) Not later than January 31 of each year, the Secretary of Defense shall submit to the Committees on Armed Services and the Senate the report under subsection (a) of this section to the Senate for the period beginning on the date of enactment of this Act and ending on the date which is one year thereafter.

(2) This report shall include the following:

(A) A description of the actions taken by NATO as a whole and by each member nation of NATO other than the United States to further the Prague Capabilities Commitment, including any actions taken to improve capability shortfalls in the areas identified for improvement.

(B) A description of the actions taken by NATO as a whole and by each member nation of NATO, including the United States, to create the NATO Response Force.

(C) An assessment of whether the Prague Capabilities Commitment and the development of the NATO Response Force are the sole jurisdiction of the Defense Planning Committee, the North Atlantic Council, or the Secretary of Defense.

(D) A discussion of NATO decisionmaking on the implementation of the Prague Capabilities Commitment and the development of the NATO Response Force, including—

(i) an assessment of whether the Prague Capabilities Commitment and the NATO Response Force are the sole jurisdiction of the Defense Planning Committee, the North Atlantic Council, or the Secretary of Defense;

(ii) a description of the circumstances which led to the defense, military, security, and nuclear decisions of NATO on matters such as the Prague Capabilities Commitment and the NATO Response Force being made in bodies other than the Defense Planning Committee;

(iii) a description of the extent to which any member that does not participate in the integrated military structure of NATO contributes to each of the component committees of NATO, including any and all committees relevant to the Prague Capabilities Commitment and the NATO Response Force;

(iv) a description of the extent to which any member that does not participate in the integrated military structure of NATO participates in deliberations and decisions of NATO on resource policy, contribution ceilings, infrastructure, force structure, modernization, threat assessments, training, exercises, deployments, and other issues related to the Prague Capabilities Commitment or the NATO Response Force;

(v) a description and assessment of the impediments, if any, that would preclude or limit NATO from conducting deliberations and making decisions on matters such as the Prague Capabilities Commitment and the NATO Response Force in the Defense Planning Committee; and

(vi) the recommendations of the Secretary of Defense on streamlining defense, military, and security decisionmaking within NATO relating to the Prague Capabilities Commitment, and NATO Response Force, and other matters, including an assessment of the feasibility and advisability of the greater utilization of the Defense Planning Committee for such purposes; and

(vii) if a report under this subparagraph is a report submitted under first report under this subparagraph, the information submitted in such report under any of clauses (i) through (vi) may consist solely of an update of any information previously submitted under the applicable clause in a preceding report under this subparagraph.

(2) The report shall be submitted in unclassified form, but may also be submitted in classified form if necessary.

SEC. 1207. EXPANSION AND EXTENSION OF AUTHORITY; GENERAL ASSISTANCE; SUPPORT FOR COUNTER-DRUG ACTIVITIES.


(1) in subsection (a) by inserting after “subsection (f),” the following: “during fiscal years 1998 through 2006 in the case of the foreign governments named in paragraphs (1) and (2) of subsection (b), and fiscal years 2004 through 2006 in the case of the foreign governments named in paragraphs (3) through (9) of subsection (b);” and

(b) by striking “either or both” and inserting “any”; and

(2) in subsection (b)—

(A) by inserting after “subsection (f),” the following: “during fiscal years 1998 through 2002”; and

(B) in subsection (2), by striking “fiscal years 1998 through 2006” and inserting “fiscal years 2004 through 2006.”

(b) Additional foreign governments eligible to receive support.—Section 1033 of such section 1021 is amended by striking paragraphs (1), (2), (3), and (4) of subsection (b) and inserting the following:

(1) the Government of Afghanistan;

(2) the Government of Rwanda;

(3) the Government of Liberia;

(4) the Government of Bolivia;

(5) the Government of Eritrea;

(6) the Government of Pakistan;

(7) the Government of Tajikistan;

(8) the Government of Turkmenistan.

(c) Types of assistance.—Section 1033 of such section 1021 is amended by—

(1) in paragraph (1), by striking “$20,000,000” and inserting “$25,000,000”;

(2) in paragraph (2), by striking “other than the United States” and inserting “United States and any other country or international organization”; and

(3) in paragraph (9), by striking “the coalition of the United States, other coalition members, and United Nations forces in the Persian Gulf” and inserting “United States Armed Forces, United Nations peacekeeping forces, and any other country or international organization.”

(f) Maximum annual amount of support.—Section 1033 of such section 1021 is amended by—

(1) in paragraph (2), by striking “$25,000,000” and inserting “$27,500,000”;

(2) in paragraph (3), by striking “$25,000,000” and inserting “$27,500,000”; and

(3) in paragraph (9), by striking “the coalition of the United States, other coalition members, and United Nations forces in the Persian Gulf” and inserting “United States Armed Forces, United Nations peacekeeping forces, and any other country or international organization.”

(g) Construction with other authority.—The use of funds pursuant to the authority in subsection (a) may be made in compliance with the laws and regulations of the United States Armed Forces, the United States government, or any other country or international organization.

SEC. 1208. USE OF FUNDS FOR UNIFIED COUNTER-DRUG AND COUNTER-TERRORISM CAMPAIGN IN COLOMBIA.

(a) Requirement.—The Secretary of Defense shall fully comply with the Competition in Contracting Act of 1984 (10 U.S.C. 8301 et seq.) for any contracts awarded for activities in Colombia to support a unified campaign against narcotics trafficking and against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia.

(b) Report to Congress.—If the Department of Defense does not have a fully competitive contract in place to replace the March 8, 2003 contract for the reconstruction of the Colombian oil industry and shall conduct a full and open competition for performing work needed for the reconstruction of the Colombian oil industry.

(c) Limitation on participation of United States personnel.—No United States Armed Forces personnel or United States civilian contractor personnel employed by the United States may participate in any combat operation in connection with assistance using funds pursuant to the authority in subsection (a), except for the Defense of any United States citizen (including any United States Armed Forces personnel, United States civilian employee, or civilian contractor employed by the United States).

(d) Construction With Other Authority.—The authority in subsection (a) to use funds to provide assistance to the Government of Colombia in addition to the authority in subsection (b) of Section 1207 of this Act to provide assistance to the Government of Colombia.

SEC. 1209. COMPETITIVE AWARD OF CONTRACTS FOR IRAQI RECONSTRUCTION.

(a) Requirement.—The Department of Defense shall fully comply with the Competition in Contracting Act of 1984 (10 U.S.C. 8301 et seq.) for any contracts awarded for activities in Iraq and shall conduct a full and open competition for performing work needed for the reconstruction of the Iraqi oil industry.

(b) Report to Congress.—If the Department of Defense does not have a fully competitive contract in place to replace the March 8, 2003 contract for the reconstruction of the Iraqi oil industry and shall conduct a full and open competition for performing work needed for the reconstruction of the Iraqi oil industry.

Title XIII—Cooperative Threat Reduction with States of the Former Soviet Union

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) Specification of CTR Programs.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs and the programs specified in section 1501(b) of the National Security Act of 1947 (22 U.S.C. 255) means the funds appropriated pursuant to the authorization of appropriations for Cooperative Threat Reduction programs.

(b) Availability of Funds.—Funds appropriated pursuant to the authority in subsection (a) of this section are available for obligation for the fiscal year 2004.

Title XIV—Funding Allocations

SEC. 1401. FUNDING ALLOCATIONS.

(a) In General.—The Secretary of Defense shall allocate the funds appropriated under this Act for purposes of the Cooperative Threat Reduction programs as follows:

(1) Threat Reduction programs.

(2) Threat Reduction Funds of the Department of Defense.
section 301(22) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

1. For strategic offensive arms elimination in Russia, $27,600,000.
2. For strategic nuclear arms elimination in Russia, $3,900,000.
3. For nuclear weapons transportation security in Russia, $23,200,000.
4. For weapons storage security in Russia, $48,000,000.
5. For weapons of mass destruction proliferation prevention activities in the states of the former Soviet Union, $39,400,000.
6. For chemical weapons destruction in Russia, $200,000.
7. For defense and military contacts, $11,000,000.
8. For activities designated as Other Assessments/ Administrative Support, $13,100,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2004 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (9) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds have been obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2004 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2004 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made by using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose other than that described in paragraph (1) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1304. ANNUAL CERTIFICATIONS ON USE OF FACILITIES BEING CONSTRUCTED FOR COOPERATIVE THREAT REDUCTION PROJECTS OR ACTIVITIES.

(a) CERTIFICATION ON USE OF FACILITIES BEING CONSTRUCTED.—Not later than the first Monday of February each year, the Secretary of Defense shall certify to the congressional defense committees a certification for each facility for a Cooperative Threat Reduction project or activity for which construction occurred during the preceding fiscal year on matters as follows:

(1) Whether or not such facility will be used for its intended purpose by the country in which the facility is constructed.

(2) Whether or not the country remains committed to the use of such facility for its intended purpose.

(b) APPLICABILITY.—Subsection (a) shall apply to—

(1) any facility the construction of which commenced on or after the date of enactment of this Act; and

(2) any facility the construction of which is ongoing as of that date.

SEC. 1304A. AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION.

(a) AUTHORITY.—The President may obligate and expend Cooperative Threat Reduction funds for a fiscal year, and any Cooperative Threat Reduction funds for a fiscal year before such fiscal year that remain available for obligation, for a proliferation threat reduction project or activity outside the states of the former Soviet Union if the President determines that such project or activity will—

(1) assist the United States in the resolution of a critical emerging proliferation threat; or

(2) permit the United States to take advantage of opportunities to achieve long-standing non-proliferation goals.

(b) SCOPE OF AUTHORITY.—The authority in subsection (a) to obligate and expend funds for a project or activity includes authority to provide equipment, goods, and services for the project or activity utilizing such funds, but does not include authority to provide cash directly to the project or activity.

(c) LIMITATION.—The amount that may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (6) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose may not exceed $50,000,000.

(d) ADDITIONAL LIMITATIONS AND REQUIREMENTS.—Except as otherwise provided in subsections (a) and (b), the exercise of the authority in subsection (a) shall be subject to any requirement or limitation under another provision of law as follows:

(1) Any requirement for prior notice or other reports to the President or to Congress on the use of Cooperative Threat Reduction funds or on Cooperative Threat Reduction projects or activities.

(2) Any limitation on the obligation or expenditure of Cooperative Threat Reduction funds.

SEC. 1305. ONE-YEAR EXTENSION OF INAPPLICABILITY OF CERTAIN CONDITIONS ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION.

Section 8144 of Public Law 107-248 (116 Stat. 1571) is amended—

(1) in subsection (a), by striking “and 2003” and inserting “and 2003, 2004,” and

(2) in subsection (b), by striking “September 30, 2003” and inserting “September 30, 2004”.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2004”.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104a(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Redstone Arsenal</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Fort Richardson</td>
<td>$10,700,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Wainwright</td>
<td>$138,800,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Fort Stewart/Hunter Army Air Field</td>
<td>$136,350,000</td>
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<td>Hawaii</td>
<td>Schofield Barracks</td>
<td>$100,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Leavenworth</td>
<td>$115,000,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Riley</td>
<td>$40,000,000</td>
</tr>
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<td>Kentucky</td>
<td>Fort Knox</td>
<td>$13,500,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Polk</td>
<td>$72,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Aberdeen Proving Ground</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Meade</td>
<td>$9,600,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Drum</td>
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<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$152,000,000</td>
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<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>$3,500,000</td>
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<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>$49,800,000</td>
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<tr>
<td>Virginia</td>
<td>Fort Myer</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>$3,900,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$1,055,500,000</strong></td>
</tr>
</tbody>
</table>
(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

### Army: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy</td>
<td>Aviano Air Base</td>
<td>$15,500,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Livorno</td>
<td>$22,000,000</td>
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<tr>
<td>Kwajalein Atoll</td>
<td>Camp Humphreys</td>
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<td></td>
<td>Kwajalein Atoll</td>
<td>$9,400,000</td>
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<tr>
<td><strong>Total</strong></td>
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<td><strong>$151,900,000</strong></td>
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</table>

### Army: Family Housing

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Alaska</td>
<td>Fort Wainwright</td>
<td>140 Units</td>
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<td>Arizona</td>
<td>Fort Huachuca</td>
<td>220 Units</td>
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<td>Kansas</td>
<td>Fort Riley</td>
<td>72 Units</td>
<td>$16,700,000</td>
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<tr>
<td>Kentucky</td>
<td>Fort Knox</td>
<td>178 Units</td>
<td>$41,000,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>White Sands Missile Range</td>
<td>58 Units</td>
<td>$14,600,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>120 Units</td>
<td>$25,373,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Lee</td>
<td>90 Units</td>
<td>$18,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$220,673,000</strong></td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $34,488,000.

**SEC. 2102. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>Country Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy Aviano Air Base</td>
<td>$15,500,000</td>
</tr>
<tr>
<td>Korea Livorno</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>Kwajalein Atoll Camp Humphreys</td>
<td>$105,000,000</td>
</tr>
<tr>
<td>Kwajalein Atoll</td>
<td>$9,400,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$151,900,000</strong></td>
</tr>
</tbody>
</table>

### Army: Family Housing

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Fort Wainwright</td>
<td>140 Units</td>
<td>$64,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Fort Huachuca</td>
<td>220 Units</td>
<td>$41,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Riley</td>
<td>72 Units</td>
<td>$16,700,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Knox</td>
<td>178 Units</td>
<td>$41,000,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>White Sands Missile Range</td>
<td>58 Units</td>
<td>$14,600,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>120 Units</td>
<td>$25,373,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Lee</td>
<td>90 Units</td>
<td>$18,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$220,673,000</strong></td>
</tr>
</tbody>
</table>

### SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $156,030,000.

### SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,980,454,000, as follows:

1. For military construction projects inside the United States authorized by section 2101(a), $843,500,000.
2. For military construction projects outside the United States authorized by section 2103(b), $151,900,000.
3. For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $20,000,000.
4. For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $122,710,000.
5. For military family housing functions:
   - For construction and acquisition, planning and design, and improvement of military family housing and facilities, $409,191,000.
   - For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,031,853,000.
   - For the construction of phase 3 of Saddle Access Road, Pohakoula Training Facility, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-389)], as amended by section 2107 of this Act, $17,000,000.
   - For the construction of phase 3 of a barracks complex, D Street, at Fort Richardson, Alaska, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 114 Stat. 1280), as amended by section 2107 of this Act, $33,000,000.
   - For the construction of phase 3 of a barracks complex, 17th and B Streets, at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-107; 114 Stat. 2564), $48,000,000.
   - For the construction of phase 2 of a barracks complex, Capron Road, at Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 114 Stat. 2661), $49,000,000.
   - For the construction of phase 2 of a combined arms collective training facility at Fort Riley, Kansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 114 Stat. 2661), $33,000,000.
   - For the construction of phase 2 of a barracks complex, Range Road, at Fort Campbell, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 114 Stat. 2661), $49,000,000.
   - For the construction of phase 2 of a maintenance complex at Fort Sill, Oklahoma, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 114 Stat. 2661), $33,000,000.
   - For the construction of phase 3 of a barracks complex, Bastogne Drive, Fort Bragg, North Carolina).

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $34,488,000.
(2) by striking the amount identified as the total in the amount column and inserting "$23,852,000.

(c) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Section 2103 of that Act (116 Stat. 2683) is amended by striking "$239,751,000" and inserting "$190,351,000.

(d) CONFORMING AMENDMENTS.—Section 2104(a) of that Act (116 Stat. 2683) is amended—
(1) in the matter preceding paragraph (1), by striking "$3,104,176,000" and inserting "$2,985,826,000";
(2) in paragraph (2), by striking "$354,116,000" and inserting "$288,066,000"; and
(3) in paragraph (6)(A), by striking "$282,356,000" and inserting "$230,056,000.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECTS.

(1) in the item relating to Fort Richardson, Alaska, by striking "$115,000,000" and inserting "$117,000,000"; and
(2) by striking the amount identified as the total in the amount column and inserting "$1,364,750,000.

(b) CONFORMING AMENDMENT.—Section 2104(b)(2) of that Act (116 Stat. 2683) is amended by striking "$52,000,000" and inserting "$54,500,000.

SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2004 PROJECT.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-334; 116 Stat. 2681) is amended—
(1) by striking the item relating to Camp Humphreys, Korea, by striking "$36,000,000" in the amount column and inserting "$107,800,000"; and
(2) by striking the item relating to K 16 Airfield, Korea.

(c) CONFORMING AMENDMENT.—Section 2104(b)(4) of that Act (116 Stat. 2684) is amended by striking "$13,200,000" and inserting "$13,600,000.

SEC. 2108. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT.

(1) in the item relating to Pohakou Training Facility, Hawaii, by striking "$32,000,000" in the amount column and inserting "$42,000,000"; and
(2) by striking the amount identified as the total in the amount column and inserting "$636,374,000.

(b) CONFORMING AMENDMENT.—Section 2104(b)(7) of the Military Construction Authorization Act for Fiscal Year 2004 (114 Stat. 1645A-392) is amended by striking "$20,000,000" and inserting "$30,000,000.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Marine Corps Air Station, Yuma</td>
<td>$22,230,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Pendleton</td>
<td>$73,580,000</td>
</tr>
<tr>
<td>California</td>
<td>Naval Air Station, Lemoore</td>
<td>$34,510,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Miramar</td>
<td>$4,740,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, North Island</td>
<td>$49,240,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center, China Lake</td>
<td>$12,890,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center, Point Mugu, San Nicholas Island</td>
<td>$9,150,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Facility, San Clemente Island</td>
<td>$18,940,000</td>
</tr>
<tr>
<td></td>
<td>Naval Postgraduate School, Monterey</td>
<td>$35,550,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, San Diego</td>
<td>$42,710,000</td>
</tr>
<tr>
<td></td>
<td>Marine Air Ground Task Force Training Center, Twentynine Palms</td>
<td>$28,390,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>New London</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Marine Corps Barracks</td>
<td>$1,550,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Naval Air Station, Jacksonville</td>
<td>$3,190,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Whiting Field, Milton</td>
<td>$4,830,000</td>
</tr>
<tr>
<td></td>
<td>Naval Surface Warfare Center, Coastal Systems Station, Panama City</td>
<td>$9,550,000</td>
</tr>
<tr>
<td></td>
<td>Blount Island (Jacksonville)</td>
<td>$115,711,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Strategic Weapons Facility Atlantic, Kings Bay</td>
<td>$11,310,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Fleet and Industrial Supply Center, Pearl Harbor</td>
<td>$32,190,000</td>
</tr>
<tr>
<td></td>
<td>Naval Magazine, LUSAlein</td>
<td>$6,320,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Naval Shipyard, Pearl Harbor</td>
<td>$7,010,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Naval Training Center, Great Lakes</td>
<td>$137,120,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Naval Air Warfare Center, Patuxent River</td>
<td>$24,370,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Naval Air Station, Meridian</td>
<td>$4,570,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Naval Air Station, Fallon</td>
<td>$4,700,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Naval Air Station, Lakehurst</td>
<td>$20,681,000</td>
</tr>
<tr>
<td></td>
<td>Naval Weapons Station, Earle</td>
<td>$123,720,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Cherry Point</td>
<td>$1,270,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, New River</td>
<td>$6,240,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Lejeune</td>
<td>$29,450,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Philadelphia Foundry</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Naval Station, Newport</td>
<td>$18,690,000</td>
</tr>
<tr>
<td></td>
<td>Naval Undersea Warfare Center, Newport</td>
<td>$10,890,000</td>
</tr>
</tbody>
</table>
SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:


<table>
<thead>
<tr>
<th>Navy: Outside the United States</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Country</strong></td>
</tr>
<tr>
<td>Bahrain</td>
</tr>
<tr>
<td>Italy</td>
</tr>
<tr>
<td>United Kingdom</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:


<table>
<thead>
<tr>
<th>Navy: Family Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>State or Country</strong></td>
</tr>
<tr>
<td>California</td>
</tr>
<tr>
<td>Florida</td>
</tr>
<tr>
<td>North Carolina</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

(6) $28,750,000 (the balance of the amount authorized under section 2201(a) for the construction of phase 2 of a bachelor enlisted quarters shipboard ashore at Naval Shipyard Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314, 116 Stat. 3867), $46,730,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2203 of this title, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $25,690,000 (the balance of the amount authorized under section 2201(a) for the construction of a tertiary sewage treatment complex, Marine Corps Base, Camp Pendleton, California);

(3) $58,190,000 (the balance of the amount authorized under section 2201(a) for the construction of a battle station training facility, Naval Training Center, Great Lakes, Illinois);

(4) $96,980,000 (the balance of the amount authorized under section 2201(a) for replacement of a general purpose berthing pier, Naval Weapons Station, Earle, New Jersey);

(5) $118,170,000 (the balance of the amount authorized under section 2201(a) for replacement of pier 11, Naval Station, Norfolk, Virginia); and

(6) $28,750,000 (the balance of the amount authorized under section 2201(a) for the construction of an outlying landing field and facilities at a location to be determined).
(b) CONFORMING AMENDMENTS.—Section 2204(a) of that Act (116 Stat. 2668) is amended—

(1) in the matter preceding paragraph (1), by striking "$2,576,381,000" and inserting "$2,561,461,000"; and

(2) in paragraph (2), by striking "$148,250,000" and inserting "$133,330,000".

(2) by striking the amount identified as the total in the amount column and inserting "$135,900,000".

OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

### Air Force: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Maxwell Air Force Base</td>
<td>$13,400,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Eielson Air Force Base</td>
<td>$48,774,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>$9,864,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Little Rock Air Force Base</td>
<td>$7,372,000</td>
</tr>
<tr>
<td>California</td>
<td>Beale Air Force Base</td>
<td>$22,300,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base</td>
<td>$6,957,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Peterson Air Force Base</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Holling Air Force Base</td>
<td>$9,300,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Hurlburt Field</td>
<td>$27,200,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Moody Air Force Base</td>
<td>$7,600,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Hickam Air Force Base</td>
<td>$78,276,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Mountain Home Air Force Base</td>
<td>$15,137,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Scott Air Force Base</td>
<td>$1,900,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Columbus Air Force Base</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Keesler Air Force Base</td>
<td>$2,900,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>McGuire Air Force Base</td>
<td>$11,800,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>$19,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Tularosa Radar Test Site</td>
<td>$3,600,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Pope Air Force Base</td>
<td>$24,015,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>$10,500,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Altus Air Force Base</td>
<td>$1,144,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Tinker Air Force Base</td>
<td>$25,560,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Charleston Air Force Base</td>
<td>$8,863,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Ellsworth Air Force Base</td>
<td>$9,300,000</td>
</tr>
<tr>
<td></td>
<td>Goodfellow Air Force Base</td>
<td>$19,970,000</td>
</tr>
<tr>
<td></td>
<td>Lackland Air Force Base</td>
<td>$64,926,000</td>
</tr>
<tr>
<td></td>
<td>Randolph Air Force Base</td>
<td>$13,600,000</td>
</tr>
<tr>
<td></td>
<td>Sheppard Air Force Base</td>
<td>$28,590,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$21,711,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Langley Air Force Base</td>
<td>$24,969,000</td>
</tr>
<tr>
<td>Washington</td>
<td>McChord Air Force Base</td>
<td>$19,000,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>F.E. Warren Air Force Base</td>
<td>$10,000,000</td>
</tr>
</tbody>
</table>

Total: $740,909,000
(c) **UNSPECIFIED WORLDWIDE.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

### Air Force: UNSPECIFIED WORLDWIDE

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unspecified Worldwide</td>
<td>Classified Location</td>
<td>$28,981,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$28,981,000</td>
</tr>
</tbody>
</table>

**SEC. 2302. FAMILY HOUSING.**

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

### Air Force: Family Housing

<table>
<thead>
<tr>
<th>State or Country</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>93 Units</td>
<td>$19,357,000</td>
</tr>
<tr>
<td>California</td>
<td>Travis Air Force Base</td>
<td>56 Units</td>
<td>$12,723,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>112 Units</td>
<td>$19,601,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>279 Units</td>
<td>$32,166,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Mountain Home Air Force Base</td>
<td>186 Units</td>
<td>$37,126,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Andrews Air Force Base</td>
<td>50 Units</td>
<td>$20,233,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Whiteman Air Force Base</td>
<td>100 Units</td>
<td>$18,221,000</td>
</tr>
<tr>
<td>Montana</td>
<td>Malmstrom Air Force Base</td>
<td>94 Units</td>
<td>$19,368,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Seymour Johnson Air Force Base</td>
<td>138 Units</td>
<td>$18,336,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Grand Forks Air Force Base</td>
<td>144 Units</td>
<td>$29,550,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Minot Air Force Base</td>
<td>200 Units</td>
<td>$41,117,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Ellsworth Air Force Base</td>
<td>75 Units</td>
<td>$16,240,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Dyss Air Force Base</td>
<td>116 Units</td>
<td>$19,973,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Randolph Air Force Base</td>
<td>96 Units</td>
<td>$13,754,000</td>
</tr>
<tr>
<td>K orea</td>
<td>Osan Air Base</td>
<td>111 Units</td>
<td>$44,765,000</td>
</tr>
<tr>
<td>Portugal</td>
<td>Lajes Field, Azores</td>
<td>42 Units</td>
<td>$13,428,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force, Lakenheath</td>
<td>89 Units</td>
<td>$23,640,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>$399,598,000</td>
</tr>
</tbody>
</table>

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $33,488,000.

**SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $223,979,000.

### Air Force: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Ramstein Air Base</td>
<td>$35,616,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Aviano Air Base</td>
<td>$5,411,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Kunsan Air Base</td>
<td>$7,059,000</td>
</tr>
<tr>
<td>Portugal</td>
<td>Lajes Field, Azores</td>
<td>$4,086,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force, Lakenheath</td>
<td>$42,487,000</td>
</tr>
<tr>
<td>Wake Island</td>
<td>Wake Island</td>
<td>$24,000,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$159,880,000</td>
</tr>
</tbody>
</table>

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,505,373,000, as follows:

1. For military construction projects inside the United States authorized by section 2301(a), $760,332,000.
2. For military construction projects outside the United States authorized by section 2301(b), $1,745,040,000.
3. For military construction projects at unspecified worldwide locations authorized by section 2301(c), $28,981,000.
4. For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.
5. For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $74,345,000.
6. For military housing functions:
   A. For construction and acquisition, planning and design, and improvement of military family housing and facilities, $657,065,000.
   B. For support of military family housing (including functions described in section 2833 of title 10, United States Code), $812,770,000.
   C. For military construction projects. Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this
Act may not exceed the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

SEC. 2305. MODIFICATION OF FISCAL YEAR 2003 AUTHORITY RELATING TO IMPROVEMENT OF MILITARY FAMILY HOUSING UNITS.

(a) MODIFICATION.—Section 2303 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-31; 116 Stat. 2693) is amended by striking "$263,738,000" and inserting "$263,738,000".

(b) CONFORMING AMENDMENTS.—Section 2304(a) of that Act (116 Stat. 2693) is amended—

(1) in the matter preceding paragraph (1), by striking "$2,633,738,000" and inserting "$2,633,738,000"; and

(2) in paragraph (6)(A), by striking "$689,824,000" and inserting "$670,477,000".

Defense Agencies: Inside the United States

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Education Activity</td>
<td>Marine Corps Base, Camp Lejeune, North Carolina</td>
<td>$15,259,000</td>
</tr>
<tr>
<td>Defense Logistics Agency</td>
<td>Defense Distribution Depot, New Cumberland, Pennsylvania</td>
<td>$27,000,000</td>
</tr>
<tr>
<td></td>
<td>Eglin Air Force Base, Florida</td>
<td>$4,800,000</td>
</tr>
<tr>
<td></td>
<td>Eielson Air Force Base, Alaska</td>
<td>$17,000,000</td>
</tr>
<tr>
<td></td>
<td>Hickam Air Force Base, Hawaii</td>
<td>$14,100,000</td>
</tr>
<tr>
<td></td>
<td>Hurlburt Field, Florida</td>
<td>$3,500,000</td>
</tr>
<tr>
<td></td>
<td>Langley Air Force Base, Virginia</td>
<td>$13,000,000</td>
</tr>
<tr>
<td></td>
<td>Laughlin Air Force Base, Texas</td>
<td>$4,688,000</td>
</tr>
<tr>
<td></td>
<td>McChord Air Force Base, Washington</td>
<td>$8,100,000</td>
</tr>
<tr>
<td></td>
<td>Nellis Air Force Base, Nevada</td>
<td>$12,800,000</td>
</tr>
<tr>
<td></td>
<td>Offutt Air Force Base, Nebraska</td>
<td>$13,400,000</td>
</tr>
<tr>
<td>National Security Agency</td>
<td>Fort Meade, Maryland</td>
<td>$1,842,000</td>
</tr>
<tr>
<td>Special Operations Command</td>
<td>Dam Neck, Virginia</td>
<td>$15,281,000</td>
</tr>
<tr>
<td></td>
<td>Fort Benning, Georgia</td>
<td>$2,100,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg, North Carolina</td>
<td>$36,300,000</td>
</tr>
<tr>
<td></td>
<td>Fort Campbell, Kentucky</td>
<td>$7,800,000</td>
</tr>
<tr>
<td></td>
<td>Harrisburg International Airport, Pennsylvania</td>
<td>$3,000,000</td>
</tr>
<tr>
<td></td>
<td>Hurlburt Field, Florida</td>
<td>$6,000,000</td>
</tr>
<tr>
<td></td>
<td>Little Creek, Virginia</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Tri-Care Management Activity</td>
<td>MacDill Air Force Base, Florida</td>
<td>$25,500,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Anacostia, District of Columbia</td>
<td>$15,714,000</td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base, New London, Connecticut</td>
<td>$6,400,000</td>
</tr>
<tr>
<td></td>
<td>United States Air Force Academy, Colorado</td>
<td>$21,500,000</td>
</tr>
<tr>
<td></td>
<td>Walter Reed Medical Center, District of Columbia</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Washington Headquarters Services</td>
<td>Arlington, Virginia</td>
<td>$38,086,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$331,170,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Education Agency</td>
<td>Grafenwoehr, Germany</td>
<td>$36,247,000</td>
</tr>
<tr>
<td></td>
<td>Heidelberg, Germany</td>
<td>$3,086,000</td>
</tr>
<tr>
<td></td>
<td>Sigonella, Italy</td>
<td>$30,234,000</td>
</tr>
<tr>
<td></td>
<td>Vicenza, Italy</td>
<td>$16,374,000</td>
</tr>
<tr>
<td></td>
<td>Vilseck, Germany</td>
<td>$1,773,000</td>
</tr>
<tr>
<td></td>
<td>Stuttgart, Germany</td>
<td>$11,400,000</td>
</tr>
<tr>
<td>Special Operations Command</td>
<td>Andersen Air Force Base, Guam</td>
<td>$24,900,000</td>
</tr>
<tr>
<td></td>
<td>Grafenwoehr, Germany</td>
<td>$12,585,000</td>
</tr>
<tr>
<td>Tri-Care Management Activity</td>
<td>Total</td>
<td>$136,599,000</td>
</tr>
</tbody>
</table>

SEC. 2402. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1)(A), the Secretary of Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $300,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $50,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $68,500,000.
SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,154,402,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $331,130,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $102,703,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,153,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $8,960,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $59,844,000.

(6) For energy conservation projects authorized by section 2404, $69,500,000.


(8) For military family housing functions:

(A) For planning, design, and improvement of military family housing and facilities, $350,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $49,440,000.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 1996(a)(1) of title 10, United States Code, $300,000.


(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of—

(1) the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a);

(2) $16,265,000 (the balance of the amount authorized under section 2401(b) for the renovation and construction of an elementary and high school, Naval Station Signenella, Italy); and

(3) $17,631,000 (the balance of the amount authorized under section 2401(b) for the construction of an elementary and middle school, Grafenwoehr, Germany).

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECT.

The table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2695) is amended in the matter relating to Department of Defense Dependent Schools by striking "Seoul, Korea" in the installation or location column and inserting "Camp Humphreys, Korea".

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECTS.

(a) MODIFICATION.—The table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2695) is amended—

(1) in the matter relating to Department of Defense Dependent Schools—

(A) by striking "Seoul, Korea" in the installation or location column and inserting "Camp Humphreys, Korea"; and

(B) by striking the item relating to Spangdahlem Air Base, Germany; and

(2) by striking the amount identified as the total in the amount column and inserting "$205,586,000".

(b) CONFORMING AMENDMENTS.—Section 2404(a) of that Act (116 Stat. 2696) is amended—

(1) in the matter preceding paragraph (1), by striking "$1,434,795,000" and inserting "$1,434,796,000"; and

(2) in paragraph (2), by striking "$206,583,000" and inserting "$205,586,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $169,300,000.

TITLE XXVI—GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 2003, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $276,779,000; and

(B) for the Army Reserve, $74,478,000.

(2) For the Department of the Navy—

(A) for the Navy, for the Naval and Marine Corps Reserve, $34,132,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $208,530,000; and

(B) for the Air Force Reserve, $53,912,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED IN BILL.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2006; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2007.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects, and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the later of—

(1) October 1, 2006; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2007 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2001 PROJECTS.

(a) EXTENSION OF CERTAIN PROJECTS.—Notwithstanding section 2701 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 107–314; 114 Stat. 3654–407), authorizations set forth in the tables in subsection (b), as provided in section 2102, 2201, 2401, or 2601 of that Act, shall remain in effect until October 1, 2004, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2005, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:
### Army: Extension of 2001 Project Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Carolina</td>
<td>Fort Jackson</td>
<td>New Construction—Family Housing (1 Unit)</td>
<td>$250,000</td>
</tr>
</tbody>
</table>

### Navy: Extension of 2001 Project Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pennsylvania</td>
<td>Naval Surface Warfare Center Shipyard Systems Engineering Station, Philadelphia</td>
<td>Gas Turbine Test Facility</td>
<td>$10,680,000</td>
</tr>
</tbody>
</table>

### Defense Agencies: Extension of 2001 Project Authorizations

<table>
<thead>
<tr>
<th>State or country</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Education Activity</td>
<td>Seoul, Korea</td>
<td>Elementary School Full Day Kindergarten Classroom Addition</td>
<td>$2,317,000</td>
</tr>
<tr>
<td></td>
<td>Taegu, Korea</td>
<td>Elementary/High School Full Day Kindergarten Classroom Addition</td>
<td>$762,000</td>
</tr>
</tbody>
</table>

### Army National Guard: Extension of 2001 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Papago Park</td>
<td>Add/Alter Readiness Center</td>
<td>$2,265,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Mansfield</td>
<td>Readiness Center</td>
<td>$3,100,000</td>
</tr>
</tbody>
</table>

### SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2000 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 841), authorizations set forth in the tables in subsection (b), as provided in section 2302 or 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2700), shall remain in effect until October 1, 2004, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2005, whichever is later.

(b) TABLES.—The table referred to in subsection (a) is as follows:

### Air Force: Extension of 2000 Project Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oklahoma</td>
<td>Tinker Air Force Base</td>
<td>Replace Family Housing (41 Units)</td>
<td>$6,000,000</td>
</tr>
</tbody>
</table>

### Army National Guard: Extension of 2000 Project Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Fort Pickett</td>
<td>Multi-purpose Range-Heavy</td>
<td>$13,500,000</td>
</tr>
</tbody>
</table>
SEC. 2704. EFFECTIVE DATE. Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this Act shall take effect on the later of—
(1) October 1, 2003; or
(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF GENERAL DEFINITIONS RELATING TO MILITARY CONSTRUCTION.

(a) MILITARY CONSTRUCTION.—Subsection (a) of section 2801 of title 10, United States Code, is amended by inserting before the period the following: "; whether to satisfy temporary or permanent requirements;"

(b) MILITARY INSTALLATION.—Subsection (c)(2) of such section is amended by inserting before the period the following: "; without regard to the duration of operational control;"

SEC. 2802. INCREASE IN NUMBER OF FAMILY HOUSING UNITS IN UNITED STATES AUTHORIZED FOR LEASE BY THE NAVY.

Section 2802(e)(2) of title 10, United States Code, is amended by striking "2,000" and inserting "2,800".

Subtitle B—Real Property and Facilities Administration

SEC. 2811. INCREASE IN AMOUNT PROVIDED FOR REPORTS CONGRESS ON REAL PROPERTY TRANSACTIONS.

Section 2002 of title 10, United States Code, is amended by striking "$500,000" and inserting "$1,000,000".

SEC. 2812. ACCEPTANCE OF IN-KIND CONSIDERATION FOR EASEMENTS.

(a) EASEMENT RIGHTS—[Way.—Section 2668 of title 10, United States Code, is amended—
(1) by redesignating subsection (e) as subsection (f); and
(2) by inserting after subsection (d) the following new subsection (e):

"(e) Subsection (c) of section 2667 of this title shall apply with respect to in-kind consideration received by the Secretary of a military department in connection with an easement granted under this section in the same manner as such subsection applies to in-kind consideration received pursuant to leases entered into by that Secretary under such section.".

(b) EASEMENT FOR UTILITY LINES—[Way.—Section 2669 of such title is amended—
(1) by redesignating subsection (e) as subsection (f); and
(2) by inserting after subsection (d) the following new subsection (e):

"(e) Subsection (c) of section 2667 of this title shall apply with respect to in-kind consideration received by the Secretary of a military department in connection with an easement granted under this section in the same manner as such subsection applies to in-kind consideration received pursuant to leases entered into by that Secretary under such section.".

SEC. 2813. EXPANSION TO MILITARY UNACCOMPANIED HOUSING OF AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED IN PART OR IN WHOLE FOR MILITARY HOUSING.

(1) by inserting "unaccompanied members of the Armed Forces or before "members of the Armed Forces and their dependents"; and
(2) by striking "FAMILY" in the subsection heading.

SEC. 2814. EXEMPTION FROM SCREENING AND USE REQUIREMENTS UNDER MCKINNEY–VENTO HOMELESS ASSISTANCE ACT OF DEPARTMENT OF DEFENSE PROPERTY IN EMERGENCY SUPPORT OF HOMELAND SECURITY.

Section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411) is amended—
(1) by redesignating subsection (i) as subsection (j); and
(2) by inserting after subsection (h) the following new subsection (i):

"(i) The Secretary may convey to the Secretary of the Army the property at Fort Devens, Massachusetts, consistent with the environmental mandates and requirements of this Act, including costs related to environmental documentation and other administrative costs. This paragraph does not apply to costs associated with the environmental remediation of the real property to be conveyed under such subsection.

"(j) Reimbursements received under paragraph (1) for costs described in that paragraph shall be deposited into the accounts from which the costs were paid, and amounts so deposited shall be merged with amounts in such accounts and available for the same purposes, and subject to the same conditions and limitations, as the amounts in such accounts with which merged.

"(k) E X E M P T I O N.—The conveyance authorized by subsection (a) shall be subject to the requirement in section 2696 of title 10, United States Code, to screen the property for further Federal use or disposition.

"(l) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Department.

"(m) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2823. LAND CONVEYANCE, MARINE CORPS LOGISTICS BASE, ALBANY, GEORGIA.

(a) CONVEYANCE AUTHORIZED—[Way.—(1) The Secretary of the Navy may convey through negotiated sale to the Preferred Development Group Corporation, a corporation incorporated in the State of Alabama and authorized to do business in the State of Georgia (referred to in this section as the "Corporation"), all right, title, and interest of the United States in and to a parcel of real property (right-of-way), including improvements thereon, located at Fort Campbell, Kentucky and Tennessee, for the purpose of realigning and upgrading United States Highway 79 from a 2-lane highway to a 4-lane highway.

(b) CONSIDERATION.—

(1) PAYMENT.—As consideration for the conveyance of the right-of-way parcel to be conveyed by subsection (a), the Secretary shall pay from any source (including Federal funds made available to the State from the Highway Trust Fund) all of the Secretary’s costs associated with the conveyance under subsection (a), including costs related to environmental documentation and other administrative expenses, cemetery relocation, and other expenses necessary to transfer the property.

(2) ACQUISITION OF REPLACEMENT LAND.—The Secretary may acquire funds under this subsection from the Federal Highway Trust Fund or the State of Tennessee to pay the costs described in paragraph (1) and shall credit the funds to the appropriate Department of the Army accounts for the purposes of determining the Secretary’s costs incurred under this subsection.

(3) PERIOD OF AVAILABILITY.—All funds accepted by the Secretary under this subsection shall remain available until expended.

(c) DESCRIPTION OF PROPERTY.—The Secretary may acquire funds under this subsection to pay the acquisition cost of approximately 200 acres of mission-essential replacement land required to support the training mission at Fort Campbell.

(d) DISPOSAL OF RESIDUAL PROPERTY.—The Secretary may acquire funds under this subsection to pay the acquisition cost of approximately 10.44 acres located at Boyett Village/Turner Field and McAdams Farm in Albay, Georgia, for the purpose of permitting the Corporation to use the property for economic development.

(e) DEPOSIT OF AMOUNTS.—The Secretary may require that amounts in any account established under this section be transferred to the Corporation.

(f) CONSTRUCTION.—(1) The Secretary shall determine whether for the conveyance authorized under section (a) the Corporation shall pay the United States an amount, determined pursuant to negotiations between the Secretary and the Corporation and based upon the fair market value of the property (as determined pursuant to an appraisal acceptable to the Secretary), that is appropriate for the property.

(2) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—The Secretary may require that amounts in any account established under section (a) be deposited in the Department of Defense Base Closure Account established under section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(3) ANY reimbursement received under subsection (d) for costs described in that subsection shall be deposited into the accounts from which the costs were paid, and amounts so deposited shall be merged with amounts in such accounts and available for the same purposes, and subject to the same conditions and limitations, as the amounts in such accounts with which merged.

(g) E X E M P T I O N.—The conveyance authorized by subsection (a) shall be subject to the requirement in section 2696 of title 10, United States Code, to screen the property for further Federal use or disposition.

"(h) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Department.

"(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2822. LAND CONVEYANCE, FORT KNOX, KENTUCKY.

(a) CONVEYANCE AUTHORIZED.—[Way.—The Secretary of the Army may convey, without consideration, to the Department of Veterans Affairs of the Commonwealth of Kentucky (in this section referred to as the "Department"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 93 acres at Fort Knox, Kentucky, for the purpose of permitting the Department to establish and operate a State-run cemetery for veterans of the Armed Forces.

(b) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Department shall reimburse the Secretary for any costs incurred by the Secretary in making the conveyance authorized by subsection (a), including costs related to environmental documentation and other administrative costs. This paragraph does not apply to costs associated with the environmental remediation of the real property to be conveyed under such subsection.

"(2) Reimbursements received under paragraph (1) for costs described in that paragraph shall be deposited into the accounts from which the costs were paid, and amounts so deposited shall be merged with amounts in such accounts and available for the same purposes, and subject to the same conditions and limitations, as the amounts in such accounts with which merged.

"(3) E X E M P T I O N.—The conveyance authorized by subsection (a) shall be subject to the requirement in section 2696 of title 10, United States Code, to screen the property for further Federal use or disposition.

"(4) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Department.
SEC. 2824. LAND CONVEYANCE, AIR FORCE AND ARMED MILITARY EXCHANGE SERVICE PROPERTY, DALLAS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Defense may authorize the Army and Air Force Exchange Service to convey through negotiated sale all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 7.5 acres located at 1515 Roundtable Drive in Dallas, Texas.

(b) DESCRIPTION OF PROPERTY.—As consideration for the conveyance authorized by subsection (a), the purchaser shall pay the United States a single payment equal to the fair market value of the real property, as determined pursuant to an appraisal acceptable to the Secretary.

(c) DEPOSIT OF AMOUNTS.—Section 574 of title 40, United States Code, shall apply to the consideration authorized under subsection (a).

(d) EXEMPTION FROM FEDERAL SCREENING.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

SEC. 2825. LAND EXCHANGE, NAVAL AND MARINE CORPS RESERVE CENTER, PORTLAND, OREGON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the United Parcel Service, Inc. (in this section referred to as "UPS"), any or all right, title, and interest of the United States in and to a parcel of real property, including improvements thereto, consisting of approximately 14 acres in Portland, Oregon, and comprising the Naval and Marine Corps Reserve Center, and the purpose of this section, the Secretary may (i) facilitate the continued use of the United States property by UPS for postal, shipping, and logistic activities; and (ii) facilitate the continued use of the United States property by UPS for other Federal, state, or municipal purposes.

(b) PROPERTY RECEIVED IN EXCHANGE.—(1) As consideration for the conveyance under subsection (a), UPS shall—

(i) convey to the United States a parcel of real property determined to be suitable by the Secretary; and

(ii) design, construct, and convey such replacement facilities to the United States.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require UPS to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, relocation expenses incurred under subsection (b), and other administrative costs related to the conveyance.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Such amounts shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as such fund or account.

(d) CONDITION OF CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a) until the Secretary determines that the parcel of real property, including any improvements thereon, is suitable for the purposes for which the property is to be used. The conveyance authorized by subsection (a) is subject to the conveyance of the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the purchaser.

SEC. 2826. LAND CONVEYANCE, FORT RITCHIE, MARYLAND.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army shall convey, without consideration, to the Corporate Industrial Park Corporation, a public instrumentality of the State of Maryland (in this section referred to as the "Corporation"), any or all right, title, and interest of the United States in and to a parcel of real property, including improvements thereto, consisting of approximately 15 acres at 150 Ritchie Highway, Middle River, Baltimore County, Maryland.

(b) EXEMPTION FROM FEDERAL SCREENING.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(c) PROPERTY RECEIVED IN EXCHANGE.—(1) As consideration for the conveyance authorized by subsection (a) the Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(d) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) is subject to the conveyance of the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

SEC. 2827. FEASIBILITY STUDY OF CONVEYANCE OF LOUISIANA ARMY AMMUNITION PLANT, DOLINE, LOUISIANA.

(a) STUDY AUTHORIZED.—(1) The Secretary of the Army may authorize a study to determine the feasibility, costs, and benefits for the conveyance of the Louisiana Army Ammunition Plant as a public-private partnership for the utilization and development of the Plant and similar parcels of real property.

(2) In conducting the study, the Secretary shall consider—

(A) the feasibility and advisability of entering into negotiations with the State of Louisiana or the Louisiana National Guard for the conveyance of the Plant; and

(B) means by which the conveyance of the Plant could—
(2) Individuals appointed to the Commission shall have significant experience in the national security or foreign policy of the United States.

(3) Appointments of the members of the Commission shall not be later than 45 days after the date of the enactment of this Act.

(c) Period of Appointment; Vacancies.—Members shall be appointed for the life of the Commission in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) Initial Meeting.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) Meetings.—The Commission shall meet at the call of the Chairman.

(f) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) Chairman and Vice Chairman.—The Commission shall select a Chairman and Vice Chairman from among its members.

SEC. 2842. DUTIES OF COMMISSION.

(a) Study.—The Commission shall conduct a thorough study of matters relating to the military facility and range structure of the United States overseas.

(b) Matters to Be Studied.—In conducting the study, the Commission shall—

(1) assess the number of military personnel of the United States required to be based outside the United States.

(2) examine the current state of the military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including the condition of land and improvements at such facilities and ranges and the availability of additional land, if required, for such facilities and ranges;

(3) determine amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas.

(4) assess whether or not the current military basing and training range structure of the United States overseas is adequate to meet the current and future mission of the Department of Defense, including contingency, mobilization, and future force requirements;

(5) assess the feasibility and advisability of the closure or realignment of military facilities of the United States overseas, or the establishment of new military facilities of the United States overseas, to meet the requirements of the Department of Defense, to provide for the national security of the United States; and

(6) consider or assess any other issue relating to military facilities and ranges of the United States overseas that the Commission considers appropriate.

(c) Report.—(1) Not later than August 30, 2004, the Commission shall submit to the President and Congress a report which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative action as it considers appropriate.

(2) In addition to the matters specified in paragraph (1), the report shall also include a proposal for an overseas basing strategy for the Department of Defense in order to meet the current and future mission of the Department.

SEC. 2844. POWERS OF COMMISSION.

(a) Hearings.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this subtitle.

(b) Information from Federal Agencies.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the Chairman of the Commission, the head of such department or agency or any other officer of such department or agency shall furnish such information to the Commission.

(c) Administrative Support Services.—Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support necessary for the Commission to carry out its duties under this subtitle.

(d) Pay.—No individual may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) Procurement of Temporary and Interim Support Services.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such individual is engaged in the performance of the duties of the Commission under this subtitle. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(f) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) Chairman and Vice Chairman.—The Commission shall select a Chairman and Vice Chairman from among its members.

(h) Compensation of Members.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission under this subtitle. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(i) Travel.—(1) Members of the Commission shall be reimbursed, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission under this subtitle.

(2) Members and staff of the Commission may receive transportation on aircraft of the Military Airlift Command to and from the United States, and overseas, for purposes of the performance of the duties of the Commission to the extent that such transportation will not interfere with the requirements of military operations.

(j) Staff.—(1) The Chairman of the Commission may appoint, in addition to the executive director and such other additional employees of the Federal Government as may be necessary, such other employees as the Commission considers appropriate.

(2) The Commission may employ a staff to assist the Commission in carrying out its duties. The total number of the staff of the Commission, including an executive director under paragraph (1), may not exceed 45.

(k) Procurement of Temporary and Interim Support Services.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 of title 5, United States Code, at rates for executive directors and other personnel which do not exceed the rates payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(l) Detail of Government Employees.—Any employee of the Department of Defense, the Department of State, or the General Accounting Office may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

SEC. 2846. SECURITY.

(a) Security Clearances.—Members and staff of the Commission, and any experts and consultants to the Commission, shall possess security clearances appropriate for their duties with the Commission under this subtitle.

(b) In General.—The Secretary of Defense shall assume responsibility for the handling and security of any information related to the national security of the United States that is received, considered, or used by the Commission under this subtitle.

SEC. 2847. TERMINATION OF COMMISSION.

The Commission shall terminate 45 days after the date on which the Commission submits its report under section 2846(c).

SEC. 2848. FUNDING.

(a) In General.—Of the amount authorized to be appropriated by section 3015 for the Department of Defense for operation and maintenance, Defense-wide, $3,000,000 shall be available to the Commission to carry out this subtitle.

(b) Availability.—The amount authorized to be appropriated by subsection (a) shall remain available without fiscal year limitation, until September 30, 2005.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs

Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $8,933,847,000, to be allocated as follows:

(1) For weapons activities, $6,457,272,000.

(2) For defense nuclear nonproliferation activities, $1,340,195,000.

(3) For naval reactors, $788,400,000.

(4) For the Office of the Administrator for Nuclear Security, $347,980,000.

(b) Authorization of New Plant Projects.—From funds referred to in subsection (a) that are available for carrying out plant projects in the National Nuclear Security Administration, the Department of Energy may carry out new plant projects for weapons activities, as follows:

(1) Project 04-D-101, test capabilities revitalization phase I, Sandia National Laboratories, Albuquerque, New Mexico, $36,450,000.

(2) Project 04-D-102, exterior communications infrastructure modernization, Sandia National Laboratories, Albuquerque, New Mexico, $20,000,000.

(3) Project 04-D-103, project engineering and design, various locations, $2,000,000.

(4) Project 04-D-125, chemistry and metallurgy research (CMR) facility replacement, Los Alamos National Laboratory, Los Alamos, New Mexico, $2,050,000.

(5) Project 04-D-130, building 12-44 production cells upgrade, Pantex Plant, Amarillo, Texas, $8,780,000.

(6) Project 04-D-127, cleaning and loading modifications (CALM) facility, Savannah River Site, Aiken, South Carolina, $2,750,000.

(7) Project 04-D-128, TA-18 mission relocation project, Los Alamos National Laboratory, Los Alamos, New Mexico, $8,920,000.

(8) Project 04-D-203, project engineering and design, facilities and infrastructure recapitalization program, various locations, $3,719,000.

(9) Project 03-D-102, Savannah River administration building, Los Alamos National Laboratory, Los Alamos, New Mexico, $50,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for each fiscal year for the Defense Environmental Management Program, to remain available until expended:

(1) amounts necessary for the following activities:

(A) the construction, operation, and maintenance of facilities for the management of natural resources throughout the Department of Defense, $3,000,000.

(B) the construction, operation, and maintenance of facilities for the management of hazardous waste and other contamination resulting from the Department of Defense activities, $3,000,000.

(C) the construction, operation, and maintenance of facilities for the management of unexploded ordnance and munitions and other contamination resulting from military activities, $6,000,000.

(D) the construction, operation, and maintenance of facilities for the management of associated materials, $1,000,000.

(E) the construction, operation, and maintenance of facilities for the management of associated materials, $1,000,000.

(F) the construction, operation, and maintenance of facilities for the management of chemical weapons disposal facilities, $3,000,000.
to the Department of Energy for fiscal year 2004 for environmental management activities in carrying out programs necessary for national security in the amount of $6,809,814,000, to be allocated as follows:

(1) For defense site acceleration completion, $5,814,635,000.

(2) For defense environmental services, for restoration and waste management activities necessary for national security programs, $99,179,000.

(b) PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new projects under the defense site acceleration completion activities, as follows:

(1) Project 04-D-408, glass waste storage building #2, Savannah River Site, Aiken, South Carolina, $20,259,000.

(2) Project 04-D-414, project engineering and design, various locations, $23,500,000.

(c) 2003 CONTINGENCY FUND.—Project 03-D-423, 3013 container surveillance capability in 235-F, Savannah River Site, Aiken, South Carolina, $1,134,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for other defense activities in carrying out programs necessary for national security in the amount of $465,099,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

(a) Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 2417(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10223(c)) in the amount of $360,000,000.

SEC. 3105. DEFENSE ENERGY SUPPLY.

(a) Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for defense energy supply in carrying out programs necessary for national security in the amount of $110,473,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. REPEAL OF PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.


(b) CONSTRUCTION.—Nothing in the repeal made by subsection (a) shall be construed as authorizing the testing, acquisition, or deployment of a low-yield nuclear weapon.

(c) LIMITATION.—The Secretary of Energy may not commence the engineering development phase, or any subsequent phase, of a low-yield nuclear weapon unless specifically authorized by Congress.

SEC. 3112. READINESS POSTURE FOR RESUMPTION BY THE UNITED STATES OF UNDERGROUND NUCLEAR WEAPONS TESTS.

(a) 18-MONTH READINESS POSTURE REQUIREMENT.—Commingling not later than October 1, 2006, the Secretary of Energy shall achieve, and thereafter maintain, a readiness posture of 18 months for the United States' capabilities to perform underground nuclear tests, subject to subsection (b).

(b) ALTERNATIVE READINESS POSTURE.—If as a result of the review conducted by the Secretary for purposes of the report required by section 3142(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-134; 116 Stat. 2733) the Secretary, in consultation with the Administrator for Nuclear Security, determines that the optimal, advisable, and sufficient readiness posture for the United States of underground nuclear tests is a number of months other than 18 months, the Secretary may, and is encouraged to, achieve and maintain under subsection (a) such optimal, advisable, and preferred readiness posture instead of the readiness posture of 18 months.

(c) REPORT AND TERMINATION.—(1) The Secretary shall submit to the congressional defense committees a report on a determination described in subsection (b) if the determination leads to the achievement by the Secretary of a readiness posture of other than 18 months under that subsection.

(2) The report under paragraph (1) shall set forth:

(A) the determination described in that paragraph, including the reasons for the determination, and

(B) the number of months of the readiness posture to be achieved and maintained under subsection (b) as a result of the determination.

(3) The requirement for a report, if any, under paragraph (1) is in addition to the requirement for a report under section 3142(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 106-398; 114 Stat. 1654A-460) by striking "F–canyon and H–canyon facilities" and inserting "H–canyon facility;".

SEC. 3113. TECHNICAL BASE AND FACILITIES MAINTENANCE AND RECAPITALIZATION ACTIVITIES.

(a) DEADLINE FOR INCLUSION OF PROJECTS IN INFRASTRUCTURE RECAPITALIZATION PROGRAM.—(1) The Administrator for Nuclear Weapons Safety and Security shall submit to the Committees a report on a determination to include projects for inclusion in the Facilities and Infrastructure Recapitalization Program (FIRP) of the National Nuclear Security Administration not later than September 30, 2004.

(2) No project may be included in the Facilities and Infrastructure Recapitalization Program after September 30, 2004, unless such project has been selected for inclusion in that program as of that date.

(b) TERMINATION OF FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM.—The Administrator for Nuclear Weapons Safety and Security shall submit to the Committees a report on a determination to terminate the Facilities and Infrastructure Recapitalization Program not later than September 30, 2011.

(c) READINESS TECHNICAL BASE AND FACILITIES PROGRAM.—(1) The Secretary of Energy shall submit to the congressional defense committees a report setting forth guidelines on the conduct of the Readiness in Technical Base and Facilities (RTBF) program of the National Nuclear Security Administration.

(2) The guidelines on the Readiness in Technical Base and Facilities program shall include the following:

(A) Criteria for the inclusion of projects in the program, and the priorities among projects included in the program.

(B) Mechanisms for the management of facilities projects under the program, including maintenance as provided pursuant to paragraph (C)."
Subtitle C—Proliferation Matters

SEC. 3141. EXPANSION OF INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.

(a) EXPANSION TO ADDITIONAL COUNTRIES.—The Secretary of Energy may expand the International Materials Protection, Control, and Accounting Program to carry out nuclear threat reduction activities and projects outside the states of the former Soviet Union.

(b) NOTICE TO CONGRESS OF USE OF FUNDS.—Not later than 15 days before the Secretary obligates funds for the International Materials Protection, Control, and Accounting Program for a project or activity in or with respect to a country outside the former Soviet Union pursuant to the authority in subsection (a), the Secretary shall submit to the congressional defense committees a notice on the obligation of such funds for the project or activity that shall specify—

(1) the project or activity, and forms of assistance, for which the Secretary proposes to obligate such funds;

(2) the amount of the proposed obligation; and

(3) the projected involvement (if any) of any United States department or agency (other than the Department of Energy), or the private sector, in the project, activity, or assistance for which the Secretary proposes to obligate such funds.

SEC. 3142. SEMI-ANNUAL FINANCIAL REPORTS ON NUCLEAR NONPROLIFERATION PROGRAM.

(a) SEMIANNUAL REPORTS REQUIRED.—Not later than April 30 and October 30 each year, the Administrator for Nuclear Security shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the financial status during the half fiscal year ending at the end of the preceding month all of Department of Energy defense nuclear nonproliferation programs for which funds were authorized to be appropriated for the fiscal year for which such half fiscal year falls—

(1) the aggregate amount appropriated for such fiscal year;

(2) the aggregate amount appropriated for such fiscal year for such program—

(A) the amounts obligated for such program as of the end of the fiscal year;

(B) the amounts committed for such program as of the end of the half fiscal year;

(C) the amounts disbursed for such program as of the end of the fiscal year;

(D) the amounts that remain available for obligation for such program as of the end of the half fiscal year;

(b) CONTENTS.—Each report on a half fiscal year under subsection (a) shall set forth for each Department of Energy defense nuclear nonproliferation program for which funds were authorized to be appropriated for the fiscal year that such half fiscal year ends—

(1) the aggregate amount appropriated for such fiscal year for such program;

(2) the aggregate amount appropriated for such fiscal year for such program—

(A) the amounts obligated for such program as of the end of the fiscal year;

(B) the amounts committed for such program as of the end of the half fiscal year;

(C) the amounts disbursed for such program as of the end of the fiscal year;

(D) the amounts that remain available for obligation for such program as of the end of the half fiscal year;

(c) APPLICABILITY.—This section shall apply with respect to fiscal years after fiscal year 2003.

SEC. 3143. REPORT ON REDUCTION OF EXCESS UNCONTAINED BALANCES FOR DEFENSE NUCLEAR NONPROLIFERATION ACTIVITIES.

(a) CONTINGENT REQUIREMENT FOR REPORT.—If as of September 30, 2004, the aggregate amount obligated but not expended for defense nuclear nonproliferation activities from amounts authorized to be appropriated for such activities in fiscal year 2004 exceeds an amount equal to 20 percent of the aggregate amount so obligated for such activities, the Administrator for Nuclear Security shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a plan to provide for the timely expenditure of amounts so obligated but not expended.

(b) SUBMITTAL DATE.—If required to be submitted, the report shall be submitted not later than November 30, 2004.

Subtitle D—Other Matters

SEC. 3151. MODIFICATION OF AUTHORITY ON DEPARTMENT OF ENERGY PERSONNEL SECURITY INVESTIGATIONS.

(a) IN GENERAL.—Subsection e. of section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is amended by striking paragraph (2) and inserting the following:

"(2) In the case of any program designated by the Secretary as sensitive, the Secretary may require that any investigation required of individuals employed in such program be conducted by the Federal Bureau of Investigation.".

(b) CONFORMING AMENDMENT.—Subsection f. of such section is amended by striking paragraph (a) and inserting the following:

"(a) The Secretary shall certify those specific positions which the Secretary determines under subsection e. of section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) are mandatory under subsection b. of section 145 of such Act (42 U.S.C. 2165) with respect to such program to carry out the energy projects and activities described in such section as to which the Secretary may require that the investigations described in paragraph (2) of subsection e. of such section shall be conducted by the Federal Bureau of Investigation.".

SEC. 3152. RESPONSIBILITIES OF ENVIRONMENTAL MANAGEMENT PROGRAM AND NUCLEAR SECURITY ADMINISTRATION OF DEPARTMENT OF ENERGY FOR ENVIRONMENTAL CLEANSUP, DECONTAMINATION AND DECOMMISSIONING, AND WASTE MANAGEMENT ACTIVITIES.

(a) DELINEATION OF RESPONSIBILITIES.—The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for fiscal year 2006 the activities performed by the Nuclear Security Administration and the National Nuclear Security Administration of the Department of Energy for environmental cleanup, decommissioning, and waste management activities. The Secretary shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for fiscal year 2006 the activities performed by the Administrator for Energy, Science, and Environmental Management Program of the Department of Energy and the National Nuclear Security Administration for environmental cleanup, decommissioning, and waste management activities.

(b) DECOMMISSIONING AND DECONTAMINATION (D&D).—

(1) Environmental cleanup.

(2) Decontamination and decommissioning (D&D).

(3) Waste management.

(c) PLAN FOR IMPLEMENTATION OF DELINATED RESPONSIBILITIES.—The Secretary shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for fiscal year 2006 a plan to implement the Environmental Management Program of the Department of Energy and the National Nuclear Security Administration of the Department of Energy for activities referred to in subsection (a) as delineated under such subsection.

(d) CONSULTATION.—The report under paragraph (1) shall include such recommendations for legislative action as the Secretary considers appropriate in order to—

(1) clarify in law the responsibilities delineated under subsection (a); and

(2) facilitate the implementation of the plan set forth in the report.

(e) REPORT ON DENIAL OF CLAIMS.

(a) NUMBER OF CLAIMS.

(1) The report shall include the following:

(A) The number of claims received with respect to such facility that have been denied, including the percentage of total number of claims received with respect to such facility that have been denied.

(B) The reasons for the denial of such claims, including the number of claims denied for each such reason.

(2) The report shall include for each facility with respect to which the Secretary has received one or more claims under this Act the following:

(A) The number of claims received with respect to such facility that have been denied, including the percentage of total number of claims received with respect to such facility that have been denied.

(B) The reasons for the denial of such claims, including the number of claims denied for each such reason.

SEC. 3153. UPDATE OF REPORT ON STOCKPILE DESTRUCTION ACTIVITIES.

(a) REPORT ON NUCLEAR SECURITY ADMINISTRATION ACTIVITIES.

(b) REPORT ON DENIAL OF CLAIMS.

(c) UPDATE OF REPORT.

(d) CONSULTATION.

(e) REPORT ON DENIAL OF CLAIMS.

(f) REPORT ON NUCLEAR SECURITY ADMINISTRATION ACTIVITIES.

SEC. 3154. PROGRESS REPORTS ON ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) REPORT ON ACCESS TO INFORMATION FOR PURPOSE OF RADIOACTIVE WASTE RECONSTRUCTION.

(b) REPORT ON DENIAL OF CLAIMS.

(c) REPORT ON DENIAL OF CLAIMS.

(d) CONSULTATION.

(e) REPORT ON DENIAL OF CLAIMS.

(f) REPORT ON DENIAL OF CLAIMS.
with the ongoing conventional hard and deeply buried weapons development programs at the Department of Defense. This plan shall ensure that over the course of the feasibility study for the Rarefied Gas Dynamic Generator, the ongoing results of the work of the Department of Energy, with application to the Department of Defense programs, is shared with and integrated into the Department of Defense programs.

Subtitle E—Consolidation of General Provisions on Department of Energy National Security Programs

SEC. 3141. CONSOLIDATION AND ASSEMBLY OF REPEATED AND GENERAL PROVISIONS ON DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

(a) Purpose.—

(1) IN GENERAL.—The purpose of this section is to assemble together, without substantive amendment, transferred, with technical and conforming amendments of a non-substantive nature, recurring and general provisions of law on Department of Energy national security programs that remain in force in order to consolidate and organize such provisions of law into a single Act intended to comprise general provisions of law on such programs.

(b) Date of Section of Transfers.—The transfer of a provision of law by this section shall not be construed as amending, altering, or otherwise modifying the substantive effect of such provision.

(c) Treatment of Satisfied Requirements.—Any requirement in a provision of law transferred under this section that has been fully satisfied in accordance with the terms of such provision, shall be treated as so fully satisfied, and shall not be treated as being revived solely by reason of transfer under this section.

(d) Classification.—The provisions of the Atomic Energy Defense Act, as amended by this section, shall be classified to the United States Code as a new chapter of title 50, United States Code.

Division Heading.—The Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) is amended by adding at the end the following new division heading:

“DIVISION D—ATOMIC ENERGY DEFENSE PROVISIONS.”

(c) Short Title; Definition.—

(1) Short Title.—Section 3601 of the Atomic Energy Defense Act (10 U.S.C. 3601) is amended by—

(A) transferred to the end of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314); and

(B) redesignated as section 4001; and

(C) inserted after the heading for division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by subsection (b); and

(D) amended by striking “title” and inserting “division”.

(2) Definition.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new section:

“SEC. 4002. DEFINITION. “In this division, the term ‘congressional defense committees’ means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.”

(d) Organizational Matters.—

(1) Division Heading.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new division heading:

“TITLE XI—ORGANIZATIONAL MATTERS.”

(2) Naval Nuclear Propulsion Program.—

Section 1634 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2649) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1); and

(B) inserted after the heading for such title, as so added; and

(C) inserted after the heading for title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(3) Stockpile Life Extension Program.—

Section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2075) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; and

(B) redesignated as section 4002; and

(C) inserted after section 4002, as added by paragraph (4); and

(D) inserted in subsection (c)(1) by striking “January 21, 1997.”

(4) Stockpile Life Extension Program.—

Section 3131 of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2730) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4002; and

(C) inserted after section 4020, as added by paragraph (5); and

(D) amended in subsection (d)(3)(B) by striking “January 21, 1997.”

(5) Stockpile Life Extension Program.—

Section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2075) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4002; and

(C) inserted after section 4020, as added by paragraph (7); and

(D) amended in subsection (c)(1) by striking “January 21, 1997.”

(6) Nuclear Test Ban Readiness Program.—

Section 1436 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 104 Stat. 2075) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4002; and

(C) inserted after section 4020, as added by paragraph (8); and

(D) amended in subsection (d)(3)(B) by striking “January 21, 1997.”

(7) Nuclear Test Ban Readiness Program.—

Section 1436 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 104 Stat. 2075) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4002; and

(C) inserted after section 4020, as added by paragraph (9); and

(D) amended in subsection (d)(3)(B) by striking “January 21, 1997.”

(8) Nuclear Test Ban Readiness Program.—

Section 1436 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 104 Stat. 2075) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4002; and

(C) inserted after section 4020, as added by paragraph (10); and

(D) amended in subsection (d)(3)(B) by striking “January 21, 1997.”

(9) Nuclear Test Ban Readiness Program.—

Section 1436 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 104 Stat. 2075) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4002; and

(C) inserted after section 4020, as added by paragraph (10); and

(D) amended in subsection (d)(3)(B) by striking “January 21, 1997.”
(A) transferred to title XLI of division D of such Act, as amended by this subsection; 
(B) redesignated as section 4209; and
(C) inserted after section 4208, as added by paragraph (10); and
(11) LIMITATION ON UNDERGROUND NUCLEAR WEAPONS TESTS.—Subsection (f) of section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102-337; 106 Stat. 1345) is—
(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) inserted after section 4209, as added by paragraph (10); and
(C) amended—
(i) by inserting before the text the following new section heading:
"SEC. 4210. LIMITATION ON UNDERGROUND NUCLEAR WEAPONS TESTS;
and
(ii) by striking "(f)."
(12) PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1046) is—
(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4211;
(C) inserted after section 4210, as added by paragraph (11); and
(D) amended in subsection (b) by striking "the date of the enactment of this Act," and inserting "February 10, 1996; and"
(13) TESTING OF NUCLEAR WEAPONS.—Section 3137 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1046) is—
(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4212;
(C) inserted after section 4211, as added by paragraph (12); and
(D) amended—
(i) in subsection (a), by inserting "of the National Defense Authorization Act for Fiscal Year 1994" after "section 310(a)(2)"; and
(ii) in subsection (b), by striking "this Act," and inserting "the National Defense Authorization Act for Fiscal Year 1994."
(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4213; 
(C) inserted after section 4212, as added by paragraph (13); and
(D) amended in subsection (b) by inserting "of the National Defense Authorization Act for Fiscal Year 1997" after "section 310(b)";
(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4214; and
(C) inserted after section 4213, as added by paragraph (14). 
(16) SUBTITLE HEADING ON TRITIUM.—Title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new subtitle heading:
"Subtitle B—Tritium."
(17) TRITIUM PRODUCTION PROGRAM.—Section 3133 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 618) is—
(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4231;
(C) inserted after the heading for subtitle B of such title XLI, as added by paragraph (16); and
(D) amended—
(i) by striking "the date of the enactment of this Act" each place it appears and inserting "February 10, 1996; and"
(ii) in subsection (b), by striking "of the National Defense Authorization Act for Fiscal Year 1996" (Public Law 104-106) after "section 3101."
(18) TRITIUM RECYCLING.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 620) is—
(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4232;
(C) inserted after section 4231, as added by paragraph (17);
(D) amended—
(i) by striking "this Act," and inserting "of this Act" after "the Secretary;"
(ii) in subsection (b), by striking "of the National Defense Authorization Act for Fiscal Year 1997" (Public Law 104-201) after "section 3101."
(19) TRITIUM PRODUCTION.—Subsections (c) and (d) of section 3133 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2830) are—
(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) inserted after section 4232, as added by paragraph (18); and
(C) amended—
(i) by inserting before the text the following new section heading:
"SEC. 4233. TRITIUM PRODUCTION;
and
(ii) by redesigning such subsections as subsections (a) and (b), respectively; and
(iii) in subsection (a), as so redesignated, by inserting "of Energy" after "The Secretary."
(20) MODERNIZATION AND CONSOLIDATION OF TRITIUM RECYCLING FACILITIES.—Section 3134 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2830) is—
(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4234;
(C) inserted after section 4233, as added by paragraph (19); and
(D) amended in subsection (b) by inserting "of the National Defense Authorization Act for Fiscal Year 1997" (Public Law 104-201) after "section 3101."
(21) PROCEDURES FOR MEETING TRITIUM PRODUCTION REQUIREMENTS.—Section 3134 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 927) is—
(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4235; and
(C) inserted after section 4234, as added by paragraph (20).
(f) PROLIFERATION MATTERS.—
(A) transferred to title XLI of division D of such Act, as amended by this subsection; (B) redesignated as section 4306; and (C) inserted after section 4305, as added by paragraph (2).


(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; (B) redesignated as section 4307; and (C) inserted after section 4306, as added by paragraph (7).

(g) Environmental Restoration and Waste Management Matters.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

**TITLE XLI—ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT MATTERS**

Subtitle A—Environmental Restoration and Waste Management


(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1); (B) redesignated as section 4401; and (C) inserted after the heading for subtitle A of such title, as so added.

(3) Future Use Plans for Environmental Management Activities.—Section 3153 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2839) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; (B) redesignated as section 4402; and (C) inserted after section 4401, as added by paragraph (2); and (D) amended—

(i) in subsection (d), by striking “the date of the enactment of this Act” and inserting “September 23, 1996”; and (ii) by striking subsection (h)(1), by striking “the date of the enactment of this Act” and inserting “September 23, 1996”.

(4) Integrated Fissile Materials Management.—Section 3152 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 948) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; (B) redesignated as section 4403; and (C) inserted after section 4402, as added by paragraph (3).


(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; (B) redesignated as section 4404; and (C) inserted after section 4403, as added by paragraph (4).


(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; (B) redesignated as section 4405; (C) inserted after section 4404, as added by paragraph (5); and (D) amended in subsection (b)(2) by inserting before the period the following: “the predecessor provision to section 4404 of this Act.”


(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; (B) redesignated as section 4406; (C) inserted after section 4405, as added by paragraph (6); and (D) amended in the section heading by adding a period at the end.


(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; (B) redesignated as section 4407; (C) inserted after section 4406, as added by paragraph (7); and (D) amended in the section heading by adding a period at the end.

(9) Public Participation in Planning for Environmental Restoration and Waste Management.—Subsection (e) of section 3160 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 104–337; 108 Stat. 3095) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; (B) inserted after section 4407, as added by paragraph (8); and (C) amended—

(i) by inserting before the text the following new section heading: **SEC. 4408. PUBLIC PARTICIPATION IN PLANNING FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT AT DEFENSE NUCLEAR FACILITIES.**

(ii) by striking “(e) Public Participation in Planning…” and (iii) by striking “(i) Public Participation in Planning…”

(10) Subtitle Heading on Closure of Facilities.—Title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subsection:

**Subtitle B—Closure of Facilities**

(11) Projects to Accelerate Closure Activities at Defense Nuclear Facilities.—Section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; (B) redesignated as section 4421; (C) inserted after the heading for subtitle B of such title, as so added; and (D) amended—

(i) in subsection (b)(2)—

(I) in the matter preceding subparagraph (A), by striking “30 days after the date of the enactment of this Act” and inserting “on November 4, 1999”;

(II) in the section heading, by striking “Subtitle C—Privatization” and inserting “Subtitle C—Safeguards and Security”;


(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; (B) redesignated as section 4431; (C) inserted after the heading for subtitle C of such title, as so added; and (D) amended—

(i) in sections (a), (c)(1)(B), (ii), and (iv), by inserting “of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) after “section 3102(1)” and (ii) in sections (c)(1)(B) and (f), by striking “the date of enactment of this Act” and inserting “November 4, 1999.”

(h) Safeguards and Security Matters.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

**TITLE XLI—SAFEGUARDS AND SECURITY MATTERS**

Subtitle A—Safeguards and Security

(2) Prohibition on International Inspections of Facilities Without Protection of Restricted Data.—Section 3154 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 624) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1); (B) redesignated as section 4501; (C) inserted after the heading for subtitle A of such title, as so added; and (D) amended—

(i) by striking “(1) The” and inserting “The”; and (ii) by striking “(2) For purposes of paragraph (1)” and inserting “(c) Restricted Data Defined.—In this section,”

(b) Restrictions on Access to Laboratories by Foreign Visitors from Sensitive Countries.—Section 3146 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 935) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; (B) redesignated as section 4502; (C) inserted after section 4501, as added by paragraph (2); and (D) amended—

(i) in subsection (b)(2)—

(I) in the matter preceding subparagraph (A), by striking “30 days after the date of the enactment of this Act” and inserting “on November 4, 1999.”; and...
(II) in subparagraph (A), by striking "The date that is 90 days after the date of the enactment of this Act" and inserting "January 3, 2000";

(III) in subsection (d)(3), by striking "the date of the enactment of this Act," and inserting "October 5, 1999,"; and

(III) in subsection (g), by adding at the end the following:

"(3) The term ‘national laboratory’ means any of the following:

(A) Lawrence Livermore National Laboratory, Livermore, California.

(B) Los Alamos National Laboratory, Los Alamos, New Mexico.

(C) the National Laboratories, Albuquerque, New Mexico and Livermore, California.

(4) The term ‘Restricted Data’ has the meaning given that term in section 11 y, of the Atomic Energy Act of 1946 (42 U.S.C. 1790y).

(5) BACKGROUND INVESTIGATIONS ON CERTAIN PERSONNEL.—Section 3143 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-165; 113 Stat. 940) is—

(A) transferred to title XLV of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4501;

(C) inserted after section 4505, as added by paragraph (6); and

(D) amended in subsection (b) by inserting "of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-105; 111 Stat. 2048; 42 U.S.C. 7251 note) after ‘section 3161.’"

(6) COUNTERINTELLIGENCE POLYGRAPH PROGRAM.—Section 3152 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-165; 113 Stat. 940) is—

(A) transferred to title XLV of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4502;

(C) inserted after section 4506, as added by paragraph (7); and

(D) amended by adding at the end the following new subsection:

"(c) NATIONAL LABORATORY DEFINED.—In this section, the term ‘national laboratory’ has the meaning given that term in section 4502(g)(3)."

(7) REPORT ON SECURITY VULNERABILITIES OF NUCLEAR WEAPONS FACILITIES.—Section 3153 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-165; 113 Stat. 940) is—

(A) transferred to title XLV of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4503;

(C) inserted after section 4507, as added by paragraph (8); and

(D) amended by adding at the end the following new subsection:

"(d) SECURITY PRACTICES AT LABORATORIES.—(1) The term ‘National Laboratory’ means any of the following:

(A) Lawrence Livermore National Laboratory, Livermore, California.

(B) Los Alamos National Laboratory, Los Alamos, New Mexico.

(C) the National Laboratories, Albuquerque, New Mexico and Livermore, California.

(D) Amend in subsection (b) by inserting ‘of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-105; 111 Stat. 2048; 42 U.S.C. 7251 note) after ‘section 3161.’"

(8) REPORT ON COUNTERINTELLIGENCE AND SECURITY PRACTICES AT LABORATORIES.—Section 3152 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-165; 113 Stat. 940) is—

(A) transferred to title XLV of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4502;

(C) inserted after section 4505, as added by paragraph (6); and

(D) amended in subsection (b) by inserting ‘of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-105; 111 Stat. 2048; 42 U.S.C. 7251 note) after ‘section 3161.’"

(9) RISK MANAGEMENT POLICY FOR DEFENSE CONSTRUCTION ACTS.—Section 3155 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-165; 113 Stat. 940) is—

(A) transferred to title XLV of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4503;

(C) inserted after section 4506, as added by paragraph (7); and

(D) amended by adding at the end the following new subsection:

"(e) DEFENSE SECURITY PRACTICES.—(1) The term ‘defense security programs’ means any of the following:

(A) Lawrence Livermore National Laboratory, Livermore, California.

(B) Los Alamos National Laboratory, Los Alamos, New Mexico.

(C) the National Laboratories, Albuquerque, New Mexico and Livermore, California.

(D) Amend in subsection (b) by inserting ‘of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-105; 111 Stat. 2048; 42 U.S.C. 7251 note) after ‘section 3161.’"

(10) SECURITY VULNERABILITIES OF NUCLEAR WEAPONS FACILITIES.—Section 3156 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-165; 113 Stat. 940) is—

(A) transferred to title XLV of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4502;

(C) inserted after section 4505, as added by paragraph (6); and

(D) amended in subsection (b) by inserting ‘of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-105; 111 Stat. 2048; 42 U.S.C. 7251 note) after ‘section 3161.’"

(11) REVIEW OF CERTAIN DOCUMENTS BEFORE DECLASSIFICATION AND RELEASE.—Section 3155 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 625) is—

(A) transferred to title XLV of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4503; and

(C) inserted after section 4506, as added by paragraph (7); and

(D) amended by adding at the end the following new subsection:

"(f) REVIEW OF CERTAIN DOCUMENTS BEFORE DECLASSIFICATION AND RELEASE.—(1) The term ‘defense security programs’ means any of the following:

(A) Lawrence Livermore National Laboratory, Livermore, California.

(B) Los Alamos National Laboratory, Los Alamos, New Mexico.

(C) the National Laboratories, Albuquerque, New Mexico and Livermore, California.

(D) Amend in subsection (b) by inserting ‘of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-105; 111 Stat. 2048; 42 U.S.C. 7251 note) after ‘section 3161.’"

(12) SUBTITLE HEADING ON CLASSIFIED INFORMATION.—Title XLV of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle B—Classified Information"

(13) IDENTIFICATION IN BUDGETS OF AMOUNT FOR DECLASSIFICATION ACTIVITIES.—Section 3173 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-165; 113 Stat. 949) is—

(A) transferred to title XLV of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4523; and

(C) inserted, after section 4525, as added by paragraph (14); and

(D) amended in subsection (b) by inserting ‘the date of the enactment of this Act’ and inserting ‘October 5, 1998,’.

(14) PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.—Section 3145 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-165; 113 Stat. 935) is—

(A) transferred to title XLV of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4524; and

(C) inserted, after section 4525, as added by paragraph (14); and

(D) amended in subsection (d) by striking ‘section 3161(d) of that Act’ and inserting ‘section (c) of that Act’.

(15) EXAMINATION OF DECLASSIFICATION ACTIVITIES.—Section 3173 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-165; 113 Stat. 949) is—

(A) transferred to title XLV of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4523; and

(C) inserted, after section 4525, as added by paragraph (14); and

(D) amended in subsection (b) by inserting ‘the date of the enactment of this Act’ and inserting ‘October 5, 1998.’

(16) SUBTITLE HEADING ON EMERGENCY RESPONSE.—Title XLV of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle C—Emergency Response"

(17) RESPONSIBILITY FOR DEFENSE PROGRAMS EMERGENCY RESPONSE PROGRAM.—Section 3158 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 626) is—
(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4621; and
(C) inserted after section 4622, as added by paragraph (8); and
(D) amended—
(i) in subsection (a)(1), by striking ‘‘section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1946; 42 U.S.C. 2211 note)’’ and inserting ‘‘section 4201;’’ and
(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4623; and
(C) inserted after section 4622, as added by paragraph (9).
(11) SUBTITLE HEADING ON WORKER SAFETY.—Title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:
‘‘Subtitle C—Worker Safety’’.
(12) WORKER PROTECTION AT NUCLEAR WEAPONS FACILITIES.—Sec. 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1571) is—
(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4641; and
(C) inserted after the heading for subtitle C of such title, as added by paragraph (11); and
(D) amended in subsection (b) by striking ‘‘Title IV’’ and inserting ‘‘of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190)’’—
(13) SAFETY OVERSIGHT AND ENFORCEMENT AT DEFENSE NUCLEAR FACILITIES.—Sec. 3163 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 3097) is—
(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4642; and
(C) inserted after section 4641, as added by paragraph (12); and
(D) amended in subsection (b) by striking ‘‘90 days after the date of the enactment of this Act’’ and inserting ‘‘January 5, 1995’’; and
(14) PROGRAM TO MONITOR WORKERS AT DEFENSE NUCLEAR FACILITIES EXPOSED TO HAZARDOUS AND RADIOACTIVE SUBSTANCES.—Sec. 3162 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2646) is—
(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4643; and
(C) inserted after section 4642, as added by paragraph (13); and
(D) amended—
(i) in subsection (b)(6), by striking ‘‘1 year after the date of the enactment of this Act’’ and inserting ‘‘October 23, 1993’’;
striking

4702

4702

striking

tions 4710 and 4711

such title, as so added; and

respectively;

ing

the National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new

heading:

"TITLE XLVII—BUDGET AND FINANCIAL MANAGEMENT MATTERS

Subtitle A—Recurring National Security Authorization Provisions"


(A) transferred to title XLVII of division D of such Act, as added by paragraph (1);

(B) redesignated as sections 4701 through 4712, respectively;

(C) inserted after the heading for subtitle A of such title, as so added; and

(D) amended—

(i) in section 4702, as so redesignated, by striking "sections 3629 and 3630" and inserting "sections 4602 and 4612";

(ii) in section 4706(a)(3)(B), as so redesignated, by striking the section heading and inserting "section 4707;"

(iii) in section 4707(c), as so redesignated, by striking "section 3625(b)(1)" and inserting "section 4706(b)(2)";

(iv) in section 4710(c), as so redesignated, by striking "section 3621" and inserting "section 4702;"

(v) in section 4711(c), as so redesignated, by striking "section 3621" and inserting "section 4702;" and

(vi) in section 4712, as so redesignated, by striking "section 3621" and inserting "section 4702;"

(3) SUBTITLE HEADING ON PENALTIES.—Title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle B—Penalties"

(4) RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER ENVIRONMENTAL LAWS.—Section 3132 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 4063) is—

(A) transferred to title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4721;

(C) inserted after the heading for subtitle B of such title, as added by paragraph (3); and

(D) amended in the section heading by adding a period at the end;

(5) RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT.—Section 211 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 96–540; 94 Stat. 3203) is—

(A) transferred to title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4721, as added by paragraph (4); and

(C) amended—

(i) by striking the section heading and inserting "SEC. 4722. RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT;"

(ii) by striking SEC. 211; and

(iii) by striking "this or any other Act" and inserting "the Department of Energy Nuclear Energy Authorization Act of 1981 (Public Law 96–540) or any other Act".

(4) SUBTITLE HEADING ON OTHER MATTERS.—Title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle C—Other Matters"

(7) SINGLE REQUEST FOR AUTHORIZATION OF APPROPRIATIONS FOR COMMON DEFENSE AND SECURITY PROGRAMS.—Section 208 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1979 (Public Law 95–509; 92 Stat. 1779) is—

(A) transferred to title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after the heading for subtitle C of such title, as added by paragraph (6); and

(C) amended—

(i) by striking the section heading and inserting the following new section heading:

"SEC. 4731. SINGLE REQUEST FOR AUTHORIZATION OF APPROPRIATIONS FOR COMMON DEFENSE AND SECURITY PROGRAMS;"

and

(ii) by striking "SEC. 208;"

(k) ADMINISTRATIVE MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

"TITLE XLVIII—ADMINISTRATIVE MATTERS

Subtitle A—Contracts"


(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section;

(B) redesignated as section 4811;

(C) inserted after the heading for subtitle B of such title, as added by paragraph (5); and

(D) amended in the section heading by adding a period at the end;

(7) LIMITATIONS ON USE OF FUNDS FOR LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT.—Section 3132 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1832) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4812;

(i) inserted after section 4811, as added by paragraph (6); and

(ii) amended—

(i) in subsection (b), by striking "section 3136(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2831; 42 U.S.C. 7257b)" and inserting "section 4812(b)"; and

(b) by striking "section 3132(c) of the National Defense Authorization Act for Fiscal Year 1997 (103 Stat. 1238)" and inserting "section 4811(c)";

(iii) in subsection (e), by striking "section 3136(d) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257d)" and inserting "section 4811(d)";

(B) LIMITATION ON USE OF FUNDS FOR CERTAIN RESEARCH AND DEVELOPMENT PROGRAMS.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2830), as amended by section 3137 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2038), is—
(ii) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(iii) redesignated as section 4812A;
(iv) amended in subsection (a) by inserting “of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 106-341)” after “section 3101.”

(9) UNIVERSITY-BASED RESEARCH COLLABORATION PROGRAM.—Section 3155 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2046) is—
(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4813; and
(C) inserted after section 4812A, as added by paragraph (9).

(10) SAFETY MEASURES FOR WASTE TANKS.—Section 3137 of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-330; 112 Stat. 85) is—
(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4814; and
(C) inserted after section 4813, as added by paragraph (8); and
(D) amended in subsection (c) by striking “this title” and inserting “title XXXI of the National Defense Authorization Act for Fiscal Year 2003, as amended by this section,” is further amended by adding at the end the following new subtitle heading:

“Subtitle C—Facilities Management.”

(11) TRANSFERS OF REAL PROPERTY AT CERTAIN FACILITIES.—Section 3158 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2046) is—
(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4831; and
(C) inserted after the heading for subtitle C of such title, as so added.

(12) ENGINEERING AND MANUFACTURING RESEARCH, DEVELOPMENT, AND DEMONSTRATION AT CERTAIN NUCLEAR WEAPONS PRODUCTION PLANTS.—Section 3156 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-261) is—
(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4832; and
(C) inserted after section 4831, as added by paragraph (11).

(13) PILOT PROGRAM ON USE OF PROCEEDS OF DISPOSAL OR UTILIZATION OF CERTAIN ASSETS.—Section 3138 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2039) is—
(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4833;
(C) inserted after section 4832, as added by paragraph (12); and
(D) amended in subsection (d) by striking “section 2302 of title 10 of the Federal Law and Administrative Services Act of 1949 (40 U.S.C. 483 and 484)” and inserting “subsection II of chapter 5 and section 540 of title 40, United States Code.”.

(14) SUBTITLE HEADING ON OTHER MATTERS.—Title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

“Subtitle D—Other Matters.”

(15) SEMIANNUAL REPORTS ON LOCAL IMPACT ASSISTANCE.—Subsection (f) of section 3153 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2044) is—
(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) inserted after the heading for subtitle D of such title, as so added, by paragraph (14); and
(C) amended—
(i) by inserting before the text the following new section heading:

“SEC. 4851. SEMIANNUAL REPORTS ON LOCAL IMPACT ASSISTANCE.”;
(ii) by striking “(f) SEMIANNUAL REPORTS ON LOCAL IMPACT ASSISTANCE.”; and
(iii) by striking “section 3161(c)(6) of the National Defense Authorization Act for Fiscal Year 1991 (as enacted into law by Public Law 105-330)” and inserting “section 4604(c)(6)”;

(16) MATTERS RELATING TO PARTICULAR FACILITIES.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

“TITLE XLI—MATTERS RELATING TO PARTICULAR FACILITIES

Subtitle A—Hanford Reservation, Washington

(2) SAFETY MEASURES FOR WASTE TANKS.—Section 3137 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1823) is—
(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1); and
(B) redesignated as section 4901;
(C) inserted after the heading for subtitle A of such title, as so added; and
(D) amended—
(i) in the section heading, by adding a period at the end;
(ii) in subsection (a), by striking “this title” and inserting “title XXXI of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510)”;
(iii) in subsection (c)–(2), by striking “six months after the date of the enactment of this Act,” and inserting “May 5, 1991,”; and
(iv) in paragraph (3), by striking “18 months after the date of the enactment of this Act,” and inserting “May 5, 1992.”

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4903;
(C) inserted after section 4902, as added by paragraph (3); and
(D) amended—
(i) by inserting before the text the following new section heading:

“SEC. 4904. RIVER PROTECTION PROJECT.”;
(ii) by striking “(a) REDESIGNATION OF PROJECT.”; and
(iii) by striking “Not later than May 5, 1991.”

(6) FUNDING FOR TERMINATION COSTS OF RIVER PROTECTION PROJECT.—Section 3133 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-454) is—
(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) inserted after section 4903, as added by paragraph (4); and
(C) amended—
(i) by inserting before the text the following new section heading:

“SEC. 4905. RIVER PROTECTION PROJECT.”;
(ii) by striking “(a) REDESIGNATION OF PROJECT.”; and
(iii) by striking “Not later than May 5, 1991.”

(7) SUBTITLE HEADING ON OTHER MATTERS.—Title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

“Subtitle B—Savannah River Site, South Carolina.”

(8) ACCELERATED SCHEDULE FOR ISOLATING HIGH-LEVEL NUCLEAR WASTE AT DEFENSE WASTE PROCESSING FACILITY.—Section 3141 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2834) is—
(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; and
(B) redesignated as section 4906;
(C) inserted after section 4905, as added by paragraph (5); and
(D) amended—
(i) by striking “section 3141.” and inserting “section 4904.”;
(ii) by inserting “the date of the enactment of this Act” and inserting “October 30, 2000.”;
(iii) by striking “the date of the enactment of this Act,” and inserting “October 30, 2000.”; and
(iv) by striking “section 3141.” and inserting “section 4904.”.
Act for Fiscal Year 2003, as amended by this subsection;

(b) redesignated as section 4911; and

(c) inserted after the heading for subsection (B) of such section, as added by paragraph (7).

(9) Multi-Year Plan for Clean-up.—Subsection (e) of section 3142 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-208; 110 Stat. 2836) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) inserted after section 4912, as added by paragraph (8); and

(iii) amended—

(A) by inserting before the text the following new section heading:

"SEC. 4912. Multi-Year Plan for Clean-up."

and

(B) by striking "(e) Multi-Year Plan for Clean-up at Savannah River Site. The Secretary" and inserting "The Secretary of Energy.";

(10) Continuation of Processing, Treatment, and Disposal of Legacy Nuclear Materials.—

(a) Fiscal Year 2000.—Subsection (a) of section 3137 of the FY 1997, as amended by section 3137 of the Defense Authorization Act for Fiscal Year 2000 (Public Law 106-100; 114 Stat. 564A–460) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) inserted after section 4912, as added by paragraph (9); and

(iii) amended—

(A) by inserting before the text the following new section heading:

"SEC. 4912. Continuation of Processing, Treatment, and Disposal of Legacy Nuclear Materials."

and

(B) by striking "(a) Continuation.—"

(b) Fiscal Year 2001.—Subsection (b) of section 3137 of the FY 1997, as amended by section 3137 of the Defense Authorization Act for Fiscal Year 2000 (Public Law 106-100; 114 Stat. 564A–460) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) inserted after section 4912, as added by paragraph (9); and

(iii) amended—

(A) by inserting before the text the following new section heading:

"SEC. 4913. Continuation of Processing, Treatment, and Disposal of Legacy Nuclear Materials."

and

(B) by striking "(b) Continuation.—"

(c) Fiscal Year 2002.—Subsection (c) of section 3137 of the FY 1997, as amended by section 3137 of the Defense Authorization Act for Fiscal Year 2000 (Public Law 106-100; 114 Stat. 564A–460) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) inserted after section 4912, as added by paragraph (9); and

(iii) amended—

(A) by inserting before the text the following new section heading:

"SEC. 4914. Continuation of Processing, Treatment, and Disposal of Legacy Nuclear Materials."

and

(B) by striking "(c) Continuation.—"

(d) Fiscal Year 2003.—Subsection (d) of section 3137 of the FY 1997, as amended by section 3137 of the Defense Authorization Act for Fiscal Year 2000 (Public Law 106-100; 114 Stat. 564A–460) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) inserted after section 4912, as added by paragraph (9); and

(iii) amended—

(A) by inserting before the text the following new section heading:

"SEC. 4915. Continuation of Processing, Treatment, and Disposal of Legacy Nuclear Materials."

and

(B) by striking "(d) Continuation.—"

(e) Fiscal Year 1999.—Subsection (f) of section 3142 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-208; 110 Stat. 2838) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) inserted after section 4913C, as added by subparagraph (D); and

(iii) amended—

(A) by inserting before the text the following new section heading:

"SEC. 4913D. Continuation of Processing, Treatment, and Disposal of Legacy Nuclear Materials."

and

(B) by striking "(f) Continuation of Processing, Treatment, and Disposal of Legacy Nuclear Materials.—"

(f) Fiscal Year 2000.—Subsection (g) of section 3142 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-208; 110 Stat. 2838) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) inserted after section 4914, as added by paragraph (10)(D); and

(iii) amended—

(A) by inserting before the text the following new section heading:

"SEC. 4914. Continuation of Processing, Treatment, and Disposal of Legacy Nuclear Materials."

and

(B) by striking "(g) Continuation of Processing, Treatment, and Disposal of Legacy Nuclear Materials.—"

(g) Fiscal Year 2001.—Subsection (h) of section 3142 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-208; 110 Stat. 2838) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) inserted after section 4915, as added by paragraph (11)(D); and

(iii) amended—

(A) by inserting before the text the following new section heading:

"SEC. 4915. Continuation of Processing, Treatment, and Disposal of Legacy Nuclear Materials."

and

(B) by striking "(h) Continuation of Processing, Treatment, and Disposal of Legacy Nuclear Materials.—"
the Senate receives a message with respect to any of these bills from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference. For a question of order appropriate, with the House on the disagreeing votes of the two Houses; that the Chair be authorized to appoint conference, and that the foregoing occur without any intervening action or debate. The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. I thank the Chair. Further, I ask unanimous consent that S. 1050, as previously passed by the Senate, be returned to the calendar.

Mr. DOMENICI. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

ENERGY POLICY ACT OF 2003— Resumed

The PRESIDING OFFICER. The clerk will report the pending business. The legislative clerk read as follows:

A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Pending:
Domenici/Bingaman Amendment No. 840, to reauthorize Low-Income Home Energy Assistance Program (LIHEAP), weatherization assistance program, and Weather Energy Assistance Program.

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 Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent amendment No. 840 be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 850

Mr. DOMENICI. On behalf of the majority leader and minority leader and other Senators listed, I send to the desk the amendment 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. DOMENICI] for 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 Iowa, Mr. TALENT, Mr. DAYTON, Mr. COLEMAN, Mr. EDWARDS, Mr. CRAPO, Mr. CONRAD, Mr. DEWINE, Mr. BAUCUS, Mr. BUNNING, and Mr. BOND, proposes an amendment numbered 850.

Mr. DOMENICI. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the amendment is printed in the RECORD under “Text of Amendments.”

Mr. DOMENICI. Mr. President, for the benefit of the Senate, we are now back on the Energy bill. The pending business is the ethanol amendment. We did dispose of two amendments yesterday. I am hopeful we will not have to redo them, however there is going to be another amendment, at least one, perhaps two, on the ethanol amendment. But it has been squashed.

Mr. FRIST. The Republican whip has requested that he be permitted to speak for 5 minutes as in morning business.

I make that request in his behalf. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. The PRESIDING OFFICER. Mr. President, I rise today in support of the ethanol amendment No. 850 that has been offered by our distinguished majority leader, Senator FRIST. This is a bipartisan amendment which has been crafted in that leadership on both sides of the aisle and proves to be a compromise bill that will triple the amount of domestically produced ethanol used in America. President Bush was right when he said 2 years ago that we are long overdue in implementing a comprehensive energy policy for our nation. If he were to say the same thing today, he would still be right. We need a policy that broadens our base of energy resources to create stability, guarantee reasonable prices, and protect America’s security.

I believe that increasing our use of alternative and renewable fuels such as ethanol and biodiesel is a key element in our effort to constructing that much needed stability. It is a clean burning, homeowner fuel that we can rely on for generations to come. Ethanol is a step towards good stewardship of our environment. Expanding the use of ethanol will also protect our environment by reducing auto emissions, which will mean cleaner air and improved public health. It just so happens that as we are looking out for our environment we are not only going to benefit in the arena of environmental friendliness but as the same time boost our economy.

Consumers will benefit from more efficient use of their vehicles at a lower cost. Adding 10 percent ethanol to a gallon of regular gas would reduce the retail price to consumers by almost seven cents per gallon. This will save taxpayers $2 billion annually in reduced government subsidies due to the creation of new markets for corn, and create more than 214,000 new jobs.

The benefits for the farm economy are even more pronounced. An increase in the use of ethanol across the nation means an economic boost to thousands of farm families across my state. Currently, ethanol production provides nearly 124,000 jobs and $4.5 billion in net farm income nationwide. Passage of this amendment will increase net farm income by nearly $6 billion annually. Passage of this amendment will create $5.3 billion of new investment in renewable fuel production. Kansas are loudly voicing their support of this legislation. Phasing out MTBE on a National basis will be good for our fuel suppliers. Refiners are under tremendous strain from having to make several different gasoline blends to meet various state clean air requirements. The MTBE phaseout provisions in this package will ensure that refiners will have less stress on their system.

This entire Nation’s is in need of this environmentally friendly and sustainable fuel as we carry on in our efforts to be good stewards of our environment. Ethanol will boost our energy independence and become an aid to national security while we as a country find ourselves continuing the battle against terrorism. I cannot proclaim enough, the greatness of the positive impacts this fuel contains. Leaders here in our body have discovered it. The language in this bill has strong bipartisan support and is the result of negotiations between the Renewable Fuels Association, National Corn Growers Association, Farm Bureau Federation, American Petroleum Institute, Northeast States for Coordinated Air Use Management, NRECA, and the American Lung Association.

Americans can rest more sound and secure as we further develop the use of our homegrown fuel, ethanol. Mr. DOMENICI. Mr. President, I know there are many Senators who have plenty to do besides being concerned about this Energy bill on the
floor of the Senate. But I want to say for some of us that the Energy Policy Act is a very important subject. The committee has worked very hard. We don't claim to have a perfect bill, but we claim to have a bill that deserves the consideration of the Senate.

For all those Senators who want to review the bill and haven't, I hope they will start. For those who have amendments and haven't reduced them to writing, I hope they get going. For those who have questions about the bill, we are going to be here working on it—both the minority whip and Senator BINGAMAN. His staff is adequate in numbers and capacity and will be available, as I will mine.

With that in mind, we are back to the point where we have set aside the LIHEAP issue that came about yesterday—the issue with reference to the jurisdiction of the different LIHEAP provisions that we wanted to have in this bill where the chairman of the Committee on Health and Human Resources desires that it not be on the bill but rather be returned to his committee for jurisdictional consideration. That will be taken up later.

We are now back to ethanol. Yesterday we had two votes. They were very heavily debated for a long period of time. In each instance both failed. In each instance 60 votes or more were obtained on the side of supporting the bill, which is not just a Republican or Democrat bill. It is a bill put together by Democrats and Republicans, and all kinds of different leadership groups in this country that are concerned about our future in terms of dependence upon oil and its derivatives; those who are concerned about agricultural products and the fact that we produce so much more than we need and that the price is constantly a problem both to the Governor because of its support programs and to the farmer because it is difficult to make a living.

Amendments are concerned about rural America see this bill as a potential for the injection of tremendous amounts of real investments and real jobs and capital into all parts of rural America because facilities will have to be built that will cost billions of dollars in order to comply with the requirements of this national mandate for ethanol use.

The mandate is a good mandate. It is a national mandate. It is a mandate that says by a year certain we will be using certain quantities of ethanol in our petroleum products that feed the gasoline tanks, and thus the automobiles and trucks of America that use gasoline and diesel fuel.

I am sure there are additional amendments on this issue. I merely wanted to recap for the Senate where we are.

I also wish to say that while we have been here a number of days, it appears that the only amendments are those that pertain to ethanol. I know there are more. I implore Senators, I beg them, if they have amendments, let us get them ready and bring them down here. Who knows, they may have winners. They may have a much better approach to energy independence in this bill. We stand ready to accommodate and get them before the Senate and let the votes on them as soon as possible.

What I understand the situation to be now, the Senators will understand, is that the distinguished minority manager, the junior Senator from New Mexico, has an amendment on ethanol that he wishes to have considered. When he is finished, the distinguished Senator from New York has an amendment. He told the Senator from New Mexico that he would follow the amendment of the Senator from New Mexico. I hope that will be the case. If he comes forth, we will not have one vote at a time but rather back-to-back votes. There appears to be a couple of other amendments that may be offered before the day is out.

Then I suggest that as many Senators as possible begin to try to figure out what they want to do with this bill. I know there are Senators who have not had a chance to make up their mind about amendments but I ask that they do that quickly, there are many of us who want to get an Energy bill.

We think the remainder of this week, clear through Friday, and all of next week ought to be sufficient time to get this done. Some do not think so but I surmise that if they tried, and we had amendments going most of the day, with votes taking place each day, we would be surprised how soon we would get this bill completed.

Having said that, I yield the floor to my distinguished fellow Senator from New Mexico, Mr. BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, first, I thank the chairman of the Committee on Energy and Natural Resources, for his comments. I agree with his request that we move ahead with amendments. I know there are many Senators with amendments they want to offer. I think the logical thing to do is to try to deal with all of the ethanol-related amendments at this stage, in the consideration of the bill. I hope that by offering an ethanol-related amendment now, on behalf of myself and Senator SUNUNU, we can begin the process of considering these amendments in a thoughtful way and hope, work through them over the next day or two.

AMENDMENT NO. 851 TO AMENDMENT NO. 850

Mr. President, with that, I send an amendment to the desk and ask for its immediate consideration. It is an amendment to amendment No. 850 that Senator Domenici offered on behalf of Senator FRIST and others.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

"The Senator from New Mexico [Mr. BINGAMAN], Mr. SUNUNU, proposes an amendment numbered 851 to amendment No. 850."

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment as follows:

(Purpose: To authorize the Secretary of Energy to waive the ethanol mandate on the East and West Coast in the event of a significant price increase or supply interruption.)

On page 18, after line 15, insert the following:

"(1) Significant Price Increase or Supply Interuption.—In addition to the authority of the Administrator to waive the requirements of paragraph (2) (A) and (B) of section 216 of the Energy Policy Act of 1992, the President, acting through the Secretary of Energy, may suspend the requirements of paragraph (2) in any Petroleum Administration for Defense District, in whole or in part, in the event the Secretary of Energy determines that—"

"(i) an application of the requirements of paragraph (2) in the District will result, or has resulted, in an increase in the average cost of gasoline to consumers in the District of ten cents per gallon or more; or"

"(ii) a significant interruption in the supply of renewable fuel will result, or has resulted, in an increase in the average cost of gasoline to end users in the District of ten cents per gallon or more."

Mr. BINGAMAN. Mr. President, as I indicated, this is an amendment I am offering on behalf of Senator SUNUNU and myself. It is to improve the waiver provisions in the renewable fuels standard in the Daschle-Frist amendment.

The amendment we are offering seeks to give the President the authority to suspend the ethanol mandate—he could suspend it with regard to a particular geographic area in the country—in the event there is a severe supply or price disruption. In other words, this is an amendment to the Daschle-Frist amendment. We have a way of determining when that threshold is reached. It provides a path for immediate action to be taken to deal with that price circumstance.

This is not a requirement that the President act. This is merely authority for him to act if he chooses to do so. I think we need to make that point so all Members understand we are not requiring any action by this amendment; we are expanding the waiver authority substantially. It exists if the President chooses to use it. Ultimately, someone needs to have the authority to take immediate action if there happens to be a crisis, if a crisis comes upon us.

The Daschle-Frist amendment waiver provisions—and this is on page 12 of the underlying Daschle-Frist amendment—those waiver provisions give each State the right to petition the Administrator for a waiver. In the event of severe harm to the economy or the environment. The process that is outlined can take up to 90 days. It is not necessarily going to take 90 days. It could
take longer, as there is no enforcement really built in, but it is supposed to take no more than 90 days.

The Senate fills the petition. The Administrator has the 90 days, maximum, to make a determination of whether the petition is granted. Following that determination, the Secretary is required to give public notice and an opportunity for comment. That is a 3-month period—or up to a 3-month period—for a determination to be made and for the mandate to be suspended.

In addition, a significant amount of economic or environmental damage could be done during that period while all of this notice and opportunity for comment is occurring. In my view, we cannot afford that. Ninety days is too long a period.

The amendment we are offering does not seek to disturb or weaken the underlying Daschle-Frist amendment. It simply gives the President the authority to take immediate action to deal with urgent issues that may arise in particular regions. If a State or region experiences a supply disruption which they might experience with regard to ethanol or a price spike resulting from the mandate, and a suspension of that is necessary, we are giving the President authority to suspend the mandate for a 30-day period. He could renew that for an additional 30 days if he chose to. But that is the essence of our amendment. If the gasoline prices rise more than 10 cents as a result of the mandate, that is when this authority would come into place.

Now, this is not the price of ethanol rising 10 cents; this is the price of gasoline at the pump rising 10 cents because of the mandate to use ethanol as required in the Daschle-Frist amendment. If the price of gas at the pump rises over 10 cents, and the Secretary makes the determination that immediate action is necessary, then the mandate could be suspended for the 30 days in this affected PADD, this Petroleum Administration for Defense District, or in the affected State or region.

What does that 10-cent rise in the price of gasoline per gallon mean? Let me refer to this chart I have in the Chamber.

You can see that ethanol is going to be blended with other petroleum fuel in gasoline, and 10 percent of it is going to be blended. If you saw a 50-cent increase in the prize of ethanol per gallon, that would mean a 5-cent-per-gallon rise in the price of gasoline. If you saw a $1 increase in the price of ethanol per gallon, that would mean a 10-cent-per-gallon increase in the price of gasoline.

I think this chart makes clear what we are proposing gives the President the ability to act expeditiously. If there is this kind of a $1 increase in the price of gas, that in itself would translate approximately to a 10-cent increase in gasoline. This is a high threshold. Frankly, I know there are Members of this Senate who would say that should not be 10 cents; we ought to have the President have the authority to act if you have a 3-cent increase or a 2-cent increase or a 5-cent increase, and I might agree with some of that logic.

But the truth is, we have tried to write this in a way that makes it clear that this is not authority we would expect to be invoked or to be available to the President under most circumstances. This is authority which would only be available under extraordinary circumstances.

Today prices are at about $1.15 per gallon. Adjusted for inflation, this is roughly where they were back in 1998. There has been some fluctuation.

This second chart that I have in the Senate Chamber shows what has happened to the price of gasoline from 1998 through the current period. You can see that there has been fluctuation in the price of ethanol, but we have not seen enough fluctuation in the price of ethanol to trigger this authority to ever take place, so that during this entire period this authority would not have come into place. It is clear we are not setting up some kind of a hair-trigger procedure here which will give the President or the Secretary of Energy the ability to step in at will and act.

The amendment we are proposing is simply a safety valve. As I have said several times, it is not automatic. If there is no disruption in supply, if prices do not spike substantially outside the range shown on this chart, then nothing would happen. However, in the event we do have a problem, we would have in place, with this amendment, a procedure for dealing with it.

The reason I think this amendment is important is because fuel transitions are inherently problematic. We have a lot of history on which to base that judgment. All previous changes to the reformulated gasoline formula have resulted in severe price volatility in gasoline markets. We don't have to go back very far to see that this is the case. In 1996 and in the year 2000, we saw gasoline prices rise substantially, and both times this resulted in gasoline price spikes of more than 30 cents a gallon in California.

There are previous EIA studies that have been done, but they have not addressed short-term issues. That is what we are after. There is no disruption in supply disruptions. They either look at the long-term outcomes or act to analyze supply disruptions only after they have occurred.

The mandate we are proposing to put into law with the Frist-Daschle amendment does create substantial uncertainty. That has been discussed in some of the debate that has already occurred. The mandate says we will use 5 billion gallons of ethanol in the Nation's fuel supply by 2022. It means the use of MTBE will be phased out and banned in 16 States; while the bill passes, MTBE will be quickly phased out and banned in 16 States; most importantly, in California and Washington and Arizona on the West Coast and in New York and Connecticut on the East Coast. These States in the Northeast in particular are heavily dependent on gasoline product imports from Europe and South America. Venezuela supplies 8 percent of the gasoline volume on the East Coast. The Venezuelan National Oil Company says a renewable fuels mandate could make it difficult if not impossible to import finished gasoline into the United States as they have been doing.

Most of the East Coast imports come into the New York area and need to be suitable for the reformulated gasoline mark.

As I have said in several ways, there is a lot of uncertainty that we just do not know the answers to. Let me list some of that again. Then I will defer to my colleague from New Hampshire who is here and wishes to speak on behalf of the amendment as well.

Some of the questions that still exist in my mind as regards this mandate are, No. 1, what if we have a supply shortage when refineries are already producing at capacity? What does that do to the price to the consumer? Second, what if our import capacity declines and prices spike higher? Third, what if there is a drought in the Midwest that affects corn production and therefore affects ethanol production? That could significantly affect the price. And it could get the price outside of this area that is reflected on the chart behind me.

Perhaps we could experience problems in transporting the ethanol or an important element in the refinery infrastructure could be damaged at a key hub. There is any number of scenarios that could lead us to supply disruptions or price spikes. Under those circumstances, we need to have authority vested with the President to take action. We should not be requiring that he take that action, but we should be giving him the authority. We need to be proactive. We need to look forward to potential problems the U.S. motor fuels market could face in the short term, and we need to do this before the disruption occurs.
I urge our colleagues to carefully consider the amendment. It is good policy to build in such a provision to protect consumers in the event of a crisis. It is a good safety valve to add to the bill, it substantially strengthens the bill. I hope my colleagues will agree and that we can add this as an amendment.

I yield the floor. I see my colleague, my cosponsor from New Hampshire, is in the Chamber waiting to speak.

Mr. CORNYN. Mr. President, I rise in support of the Bingaman amendment and thank my colleague for allowing me to work with him on this initiative. I have expressed concerns about the ethanol mandate in this energy bill before, and the concerns this amendment tries to address are obviously an extension of those concerns.

As I have expressed this Energy Bill prior to today, in the work I have done in the House, and the visits I've had back home with the people of New Hampshire, I have always emphasized that to the extent we are debating an energy bill, it ought to be about price and access. It should be about making sure we have available, stable, reliable sources of energy and a diversified supply for consumers, because those stable, reliable sources of energy are so central to economic growth.

At the end of the day, this debate ought to be about access and price. What this amendment attempts to do is to ensure that where the gasoline markets are concerned, consumers are protected on access and on price. We need to make sure that we have, as the Senator from New Mexico described, a safety valve—a way to ensure that if and when the very significant fuels mandate proposed for this bill is imposed on cities, towns, and States across America, there will not be major disruptions in supply that would lead to price spikes, and that consumers not be subjected to higher fuel costs unnecessarily.

There is a waiver provision in the underlying amendment. But we ought to be concerned about that waiver provision because of the 90-day window described by the Senator from New Mexico. This would allow the President and Secretary to act if there is economic harm. We've debated this issue, up to 90 days to do so. Ninety days can be a very long time, as anyone who sat through the price spikes two summers ago will tell you. Gasoline prices spiked up, 50 cents, spiking well over $2 in some places. To the extent that those price spikes could have been avoided, many people would argue the President or the Secretary of Energy should have taken steps to avoid them. That is exactly what this kind of an amendment will allow.

If the cost of ethanol drives those prices up more than 10 cents a gallon, then the President can act with the Secretary and suspend the mandate for 30 days. It is a safety valve. It doesn't take away from the mandate, although I am one who would like to see more done in terms of eliminating the mandate. But, our amendment is a safety valve that allows the President to act. It does not force the President to act, and it does not require him to act. Instead, it gives the President and the Secretary the opportunity to take steps to protect consumers from unreasonable price spikes.

The President, when he supported the ethanol program, those who would like to see the mandate imposed no matter what the constraints, might say: Well, it is highly unlikely such spikes will occur. We can look at the graph presented by the Senator from New Mexico. It is highly unlikely we would see significant price spikes. This amendment is unnecessary.

But, Mr. President, we can't predict the future. We don't know with certainty what will or will not happen to the cost of fuel. The 5 billion-gallon mandate on ethanol that has been proposed, but we should be prepared.

That is what we are trying to accomplish with this amendment. We could certainly see problems with ethanol production. We could have problems with the production capacity to produce 5 billion gallons today. If the mandate were imposed, we would like to believe we could double the production capacity in a brief amount of time, but we don't know that for sure. And we don't have the history with ethanol production. Frankly, we are likely to have problems with ethanol distribution. They may not be huge problems, but ethanol has to be trucked or shipped around the country. It cannot be distributed through the existing pipeline system we use for gasoline in parts of the country.

So there are going to be new demands on the logistics governing our distribution system for gasoline. That could result in higher prices.

The Senator from New Mexico talked about the issue of importing gasoline from places such as Venezuela—there is no certainty that we would be able to continue to import finished gasoline; we might have to import the raw blend stock to be mixed with ethanol in the United States.

There is no guarantee of the reliability of those imports. And, of course, we may have unusual spikes in gasoline prices that market conditions are likely to go into effect if and when this legislation becomes law. I come from a State where there has been strong support for banning the use of MTBE. Even more important, I would certainly like to see a provision in the bill—one that was proposed the other day by the Senator from California, Mrs. Feinstein—to allow States to waive the requirement for this mandate, so that States could be free to meet the Clean Air Act without having to use MTBE or without having to use ethanol.

But the point is, there are uncertainties about the future price of gasoline. Those uncertainties are made greater by the potential 5-billion-gallon ethanol mandate in the bill. Our amendment would provide a safety valve so that if there were price spikes, the President and the Secretary could act in consumers' interests.

Despite my concerns about the mandate and all the other concerns I might have about this Energy bill, I think at the end of the day we should be looking to ensure that the bill protects consumers. This amendment does that. I think it is common sense.

I say to my colleagues, you can support the ethanol program and still support this amendment that protects consumers. Also, you can certainly oppose the ethanol program and support this amendment that protects consumers.

I hope my colleagues will join Senator BINGAMAN and me in doing the right thing for taxpayers and for consumers by supporting this amendment. I yield the floor.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I come to the floor to speak in opposition to the Bingaman amendment. I must say as I begin, however, that there is no one in the caucus—and, I argue, in the Senate today—who knows more about the issues relating to energy than does my colleague from New Mexico, Senator BINGAMAN. He has an outstanding leadership, and I have enjoyed working with him on these issues now for many years. I recall so vividly his masterful work in getting us a bill that generated some 88 votes, if I recall, last year. That was after about 8 weeks of work. So it is not easy to take these issues or to move this legislation. He deserves great credit for the work he has done.

I take issue with this amendment for several reasons. I have had a chance to look at the amendment itself. There are phrases on line 9 and on line 2 of page 2 that are of particular concern to me. I will read the pertinent passages of the amendment, and I will explain my concern.

First, I have a little explanatory comment. Obviously, the distinguished Senator from New Mexico is interested in providing greater authority to the Secretary to suspend the requirements of the bill. Then he lists those instances in his amendment where the requirements of the bill would be lifted. It is in these areas that I find my initial concern, and that I will address some other concerns I have.

On line 9, page 1, it says:

Application of the requirements of paragraph (2) in the District will result, or has
resulted, in an increase in the average cost of gasoline to the end users in the District of ten cents per gallon or more.

Line 2, page 2, that he can suspend the requirements of the bill if, in the estimation of the Secretary of Energy: a significant price increase; or if renewable fuel in the District will result, or has resulted, in an increase in the average cost of gasoline to end users in the District of ten cents per gallon or more.

The phrase that troubles me is “will result.” We all would like to be able to anticipate the future. But I could easily see a Secretary who has opposition to renewable fuels, opposition to any real requirement that we move to find replacements for gasoline; or, for that matter, you could put this in a larger context, if we were talking about the renewable portfolio standard, to wind, solar, biomass, or any other renewable fuel, where you could see a Secretary announce: You know what. I have made a decision. I have made a decision that this will result at some point in the future in a cost increase, and the Senator here would set as the threshold 10 cents a gallon. But it will happen, and on that basis I am going to suspend the law.

First, the declarative authority on the part of the Secretary as a result of his ability to predict—weather men are wrong, politicians are wrong, and Secretaries could be wrong. Yet we would give this declarative authority, based on his judgment and his prediction that somehow we will know we are going to exceed 10 cents a gallon and, on that basis, suspend the law, take an action to suspend the law.

The second concern I have is the good government concern. If we are going to suspend the law, it seems to me we ought to have an opportunity to have comment, to have others express themselves on whether this will result in a price increase. As an advocate of a good government, generally when we pass legislation, anytime we designate authority, based on his judgment and his prediction that somehow we will know we are going to exceed 10 cents a gallon and, on that basis, suspend the law, take an action to suspend the law. That is exactly what our bill does. Our bill says that in those instances to renewable fuels standard, to wind, solar, biomass, or any other renewable fuel, where you could see a Secretary announce: You know what. I have made a decision. I have made a decision that this will result at some point in the future in a cost increase, and the Senator here would set as the threshold 10 cents a gallon. But it will happen, and on that basis I am going to suspend the law.

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That is exactly what our bill does. Our bill says that in those instances when some economic disruption might occur, No. 1, there has to be a declarative authority. Let’s take the authority, based on his judgment and his prediction that somehow we will know we are going to exceed 10 cents a gallon and, on that basis, suspend the law. There has to be a process before we give dictatorial powers to somebody to be able to suspend the law.

Secondly we say: If we are going to suspend a law passed by the U.S. Congress and signed into law by the President of the United States, there has to be a good government procedure, and that procedure simply says there has to be notice, there has to be an opportunity to be heard, and then a decision has to be made. And that procedure simply says there has to be notice, there has to be an opportunity to be heard, and then a decision has to be made.

Then we even go beyond that. We say a decision has to be made within 90 days. At one point, in a previous version of this bill, we said it had to be done in 180 days. Some said that was too long a period. So we have already cut that in half. Then it said no later than 90 days. That is not the threshold to start the decision making process. That is the threshold to end it.

The second concern I have is the good government concern. If we are going to suspend the law, it seems to me we ought to have an opportunity to have comment, to have others express themselves on whether this will result in a price increase. As an advocate of a good government, generally when we pass legislation, anytime we designate authority, based on his judgment and his prediction that somehow we will know we are going to exceed 10 cents a gallon and, on that basis, suspend the law, take an action to suspend the law. That is understandable. We can do that. But to say, first, we are going to allow that person to make this decision based on what he thinks is going to happen, and then, secondly, allow him to make a decision based on what he thinks is going to happen without any good government application of the law, an opportunity to be heard, an opportunity to make some judgment based on facts, is an awfully troubling assertion or proposition to me.

Having said that, the Department of Energy, in January of last year, just a little over a year ago, completed a report on this very issue. I have not known the Department of Energy necessarily to be a cheerleader for ethanol. They have been more or less reading the pack. But they were asked: What analysis can you provide us with regard to this very concern? Here is their conclusion:

No major infrastructure barriers exist to expanding ethanol to 5 billion gallons per year, comparable to the legislation before us today.

The Energy Information Agency said after their careful analysis in concert with this report:

The cost of establishing a renewable fuels standard is less than half a penny per gallon for all gasoline.

That is not an assertion by the Senator from South Dakota. That is not the ethanol industry. That is the Federal Government in its analysis of the implications of what it is we are doing with this legislation—a half a penny per gallon for all gasoline.

In March of this year, the California Energy Commission analysis said it cannot establish any attributable increase in the price of gasoline based on the cost or availability of ethanol and the requirements under which they currently are living.

Mr. President, first, if you listen to our own analysis, the Government agencies that have provided their most objective review of the circumstances, we are talking about half a penny per gallon for all gasoline. We are talking about the California Energy Commission—and I might note, as I said yesterday, 65 percent of all the gasoline sold in California today has ethanol. It is going to go to 80 percent by summer. And we have the California Energy Commission saying they cannot find any connection between the price of ethanol and the price of gasoline. But if, for whatever reason, it might happen, we say: Let’s give the Secretary the authority. Let’s make sure we are not going to hold consumers hostage to some sort of unexpected price hike, but let’s, No. 1, make sure it happens, rather than give the Secretary this ability to predict and make some assertion it might happen. And, secondly, let’s make the good government practices we have always used to ensure if we are going to change the law for whatever period of time, that we do so with the opportunity for Americans to be heard. So I hope we oppose this amendment.
the language in the previous amendment, as I offered it with Senator SUNUNU, allowed the Secretary to act on the basis of a prediction about what was going to happen. That language was in the bill, and I just modified the bill to the President that I would allow him to clarify that nothing in this amendment gives the Secretary authority to act. This amendment only gives the President authority to act. The President can only act on the basis of a determination made by his or her Secretary of Energy.

Now, with the modification, it would be a determination made by his or her Secretary of Energy that this ethanol mandate, in fact, has resulted in an increase in the average cost of gasoline to end users or it has resulted in a significant interruption or has resulted in an increase in the average cost by at least 10 cents per gallon as a result of the mandate.

In response to that concern Senator DASCHLE raised, I want to be clear that we have dealt with that in the modification I have just sent to the desk. Let me also address briefly the other issues Senator DASCHLE raised.

He implied for this is not there because, in fact, the Energy Information Agency in the Department of Energy has said this mandate will result in an increase in the price of gasoline of less than one-half of 1 cent per gallon, and the California Energy Commission has also concluded that there is very little appreciable increase that will result from this mandate.

First of all, if you look into the analyses that were done both by the Department of Energy and the California Energy Commission, they were looking over the long term and saying over the long term there will not be in their view, a substantial increase in the price of gasoline as a result of this mandate. That may well be true. Our amendment tries to deal with the short term, and that is where there is a price spike, where there is a supply disruption that causes the price to go up an additional 10 cents per gallon because of the ethanol mandate, if that occurs, and it may well not occur. So there is a difference between the studies that they did, which are long term, and the issue we are trying to deal with, which is short term.

I also believe that another sort of flaw in the argument, at least in my view, is that we are now saying we do not need to put this extra safety valve in the legislation because we have a prediction by the Energy Information Agency and we have a prediction by the California Energy Commission that this will not be needed down the road. It may well not be needed, and certainly I am not here to predict that it will be needed. I am just saying this is a good insurance policy. This is a good safety valve.

The Energy Information Agency has been known to make mistakes in their predictions. As to the California Energy Commission, although I am not totally familiar with all of their work, I would venture to say they have probably made a few mistakes in their predictions. I do not know exactly where they were on their predictions with regard to what occurred in California a few years ago, but they may well have missed the mark in predicting what that price was going to be, and they might well have wished there was some similar authority to this in place that has been exercised or had been exercised when that crisis hit.

So I think this is good government practice, and clearly under most circumstances the appropriate course is to give public notice, to have opportunity for comment and hearings, have all the sides, all the interest groups come in and give their point of view. That is a good course. But if the price spike is huge, if supply centrally for there has been a supply disruption or there has been something that has occurred that has caused the price of gasoline to jump more than 10 cents that is directly traceable to this mandate, I believe what we are doing is to give authority to the President to take action if he or she decides to take action.

As I say, there is nothing in this amendment that requires anyone to do anything. This amendment merely gives the authority to the President to take action if a crisis occurs, if a price spike occurs, if they determine that action is appropriate.

It is possible, in some future administration, that there will be a Secretary of Energy who is opposed to ethanol perhaps, but I assume that the American people are going to elect Presidents in the future who reflect their views on most issues. If they do not reflect the views of the voters have the opportunity to hold them accountable when there is a follow-on election.

Clearly, I think we are mandating a substantial increase in the use of ethanol. I am not saying I am not opposing that in this amendment, but I am saying let us at least be a little bit humble about our own ability to predict what might occur in the future. If, in fact, there is a significant price spike because of some problem in transitioning to this new fuel mixture, if there is some price spike as a result of interruptions in supply, then let’s have the President, with the authority, deal with the situation and let’s not just say, okay, we are going to require that they go through the normal hoops, give public notice and comments, have hearings, and all of that. I think there is certainly a time for all of that, but there is also a time when the American people elect a President, they expect the President to have authority to act when the circumstances require. That is what our amendment would do, and we hope very much it will be agreed.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Will the Senator join me in asking for the yeas and nays on his amendment?

Mr. BINGAMAN. I am glad to ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second on this amendment?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Let me ask, does Senator Reid know if there is another Senator who has an amendment?

Mr. REID. Senator SCHUMER is due any minute to offer an amendment on this subject.

Mr. DOMENICI. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have spoken to the two managers of the bill. We have been dealing now for the second day on the ethanol section. What we would like all Members to hear, if anyone has any desire to offer an amendment on the ethanol section, is they should let their respective Cloakrooms know immediately. The knowledge we have at this time is Senator BOXER has two amendments, Senator SCHUMER has one amendment, Senator CLINTON has one amendment, and Senator FEINSTEIN has two amendments.

If there are amendments other than these that I have just enumerated—BOXER, two; SCHUMER, one; CLINTON, one; FEINSTEIN, two—they should let the Cloakrooms know. It is my understanding Senator NICKLES may or may not offer an amendment but he is on the list.

Mr. DOMENICI. Should we put NICKLES on the list?

We think he will come off.

Mr. REID. He is on the list. If anyone else wants to offer an amendment, let us know immediately. Otherwise we are going to enter into an agreement that the amendments I have just listed will be the only ones in order on the ethanol section.

The PRESIDING OFFICER (Ms. COLBERT). The Senator from New Mexico.

Mr. DOMENICI. Might we do it this way, so there will be a bit of finality. It is 10 minutes to 5. Could we enter into an agreement that that is it, unless some Senator contacts you or Senator BINGAMAN or myself by 5 o’clock?

Mr. REID. We should give people a little bit of time.

Mr. DOMENICI. That is plenty, 10 minutes. At 5:30?

Mr. REID. I personally would like to get off this section. We hope to have a vote and it is my understanding, by 5:15. We would know as soon as that vote is completed.

Mr. DOMENICI. For now we are going with the fact this is all we are
Senator BINGAMAN, about LIHEAP, have slots available, either tonight or is willing to offer one of her amendments, both of them, at make the pending business the LIHEAP amendments, that may meet with your approval, Senator BINGAMAN—the idea would be to bring it back immediately following a vote on your amendment. It would the pending business the LIHEAP amendments, both of them, at which time we would have a vote on the Domenici amendment that was offered in behalf of the chairman of the committee, and there would be a vote. Immensely advantageous that vote there would be a vote, if requested, on the LIHEAP amendment. 

Mr. BINGAMAN. Madam President, in response to the question, my understanding is Senator Cantwell, from Washington, did want to speak on this LIHEAP issue. I don’t feel comfortable just agreeing we are going to lock her out of that opportunity. I think we have been advising people that the LIHEAP issue has been put aside for that reason. That all I have to say. I believe there is ample flexibility in the underlying bill. I do not believe we ought to make it more difficult to turn the spigot on and off with reference to the impact of ethanol on the gasoline supply in the country. I believe it is almost unworkable, for any President to decide, for instance, what caused the increase and to turn that on and off with reference to the supply and refining capacity and the like. 

With that, I yield the floor. I am prepared to vote up or down on the Bingaman amendment to the ethanol amendment. 

The PRESIDING OFFICER. Is there further debate on the amendment? Mr. DOMENICI. I am going to suggest the absence a quorum for about 10 minutes. Senators are being put on notice the amount of time that we are going to vote shortly. That is why we are having a 10-minute quorum call at this time. I yield the floor. 

The PRESIDING OFFICER. The clerk will now call the roll. Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded. 

The PRESIDING OFFICER. Without objection, it is so ordered. Mr. DOMENICI. Madam President, regular order. 

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll. The legislative clerk called the roll. Mr. MCCONNELL. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent. Mr. REID. I announce that 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 Massachusetts (Mr. KERRY) would vote “nay.” 

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?
Daschle amendment is one by the Senator from New York on behalf of himself and Senator Clinton. The amendment on that is that there will be 20 minutes equally divided. That basically is what would happen on this amendment. This is a second-degree amendment. So that is all the protection they need.

I ask unanimous consent that Senator Schumer be recognized to offer his amendment, that there be 20 minutes equally divided on this amendment, and that the vote would occur some time tomorrow, which will be subject to the two leaders.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. DOMENICI. Do we have the rest of the consent ready?

Mr. REID. He is not quite ready yet.

Mr. DOMENICI. Does the Senator think we should wait how and do it or let Senator Schumer begin?

Just so everybody understands, we do intend to have a consent that disposes of all three amendments, with votes on all three, Schumer and two others. But that consent agreement will come along shortly.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York is recognized.

AMENDMENT NO. 853 TO AMENDMENT NO. 850

Mr. SCHUMER. I have an amendment at the desk. I ask unanimous consent that Senator Clinton be added as a co-sponsor.

The PRESIDING OFFICER. The clerk will report.

Mr. SCHUMER. I have an amendment numbered 853 to amendment No. 850.

Mr. SCHUMER. 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 as follows:

(Purpose: To exclude Petroleum Administration for Defense Districts I, IV, and V from the renewable fuel program)

On page 4, strike lines 6 through 15 and insert the following:

"(i) PROMULGATION.—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 Petroleum Administration for Defense Districts I, IV, and V) on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with subparagraph (B).

Mr. SCHUMER. Madam President, I rise today to offer an amendment that would modify the renewable fuels provision of this amendment and limit it to Petroleum Administration Defense Districts II, III, and V, where corn and ethanol are most naturally available.

The objection that those of us from the coasts and the Rocky Mountain areas have with this amendment is very simple. While corn is plentiful in the Middle West, as this chart shows, and ethanol will be a good additive for gasoline in terms of cleaner air, in terms of oxidation, it will not work on the east coast, the west coast, and the Rocky Mountain States, where the coasts have with this amendment is very simple. While corn is plentiful in the Middle West, as this chart shows, and ethanol will be a good additive for gasoline in terms of cleaner air, in terms of oxidation, it will not work. The east coast, the west coast, and the Rocky Mountain States, where the coasts have, cannot have the corn available. It has to be shipped. It has to be made into ethanol and then shipped. Since ethanol is combustible, shipping is expensive. It will raise prices for us. We do not know how much. There is a dispute. But when senators believe it will not raise any gasoline prices, there is no reason we should not be for this.

So this amendment would basically be very simple. It would say that PADD II and PADD III, the corn-growing areas of the country which produce most of the ethanol, would, indeed, still have the mandate before them, but it would allow PADD I and IV and V to be exempt.

This bill has no reason not to exempt. We have already exempted Alaska and Hawaii because they are far away. The issue is not the amount of water or land that must be traversed; it is how far the ethanol has to be transported, and it has to be transported possibly a long distance to get to these other areas.

So I join with my colleague, Senator Clinton, to offer this amendment and to say the main reason we are against this is very simple: There are cheaper and more efficient ways to do it, and the price of gasoline, and it will be an unfair burden, an unfair tax, on many of the people who live in the two coastal areas of this country and in the Rocky Mountain States, where the coasts have.

Every one of my colleagues from the PADD IV, PADD V, and PADD I areas are not representing their constituents unless they vote for this amendment because the benefit for the few corn growers in our area will be far exceeded by the detriment to every driver in the area in terms of increased gasoline prices.

Some say it will not raise prices much. Most of the studies are admitted equally divided on that, but there is too much evidence that says they will. If there is a better way to do it that does not require a mandate, why not? I say to my free market colleagues on the other side of the aisle, it is very hypocritical to be for the free market except when it benefits a producer in their State. To force ethanol on areas that could do it better in other ways is not free market.

Ethanol is already subsidized dramatically. I have supported money for our corn growers, even though we have very few in New York. But if we are going to do it, it ought to come out of the Treasury, not out of the pockets of drivers throughout the Nation. We are going to be making a major mistake. We will come back 3, 4, 5 years from now and say, the Daschle amendment, and we will regret it.

Remember the catastrophic tax? This is the same type of thing. I do not want any of my colleagues to say they did not know, because we are giving them warning loudly and clearly that the chances that this will raise gasoline prices significantly are too high to risk it, particularly when there are other ways to require the clean burning of fuels other than ethanol.

So for my colleague from Tennessee and for my colleague from South Dakota, who are both fine people, we are not exempting their areas. If they want to do it there, that is fine. It is not going to cost them much. It will help their corn growers and not cost their drivers much. But for all the people on the east coast, the west coast, and the Rocky Mountain States, this makes a huge difference.

I urge my colleagues to support this amendment, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I ask unanimous consent that the following be the only remaining second-degree amendments to No. 850 and that they be related to ethanol: No. 1, Schumer, which we are hearing now, 20 minutes equally divided; Boxer, 1 hour equally divided on two amendments. I further ask unanimous consent that following debate on the Schumer amendment this evening, the amendment be temporarily set aside. I further ask consent that when the Senate resumes consideration of the Energy bill on Thursday, Senator Boxer be recognized—at that time, she be recognized in order to offer her first amendment.

Finally, I ask unanimous consent that following debate on the above-listed amendments, they be temporarily set aside and the votes occur in relation to the amendments in the order offered at a time determined by the majority leader after consultation with the Democratic leader.

Mr. REID. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Democratic assistant majority leader.

Mr. REID. I ask that there be 2 minutes equally divided between the votes.

The PRESIDING OFFICER. Is there objection to modifying the unanimous consent request?

Mr. DOMENICI. I do not want to object, but I want to ask a question because I am rereading what I just read. It does not seem to me that it says there is a second Boxer amendment.

Mr. REID. Yes, there is. It does say that.

Mr. DOMENICI. It says Senator Boxer be recognized to offer her first amendment.

Mr. REID. I ask unanimous consent that following the debate on the above-listed amendments—it does not say her second amendment.

Mr. REID. We want to make sure she gets to offer her second amendment.

Mr. DOMENICI. I do not want it.

Mr. REID. Madam President, Senator Boxer has indicated she would be willing to come anytime in the morning. It
is my understanding, after having spoken to the managers of the bill, that she would need to be here at approximately 10 a.m. tomorrow.

Mr. DOMENICI. That is about right.

Mr. REID. We will go into session at 9:30, and I should advise Senator Boxer to be here at 10.

The PRESIDING OFFICER. Is there objection to the request?

Mr. REID. Madam President, maybe I did not make it clear, because it was not clear, that we are going to have three votes. I assumed we would go right into the first vote and not need the 2 minutes, but we are going to do this later, so Senator Schumer would also need the 2 minutes as with the two Boxer amendments.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. AKSANDER). The Senator from New York has 5 minutes remaining.

Mr. DOMENICI. I don’t see anyone here who wants to argue in opposition to you. We have already voted. I know the Senator from New York has great, innovative capacity and that he has tried his best and failed. I am writing on an amendment the likes of which the Senate has never seen or heard, but I have an inclination that it is similar to what we have voted heretofore; I don’t believe it has been offered to do anything other than cause mischief to the ethanol bill which is before the Senate, which I understand has very broad support.

So my argument would merely be, in all deference, to suggest that enough is enough, and just as we voted heretofore in opposition to the other amendments, we follow suit and vote against the amendment of the distinguished Senator from New York.

I only used 3 minutes and I yield back any other time in opposition. I thank the majority managers for being generous in only using a small amount of the Senate’s time this evening. I do mean the latter seriously.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I conclude, first, one difference with this amendment—it has the support of the ranking Democrat on the Energy and Natural Resources Committee, which the others did not. Second, it affects all of the coastal States, not just one or two.

On the other amendments there was a general opt-out. Those who advocate ethanol would say every State could opt out, and we would not have an ethanol program. Here, the main States that care about it in PADDs II and III, half of the States in the country or less, would not be allowed to opt out. It would be cheaper for them.

I say to my good friend, “mischief”? We are creating mischief with this amendment? My goodness, the amendment my good friend the chairman of the Energy and Natural Resources Committee is creating affecting the drivers in more than half the country is enormous, all to help the corn growers and to help the ethanol industry. That is the kind of mischief that people do not like about Washington.

They are saying, you are telling me, Mr. President, the Senator from New York, Miss Mary E. Jones of Oregon, Miss Young Teenager who just learned to drive from Denver, CO, they must use ethanol even if it costs more.

I see my good friend from Pennsylvania, one of the great upholders of free market principles, except when it comes to steel and corn.

Let’s be realistic here.

Mr. SANTORUM. If the Senator from New York would yield, if he checks my vote on the last 2 amendments he would find I am a great defender of the free market principle and have joined the Senator from New York in support of those.

Mr. SCHUMER. I retract my remarks. I should not have assumed the worst.

Mr. DOMENICI. Will the Senator yield?

Mr. SCHUMER. I say to my friend from New Mexico who also upholds free market principles that this is not a free market bill. This is the opposite.

Even the Wall Street Journal editorial page has come out against this proposal.

Can’t we form a nice little coalition of the States affected by this, the States that are hurt by this, plus all those who believe in the great free market, like my good friend from Pennsylvania on the issue of corn?

Mr. DOMENICI. I remind the Senator, in response to the Senator from New Mexico and his remarks about this being more of the same and enough is enough and his comment, one thing is different, and that is that the ranking minority member of the Energy Committee was on his amendment, I remind the Senator that same Senator has offered his own amendment and it did not get enough votes. If you get as many votes as he got, you are doing quite well. I don’t know that you can expect more by saying he is on it since he has tried his best and failed already.

Mr. SCHUMER. Reclaiming my time, I simply say to my friend from New Mexico, the underlying is so bad and so egregious it is worth trying and trying again.

You know the old song: what made him punch a hole in the dam, but he knows that you can’t punch a hole in the dam, he can’t punch a hole in the dam, but he had high hopes. He had high hopes, high, apple pie-in-the-sky hopes.

That is what we have here. We know if we persist, because we are right, we can do it, just like the ad, that could not move a banana tree plant in the same aforementioned song.

We are going to keep trying. We know it is uphill fight. We do not think that is because we are wrong. We think that is because there is a lot of power on the other side. I guess our lack of strength and votes thus far is somewhat made up for in the passion we felt about this issue in these amendments.

If my colleague would like to conclude, I yield him whatever time remains.

Mr. DOMENICI. I am anxiously awaiting for you to decide you have used your time up. Have you?

Mr. SCHUMER. I ask the President if I have.

The PRESIDING OFFICER. The Senator has 54 seconds.

Mr. SCHUMER. In deference to my good friend from New Mexico, and in hopes that he will see the error of his ways, I yield back those 54 seconds.

Mr. DOMENICI. I am so thrilled. That is the first act of generosity that has occurred with reference to the chairman, who has been trying to get this bill completed. I am very thrilled. Tomorrow we will have three votes, as I indicated, starting sometime after 10 o’clock. They will all be on ethanol. We have a bill with all kinds of things in it and we will just be finishing the subject matter of both votes on ethanol.

I do thank the minority managers for their efforts, in particular Senator Reid, in trying to narrow down the number of amendments on the Democratic side, which they have done. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent the Senate be in a period of morning business and Senators be permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

ENDANGERED SPECIES FUNDING ACT

Mr. ENZI. Mr. President, there is no question that the goals of the Endangered Species Act are noble. Wyoming residents understand the desire to maintain a healthy environment and to manage and protect wildlife. In fact, it is a business we have been in for generations. The fact that today’s private lands are the primary habitat for a more abundant range of wildlife than can be found on Federal public lands is a strong testament to my Wyoming’s residents’ belief in protecting wildlife and their willingness to put those beliefs in action.

It was the State of Wyoming, not the Federal Government, that took action to find the believed extinct black-footed ferret. The State then used its own
money to build a facility that was able to nurse the ferret back into existence. As a result of the State's unilateral efforts we now have several populations of black-footed ferrets spread across several States.

Unfortunately, the ESA has moved beyond its goals of recovery species and had become a tool to control development, to shut down small businesses, and had become a tool to control development of the great Babe Ruth. In addition to Roosevelt, William Taft, John Wayne, and the grizzly bear, the black-footed ferret, Canada lynx, Preble's mouse jumping mouse, gray wolf, whooping crane, bald eagle, western snowy plover, sage grouse, Wyoming toad, Colorado pikeminnow, razorback sucker, Colorado butterfly plant, or a flower called the Ute Ladies' tresses, Wyoming residents have been forced to invest valuable man hours and personal property to ensure these animals and animals are managed according to national priorities as set by non-resident Federal agencies.

It is only fair that Federal dollars be provided to pay for Federal priorities. Imagine, as a homeowner, that an endangered species is discovered in your yard. What if you were then denied the use of your garden, back yard and driveway, couldn't water or pull any weeds, don't have time to change jobs too. You'd be on the phone to your lawyer, your governor, your Senator and the President. And all of them would say, "It's the law and you are not entitled to a dime of compensation." Now how would you feel about the Endangered Species Act?

Granted, a farm or ranch is larger than your garden or back yard, but it is often the sole source of support for some of our hardworking families—and to have acres taken away and out of use without compensation would appear to violate the Constitution! My bill merely provides for just compensation for this, a Federal priority. My bill would guarantee funding for implementing the ESA while requiring the Federal Government to pay for all the costs relating to the establishment of State management plans, monitoring, consultation and administration, surveys, conservation agreements, land acquisitions, losses from predation, losses in value to real or personal property, or any other costs imposed for mitigating management of a species covered by the ESA.

When they see the real costs of these regulations and their impact on communities, the American public will, for the very first time, realize what it costs to declare a species as endangered. It's one thing to dictate how someone else or another community spends its resources, and it's quite another to face those costs and lost opportunities yourself.

There should be no question in anyone's mind that the Endangered Species Act is an unfunded mandate. For far too many years states, local governments and individual property owners have borne the brunt of implementing the Federal Endangered Species Act. They stagger beneath the weight of the realization that they have to pay for the mismanagement and policy decisions of federal bureaucracies.

One of the biggest problems with this statute is that the people forcing implementation to look at what it does or how it impacts states and local communities. It is very easy for them to sit back in their protected communities, surrounded by granite walls and pavement, and dictate to the West that our herds of cows and flocks of sheep are needed to feed the wolves they transplanted here, or that species preservation is more important than providing jobs for the communities and putting food on the table. It's easy for them because they don't have to live with the results of their decisions. It doesn't cost them anything and they have nothing to lose. The only investment most Americans make in the Endangered Species Act is rhetoric.

I love Wyoming and the plants and animals that populate it. I would hate to see anything happen that would change the ability of Wyoming and individuals to continue managing its land with the kind of productivity that we now have.

The reality is, however, that the Endangered Species Act has become more of a hindrance than a help. Not only has species been recovered because of the rules and regulations imposed by this statute. What has had the biggest impact has been the people on the ground who are not allowed to make personal choices on how they manage their own property. If we continue to impose the costs and expenses on local landowners and communities, there will come a day when they are no longer going to be good neighbors and good stewards.

The United States must continue to be trusted to live up to any of its promises. The United States must continue to support Daw Aung San Suu Kyi and the denial of requests by United States and other officials to meet with her and assure her good health and well-being are unconscionable. She should be released immediately and unconditionally. In addition to the release of other National League for Democracy leaders who have been arrested, I also call upon the government of Burma to allow the NLD to reopen its offices throughout the country.

The only hope for democracy in Burma will be found in dialogue among the National League for Democracy, the State Peace and Development Council and the ethnic nationalities. The arrest of Aung San Suu Kyi is a major setback to meaningful reform, and raises serious questions about whether the current ruling junta can be trusted to live up to any of its promises. The United States must continue to support Daw Aung San Suu Kyi and the NLD.

I am pleased that the Bush administration, in coordination with the United Nations Security Council and the Office of the President of the United Nations, has recognized that the peaceful transition to democracy in Burma is of vital interest to the United States and the world. I hope that the Bush administration will continue to take steps to protect the United States' interest in the peace and stability of that country and the region.

Congratulations to all of you as you celebrate this extraordinary milestone. We look forward to the next 100 years.

RELEASE OF AUNG SAN SUU KYI

Mr. LUGAR. Mr. President, today I rise to affirm the call from Secretary of State Powell that military leaders in Burma release Aung San Suu Kyi from continued "protective custody."

The reimposition of custody of Daw Aung San Suu Kyi and the denial of requests by United States and other officials to meet with her and assure her good health and well-being are unconscionable. She should be released immediately and unconditionally. In addition to the release of other National League for Democracy leaders who have been arrested, I also call upon the government of Burma to allow the NLD to reopen its offices throughout the country.

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Mr. SMITH. Mr. President, I rise today in support of the Prevent All Cigarette Trafficking Act, “PACT Act” of 2003. This legislation addressed the growing problem of cigarette smuggling and in a direct connection between the profits from these activities and terrorist funding. According to the Bureau of Alcohol, Tobacco, Firearms and Explosives, 10 cigarette smuggling cases were initiated in 1998. That has grown to approximately 160 in 2002.

Cigarette smuggling can be defined as the movement of cigarettes from low-tax areas to high-tax areas in order to avoid the payment of taxes when the cigarettes are resold. Smugglers buy cigarettes at low-tax States such as North Carolina and Kentucky, and drive or ship the product to high-tax States and sell them on the street, to convenience stores, or to conspirators without paying the required State taxes. Some smugglers affix fraudulent State tax stamps to make it appear they have paid the State taxes that are due. The profits for cigarettes smuggling can be enormous. In North Carolina, a pack of cigarettes is taxed 5 cents. In New York, the State tax is $1.50. So a New York City, an additional $1.50 a pack city tax is levied.

It is clear that cigarette trafficking is becoming a method of terrorist financing. In an investigation last month, the AFT arrested 17 individuals who are alleged to have smuggled more than $20 million worth of cigarettes. The ring allegedly purchased cigarettes in Virginia, where the state tax is 3 cents per pack, and transported them to California without paying the California tax, which is 67 cents. In another recent investigation, the AFT disrupted a cigarette smuggling scheme between North Carolina and Michigan participants allegedly smuggled at least $6 million in untaxed cigarettes. The proceeds were to be sent to Hezbollah to support terrorist activities.

The Internet is contributing to the smuggling problem because many Internet cigarette retailers are not paying the required taxes when shipments are sent to buyers in various States. It is impossible to know what happens to these ill-gotten gains. Currently, there are hundreds of tobacco retailers on the Internet claiming to sell tax-free cigarettes. They openly proclaim on their websites that they do not report internet tobacco sales to any State’s tax administrator. This is a flagrant violation of the law in every State. A recent Government Accountability Office report advised that States will lose approximately $1.5 billion in tax revenues by the year 2005 if the current State of Internet tobacco sales continues. More than ever, state governments need these tax dollars.

Compounding the problem, counterfeit cigarettes, on which smugglers have paid no taxes, are becoming more and more common. In 2001, the U.S. Customs Service made 24 seizures of counterfeit cigarettes. In 2002, they made 255 seizures. Phillip Morris estimates that 100 billion counterfeit cigarettes are produced in China alone.

The PACT Act will combat tobacco smuggling in a number of ways. First, in order to assist law enforcement and fight terrorism funding, this legislation will make violations of the Jenkins Act a felony thereby encouraging more investigations and prosecutions. The Jenkins Act, 18 U.S.C. 375, requires any person who sells and ships cigarettes across State lines to anyone other than a licensed distributor, to report the sale to the buyer’s State tobacco tax administrator, thus allowing State and local governments to collect the taxes that are lawfully due. The current penalty for violating the Jenkins Act is a fine.

In my State of Wisconsin, in 2001, State authorities referred a Jenkins Act violation to the U.S. Attorney who said that this was a matter that should be handled administratively. However, Wisconsin and most States do not have remedies for these violations and they have little recourse against vendors.

This legislation also amends the Jenkins Act by explicitly expanding the definition of “cigarettes” to include sales to consumer via the mail, telephone, or the Internet. It will also require both sellers and shippers to submit the required reports, even when sales are to a licensed distributor. Finally, the “PACT Act” will empower State Attorneys General, and persons holding a Federal permit to manufacture or import cigarettes, to bring civil actions in Federal court to restrain violations of the Jenkins Act and to seek civil damages for the losses they have incurred. This will allow State Attorneys General to stop violators of this Federal law from operating as well as recoup their tax losses.

The PACT Act also strengthens the Contraband Cigarette Trafficking Act (“CCTA”), 18 U.S.C. 2342, which makes it unlawful for any person to ship, transport, receive, possess, sell, distribute, or purchase contraband cigarettes. Under the CCTA, contraband cigarettes is defined as 60,000 cigarettes or more which bear no tax stamp. This legislation will lower the threshold from 60,000 to 10,000 in order for smuggled cigarettes to be considered “contraband,” thereby allowing ATF to open more investigations and seek more Federal prosecutions of cigarette smugglers.

Finally, the PACT Act will grant ATF the ability to utilize funds earned during undercover operations to offset expenses that are incurred during those investigations. This will make the ATF’s powers more comparable to those of other investigative agencies such as the FBI and DEA, may use non-appropriated funds to make undercover purchases and pay other investigative expenses. This will make the ATF’s powers more comparable to those of other investigative agencies such as the FBI and DEA, may use non-appropriated funds to make undercover purchases and pay other investigative expenses.

Cigarette smuggling is increasing and must be addressed. Enhancing the criminal laws to reduce cigarette smuggling will help deny terrorists a needed source of funding and help our States collect their revenue.

ADDITIONAL STATEMENTS

HONORING THE GIRL SCOUTS WHO HAVE RECEIVED THE SILVER AND GOLD AWARDS

Mr. CHAFEE. Mr. President, I rise today to honor the Girl Scouts in Rhode Island who have received the Silver and Gold Awards for 2003.

I praise all of the hard work the girls have done throughout the year to receive their respective awards.

Mr. Girl Scout Gold Award is the highest and most prestigious award a girl can earn in girl scouting. A girl who has earned the Mr. Girl Scout Gold Award can look forward to greater access to college scholarships, paid internships, and community awards.

I ask that the list of the girls receiving the awards be printed in the Congressional Record.
of free meal, but stumbled upon an up- right piano. Merely riffing on the ivor y keys summoned pleasure in an instant. Playing the piano, he wrote later, en- abled him to “hope and cope.”

It is an honor to pay tribute to an innovator, able as Washington University Professor Gerald Early wrote, to shape the world artistically, breaking down barriers and moving across boundaries. "J'ones has become an vital cultural history, a person of such im- portance and achievement that it is difficult to imagine the era without him." His greatest contribution to our times may be as a passionate proselytizer for music education in the classroom. Half a century ago, in his early forays abroad, Quincy made the startling discovery that people around the globe knew and cherished American music—sometimes more than their own. And if we are lucky, and one loses track of time and space. In a musical mode, dreamers dream and the impossible seems possible.

Music stirs our creative impulses—and invariably contributes to our math, linguistic and science learning. The most ardent champion of music education today would indubitably be Albert Einstein. When asked about the theory of relativity, he explained, "It occurs to me by intuition, and music was the driving force behind that intuition. My discovery was the result of musical perception.”

Harvard University’s Dr. Howard Gardner, whose landmark research in Multiple Intelligences was published 20 years ago, asserts that all of us are gifted with music in the brain, an in- telligence that when tapped—espe- cially when we are young—generates bountiful lifetime rewards in all of our other academic and social endeavors. We have empirical data linking music education to higher test scores, lower school dropout rates, higher cog- nitive skills and an increased ability for students to analyze and evaluate information. A University of California School for Medicine San Francisco paper concluded that learning to play an instrument “refines the development of the brain and entire neuro- musculoskeletal system.”

Other brain research contends that music and arts activities develop the intellect, lead to higher test results in mathematics, science and history and strengthens synapses and spatial rea- soning in all brain systems.

Students exposed to music education are more disciplined, dexterous, coordi- nated, creative and self-assured. They
would have succinctly put it, "They get in the groove."

Yet despite the overwhelming scientific and anecdotal evidence showing that the benefits of music education programs throughout the country are in peril. Some fine arts education budgets have been drastically cut; others have been eliminated entirely. The consequences will harm both our music industry and concert hallers, and even more seriously our nation's youth.

As Dr. Jean Houston implored 15 years ago, long before the latest rounds in budget cuts, "Children without access to an arts program are actually damaging their brain. They are not being exposed to non-verbal modalities which help them learn skills like reading, writing and math much more easily."

Which is why Quincy Jones, Warner Bros. Publications, and other titans of the music world are joining the battle. The fight to initiate and restore arts and music education to our schools needs a volunteer army of teachers, researchers, parents, elected officials, school boards and legislators in conjunction with the arts industries and artists themselves.

For the Year of the Blues, Seattle's Experience Music Project is partnering with the Blues Foundation in Memphis and PBS for a multi-media project that will include a television series, The Blues, executive produced by Martin Scorsese, a public radio series, a comprehensive Web site and education program, a companion book, DVDs and boxed CD set, and a traveling interactive exhibit.

Today's advanced multimedia technology will seek to capture the spirit and times of the blues, an era when at myriad clubs jazz greats would come in after hours and fold into jam sessions. Guests, and the musicians themselves, were treated to wild flights of fantasy and improvisation. On any given night the likes of Sydney Bechet, Jack Teagarden, Louis and Lil Armstrong, and Bud Freeman would sit together and play the music they felt. It was the dawn of great female artists: Dinah Washington, Billie Holliday and Bessie Smith.

Music in all its incarnations is one of the most present and memorable reflections of our loud and boisterous democracy. Jazz and the blues represented the vibrant merger of African music, plantation songs, ragtime and the plaintive yearnings of what was then the blues as hillbilly music. It followed that from jazz, the rivers of rock and roll, hip-hop and rap flowed.

The genius of Quincy Jones is his ability to siphon off music from all eras and seemingly reinvent it. It is as if he is a scientist, extrapolating findings from all disciplines and effortlessly merging them into brand new medical breakthroughs. The challenge for educators is to build upon existing layers of history, knowledge and research to structure a new paradigm, deftly blending the elements to produce the finest school system in the world.

Artists such as Quincy Jones have a gift for foreseeing music's future, while keenly anticipating its future. For as Nadia Boulanger, possibly the greatest music teacher of the 20th century said, "A person's music can be no more or less than they are as a human being."

Mr. WYDEN. I rise today to pay tribute to Ann Reiner from Portland, OR, a former member of the Oncology Nursing Society's Board of Directors. Ann has been helping individuals with cancer and their families for 20 years. Currently, Ann is the Program Director for Cancer Services and the Director of Outreach and Education for the Cancer Institute at the Oregon Health and Science University. OHSU. Ann is also an Instructor at the School of Nursing at OHSU.

Since 1983, Ann has been a member of the Oncology Nursing Society and most recently stepped down from serving on its Board of Directors. The Oncology Nursing Society, the largest professional oncology group in the world, has more than 30,000 nurses and other health professionals, exists to promote excellence in oncology nursing and the provision of quality care to those individuals affected by cancer. As part of its mission, the Society maintains nursing's historical and essential commitment to advocacy for the public good.

Ann Reiner has received numerous awards for her work on behalf of individuals with cancer, including a Doctoral Degree in Cancer Nursing Scholarship from the American Cancer Society and a Fellow at the Oncology Nursing Society's Inaugural Leadership Development Institute. In addition, Ann is a member of the Institutional Review Board at OSHU, a member of the Breast and Cervical Cancer Program Medical Advisory Committee with the Oregon Department of Health, and a member and coordinator for the Portland Area Citywide Annual Skin Cancer Screening.

A number of studies and articles that Ann has written on quality cancer care and the nursing shortage have been published in distinguished publications such as Cancer, The Nurse Practitioner, Detec-

tion and Control: A Nursing Perspective, Puget Sound Chapter Oncology Nursing Society Quarterly, Manual of Patient Care Standards, Blood, The Cancer Experience: Nursing Diagnosis and Management, Journal of Nursing Quality Assurance, and the Regional Oncology Nurses' Quarterly. Since the 1980s, Ann has given over seventy presentations and has presented thirty papers to national audiences on a host of cancer care, health, and nursing shortage issues.

Over the last 10 years, the setting where treatment for cancer is provided has changed dramatically. An estimated 80 percent of all Americans receive cancer care in community settings, including cancer centers, physicians' offices, and hospital outpatient departments. Treatment regimens are as complex, if not more so, than regimens given in the inpatient setting a few years ago. Nurses, like Ann, are on the front lines of the provision of quality cancer care for individuals with cancer each and everyday. Nurses are involved in the care of a cancer patient from the beginning of their illness through the end of treatment. Oncology nurses are the front-line providers of care by administering chemotherapy, managing patient therapies and side effects, working with insurance companies to ensure that patients receive the appropriate treatment, and provide counseling to patients and family members, in addition to many other daily acts on behalf of cancer patients.

With an increasing number of people with cancer needing high quality health care, coupled with an inadequate nursing workforce, our Nation could quickly face a cancer care crisis of serious proportion, limiting access to quality cancer care, particularly in traditionally underserved areas. Without an adequate supply of nurses there will not be enough qualified oncology nurses to provide quality cancer care to a growing population of people in need. I was proud to support the passage of the Nurse Reinvestment Act in the 107th Congress. This important legislation expanded and implemented programs to address the multiple problems contributing to the nationwide nursing shortage, including the decline in nursing student enrollments, shortage of faculty, and dissatisfaction with nurse workplace environments.

I commend Ann Reiner and the Oncology Nursing Society for all of their hard work to prevent and reduce suffering from cancer and to improve the lives of those 1.3 million Americans who will be diagnosed with cancer in 2003. I wish Ann and the Oncology Nursing Society the best of luck in all of their endeavors.

**HONORING A MOMENT IN HISTORY: FIFTY YEARS SINCE MAN FIRST REACHED THE ROOF OF THE WORLD**

Mrs. FEINSTEIN. Mr. President, May 29 marks the 50th anniversary of the first successful climb of Mount Everest. This day, 50 years ago, two young men—Eldredge Hillary and Tenzing Norgay—became the first to reach the highest point on earth, the fabled summit of Mt. Everest.

At 29,028 feet above sea level, Everest had defied 15 earlier attempts, including the doomed expedition of George Mallory, in 1924. Some have called Everest the Third Pole, after the North Pole, first reached in 1909, and the South Pole, reached in 1911.

Small wonder, then, that these two intrepid climbers—the lanky bee keeper
from New Zealand and the sprightly Sherpa born in Tibet—became instant celebrities back in 1953, and have since evolved into legendary figures.

The son of a yak herder, Tenzing Norgay, who died in 1986, became the first human to rise to global fame entirely through physical efforts and sheer willpower. In many ways his story has a strong American flavor to it—with enough determination and hard work, anyone can achieve anything.

Norgay spoke 13 languages but could neither read nor write. He always told his children: “I climbed Everest so you wouldn’t have to.” His son, Norbu, now a resident of San Francisco, took these words to heart. College became his Everest.

Equally extraordinary is how Hillary and Norgay used their fame not for personal gain, but as champions of their people and, later, to help and protect the unique culture of the Sherpas.

For Edmund Hillary, this was only the beginning. I have been honored to consider Sir Edmund Hillary my friend. In September of 1981, he was with my husband when he fulfilled the dream: entering the beautiful Kanchenjunga valley, in an attempt to climb the east face of Everest from Tibet.

In concert with the American Himalayan Foundation, Sir Edmund’s Himalayan Trust, which was established in 1962, has been leading the effort to build schools, bridges, hospitals, and micro hydro plants, out of his deep and lasting affection for the Sherpa people.

To date, they have built 27 schools where once there were none. I am not talking about just funding alone—Sir Edmund actually took part in the actual construction of these and other buildings. Here is a man who puts the divots back. Just ask the Sherpa children who grew up tending yaks who are now doctors, pilots and investment bankers.

The Himalayan Trust has also built two hospitals, one in Khunde and one in Paphlu, and 11 village clinics that provide health care for the Sherpa communities and trekkers alike.

The Trust has worked to combat the deforestation of the Khumbu, caused largely by tourism, by planting more than 1 million trees, to restore the sacred monasteries at Tengboche and Tame—central sites for the spirituality and identity in this region. And in 1976, in the Sagarmatha National Park, Sagarmatha is the Nepali name for Mount Everest.

At 83 years old, New Zealand’s former High Commissioner to India is still going strong. For half a century now he has been one of the enduring figures of our time.

He has taught me and so many others about the simple yet majestic power of the Himalayas and the marvelous but far too often forgotten people whose ancient culture is tied so closely to those amazing mountains. Being the first to reach the top of the world would ensure anyone’s name in the history books—and Hillary and Norgay achieved that the moment news spread of their heroic accomplishment.

But I believe they had not been the men they were—soft spoken and down to earth, devoted to actions and example, to helping others rather than themselves—then they would have ended up as mere footnotes.

Instead, the names of Hillary and Norgay remain an inspiration to people around the world. And I am absolutely certain that in the next true 50 years from now, when it comes time to celebrate the 100th anniversary, and for many other anniversaries to follow.

MESSAGE FROM THE HOUSE

At 11:20 a.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 joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 4. A joint resolution 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.

MEASURE REFERRED

The following joint resolution was read the first time and the second time by unanimous consent, and referred as indicated:

H.J. Res. 4. Joint resolution 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; 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. 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-2476. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Utah: Final Authorization of State Hazardous Waste Management Program Revisions (FRL 7505-1)” received on June 1, 2003, to the Committee on Environment and Public Works.

EC-2477. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District (FRL 7505-9)” received on June 1, 2003, to the Committee on Energy and Natural Resources.

EC-2478. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regulations to Prevent and Control Particulate Matter Air Pollution From Manufacturing Processes and Associated Operations (FRL 7503-9)” received on June 1, 2003, to the Committee on Environment and Public Works.

EC-2479. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Georgia Update of Materials Incorporated by Reference (FRL 7500-9)” received on June 1, 2003, to the Committee on Environment and Public Works.

EC-2480. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Removal of Alternative Emission Reduction Limitations (FRL 7500-6)” received on June 1, 2003, to the Committee on Environment and Public Works.

EC-2481. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to the Control of Volatile Organic Chemicals from Chemical Production and Polytetrafluoroethylene Installations (FRL 7503-7)” received on June 1, 2003, to the Committee on Environment and Public Works.

EC-2482. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regulation to Prevent and Control Particulate Matter Air Pollution From Manufacturing Processes and Associated Operations (FRL 7503-9)” received on June 1, 2003, to the Committee on Environment and Public Works.

EC-2483. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to the Control of Volatile Organic Chemicals from Chemical Production and Polytetrafluoroethylene Installations (FRL 7503-7)” received on June 1, 2003, to the Committee on Environment and Public Works.

EC-2484. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regulation to Prevent and Control Particulate Matter Air Pollution From Manufacturing Processes and Associated Operations (FRL 7503-9)” received on June 1, 2003, to the Committee on Environment and Public Works.

EC-2485. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to the Control of Volatile Organic Chemicals from Chemical Production and Polytetrafluoroethylene Installations (FRL 7503-7)” received on June 1, 2003, to the Committee on Environment and Public Works.
Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Proclamation of Air Quality Implementation Plans; Colorado; State of Washington; and program for Fiscal Year 1999 and 2000" received on June 5, 2003; to the Committee on Environment and Public Works.

EC-247. A communication from the Acting Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Annual Report of the Office Inspector General in the Environmental Protection Agency (FRL 7504-4) received on June 1, 2003; to the Committee on Environment and Public Works.

EC-248. A communication from the Director, Office of Congressional Affairs, Office of the General Counsel, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Establishment of Nonessential Experimental Population Status and Reintroduction of Black-Footed Ferrets in South-Central South Dakota (FRL 7504-4)" received on June 1, 2003; to the Committee on Environment and Public Works.

EC-249. A communication from the Assistant Secretary, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "General License for the Import of Major Nuclear Reactor Components (RIN 3150-AH21)" received on June 1, 2003; to the Committee on Environment and Public Works.

EC-250. A communication from the Acting Deputy Associate Administrator, Environmental Protection Agency (EPA), transmitting, the issuance of several documents that are not regulations that are related to EPA regulatory programs, received on May 27, 2003; to the Committee on Environment and Public Works.

EC-251. A communication from the Acting Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule that is the culmination of Federal-Aid Highway System (FALS) 2001-2005 Program (2120-AA64)(2003-0021) received on May 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-252. A communication from the Acting Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Proclamation of Air Quality Standards for Designated Facilities and Pollutants; Vermont, Negative Declaration (FRL 7502-1)" received on May 27, 2003; to the Committee on Environment and Public Works.

EC-253. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Proclamation of State Plans for Designated Facilities and Pollutants; Vermont, Negative Declaration (FRL 7502-1)" received on May 27, 2003; to the Committee on Environment and Public Works.

EC-254. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Proclamation of State Plans for Designated Facilities and Pollutants; West Virginia; Control of Emissions from Existing Small Municipal Waste Combustion Units (FRL 7503-2)" received on May 27, 2003; to the Committee on Environment and Public Works.

EC-255. A communication from the Acting Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Proclamation of State Plans for Designated Facilities and Pollutants; New Mexico; Control of Emissions from existing Small Municipal Waste Combustion Units; New Mexico; Control of Emissions from existing Small Municipal Waste Combustion Units (FRL 7503-2)" received on May 27, 2003; to the Committee on Environment and Public Works.

EC-256. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Proclamation of State Plans for Designated Facilities and Pollutants; Vermont, Negative Declaration (FRL 7502-1)" received on May 27, 2003; to the Committee on Environment and Public Works.

EC-257. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to Regional Haze Rule to Incorporate Sulfur Dioxide Milestones and Blacktop Emissions Trading Program for Nine Western States and Eligible Indian Tribes Within the Geographic Area (FRL 7504-4)" received on May 27, 2003; to the Committee on Environment and Public Works.

EC-258. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Stationary Gas Turbines (FRL 7502-4)" received on May 27, 2003; to the Committee on Environment and Public Works.

EC-259. A communication from the Acting Deputy Secretary, Office of the Chief Accountant, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Rule 13e2-2 under the Securities Exchange Act of 1934, Representatives and conduct in connection with the preparation of reports and records (RIN 3235-A167)" received on May 27, 2003; to the Committee on Environment and Public Works.

EC-260. A communication from the Acting Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Interpretation of Books and Records Requirements for Brokers and Dealers Under the Securities Exchange Act of 1934 (FRL 7503-4)" received on May 27, 2003; to the Committee on Environment and Public Works.

EC-261. A communication from the Acting Deputy Secretary, Office of the Chief Accountant, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Regulation CC (Availability of Funds and Collection of Checks) (Doc No. R-1130)" received on May 27, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-262. A communication from the Acting Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace at Richfield Municipal airports, Richfield, UT; Docket No. FAA-01-16 (2120-AA66) (2003-0079)" received on May 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-263. A communication from the Acting Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Approval and Proclamation of State Plans for Designated Facilities and Pollutants; Vermont, Negative Declaration (FRL 7502-1)" received on May 27, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-264. A communication from the Acting Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Approval and Proclamation of State Plans for Designated Facilities and Pollutants; Vermont, Negative Declaration (FRL 7502-1)" received on May 27, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-265. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Proclamation of State Plans for Designated Facilities and Pollutants; Vermont, Negative Declaration (FRL 7502-1)" received on May 27, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-266. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Proclamation of State Plans for Designated Facilities and Pollutants; West Virginia; Control of Emissions from Existing Small Municipal Waste Combustion Units (FRL 7503-2)" received on May 27, 2003; to the Committee on Environment and Public Works.


pursuant to law, the report of a rule entitled “Commercial Revitalization Deduction (Rev. Proc. 2003-38)” received on May 21, 2003, to the Committee on Finance.

EC-2546. A communication from the Executive Office of the President, transmitting, pursuant to law, the Fiscal Year 2002 Accountability for Federal Control Funds, received on June 1, 2003, to the Committee on the Judiciary.

EC-2546. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled “First Interim Report on the Informatics for Diabetes Education and Telemedicine (IDEATel) Demonstrations” received on May 21, 2003, to the Committee on Health, Education, Labor, and Pensions.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS—May 29, 2003

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR:
S. 1160. An original bill to authorize Millennium Challenge assistance, and for other purposes; to the Committee on Foreign Relations; placed on the calendar.

By Mr. LUGAR:
S. 1161. An original bill to authorize appropriations for assistance programs for fiscal year 2004, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENZI:
S. 1174. A bill to amend the Endangered Species Act of 1973 to require the Federal Government to assume all costs relating to implementation of and compliance with that Act; to the Committee on Environment and Public Works; received on May 29, 2003.

By Mr. ROCKEFELLER:
S. 1179. A bill to amend title XVIII of the Social Security Act to expand Medicare benefits to cover preventative and minimize the progression of chronic conditions, and develop national policies on effective chronic condition care, and for other purposes; to the Committee on Finance.

By Mr. SANTORUM (for himself and Mr. BAUCUS):
S. 1180. A bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit; to the Committee on Finance.

By Mr. MORZIN (for himself, Mr. LUTENBERG, and Mr. AKAKA):
S. 1181. A bill to promote youth financial education; to the Committee on Education, Labor, and Pensions.

By Mr. McCONNELL (for himself, Mrs. FEINSTEIN, Mr. McCAIN, Mr. LEAHEY, Mr. SPECTER, Mr. KENNEDY, Ms. MIKULSKI, Mr. DASCHLE, Mr. SANTORUM, and Mr. BROWNBACK):
S. 1182. A bill to sanction the ruling Burmese military junta, to strengthen Burma’s democratic forces, and to the Congress and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes; to the Committee on Foreign Relations.

By Mr. KYL (for himself and Mr. WYDEN):
S. 1183. A bill to develop and deploy technologies to defeat Internet jamming and censorship, and for other purposes; to the Committee on Foreign Relations.

By Mr. MURkowski, Mrs. CLINTON, Mr. MURRAY, Mr. FITZGERALD, and Mr. LUTENBERG:
S. 1184. A bill to establish a National Foundation for the Study of Holocaust Assets; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THOMAS (for himself, Mr. HARLIN, Mr. DOMENICI, Mr. BINGHAM, Mr. ROBERTS, Mr. DAYTON, Mr. SMITH, Ms. CANTWELL, Mr. INOUYE, Mr. BURNS, Mr. J. MOHON, Mr. ENZI, Ms. LINDSEY, Mr. COLLINS, Mr. DASCHLE, Mr. HAGEL, and Mr. CONRAD):
S. 1185. A bill to amend title XVIII of the Social Security Act and the Public Health Service Act to improve outpatient health care for Medicare beneficiaries who reside in rural areas, and for other purposes; to the Committee on Finance.

By Mr. EDWARDS:
S. 1186. A bill to provide for a reduction in the backlog of claims for benefits pending with the Department of Veterans Affairs; to the Committee on Veterans Affairs.

By Mrs. CLINTON:
S. 1187. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to require that ready-to-eat meat or poultry products that are not produced under scientifically validated programs to address Listeria monocytogenes be required to bear a label advising pregnant women and other at-risk consumers of the recommendations of the Department of Agriculture and Food and Drug Administration regarding the consumption of ready-to-eat products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. EDWARDS, Mrs. LINCOLN, Mr. GRAHAM of Florida, Mr. REED, Mr. BINGHAM, Mr. LEAHY, Ms. LANDRIEU, Mr. DURBIN, Mr. BAUCUS, Mr. CARPER, and Ms. MURRAY):
S. Res. 159. A resolution expressing the sense of the Senate that the February 2003 ruling of the Federal Communications Commission weakening the Nation’s media ownership rules is not in the public interest and should be rescinded; to the Committee on Commerce, Science, and Transportation.

By Mrs. LINCOLN (for herself, Ms. COLLINS, Mr. CRAIG, Ms. LANDRIEU, Ms. CANTWELL, and Mr. DEWINE):
S. Con. Res. 48. A concurrent resolution supporting the goals and ideals of “National Epilepsy Awareness Month” and urging funding for epilepsy research and service programs; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. MCCAIN, Mr. HOLLINGS, Mr. KENNEDY, Mr. DOOD, Mr. LUTENBERG, Mr. WYDEN, Mr. COCHRAN, Mr. CARPER, Mr. INOUYE, Mr. BREAUX, Mr. SUNUNU, Mrs. BOXER, Mr. AKAKA, Mr. REED, Mr. NELSON of Florida, Ms. CANTWELL, Mrs. CLINTON, and Mr. FEINSTEIN):
S. Con. Res. 49. A concurrent resolution designating the week of June 9, 2003, as National Oceans Week and urging the President to issue a proclamation calling upon the people of the United States to observe this week with appropriate recognition, programs, ceremonies, and activities to further ocean literacy, education, and exploration; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 104. At the request of Mr. HOLLINGS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 104, a bill to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

S. 215. At the request of Mrs. FEINSTEIN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland and security activities by the National Guard.

S. 253. At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 281. At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 281, a bill 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 for other purposes.

S. 349. At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 392. At the request of Mr. ROCKEFELLER, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor 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 war or military service and disability compensation from the Department of Veterans Affairs for their disability.
At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 459, a bill to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits.

At the request of Ms. COLLINS, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Nevada (Mr. ENSGN) were added as cosponsors of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

At the request of Mr. CRAIG, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 620, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

At the request of Mr. ENSGN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

At the request of Mr. CRAIG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 652, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular disease.

At the request of Mrs. LINCOLN, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 641, a bill to amend title 10, United States Code, to support the Federal Excess Personal Property program of the Forest Service by making it a priority of the Department of Defense to transfer to the Forest Service excess personal property of the Department of Defense that is suitable to be loaned to rural fire departments.

At the request of Mr. CHAFFEE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor 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.

At the request of Mr. LOTT, the names of the Senator from Missouri (Mr. BOND) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 780, a bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians.

At the request of Ms. CONRAD, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 816, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries to health care provided by hospitals in rural areas, and for other purposes.

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 892, a bill to amend title 10, United States Code, to provide limited TLGREL for eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

At the request of Mr. TALENT, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative services for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

At the request of Mr. ENZI, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

At the request of Mrs. BOXER, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 986, 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.

At the request of Mr. DodD, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Michigan (Ms. STABENOW) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors 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.

At the request of Mr. NELSON of Nebraska, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1027, a bill to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

At the request of Mr. HAGEL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1076, a bill to authorize construction of an education center at or near the Vietnam Veterans’ Memorial.

At the request of Mr. BROWNBACK, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1082, a bill to provide support for democracy in Iran.

At the request of Mr. McCaIN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1152, a bill to reauthorize the United States Fire Administration, and for other purposes.

At the request of Mr. BROWNBACK, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1157, a bill to establish within the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes.

At the request of Mrs. LINCOLN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Hawaii (Mr. INOUYE) 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.

At the request of Mr. McCaIN, his name was added as a cosponsor of S. 1162, supra.

At the request of Mr. FRIST, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1172, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of 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.

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1174, a bill to amend the Internal Revenue Code of 1996 to accelerate the increase in the refundability of the child tax credit, and for other purposes.
STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:
S. 1179. A bill to amend title XVIII of the Social Security Act to expand Medicare benefits to prevent, delay, and minimize the progression of chronic conditions, and to develop national policies and effective chronic condition care, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I come to the floor today to introduce the Medicare Chronic Care Improvement Act of 2003. For the last three decades, the Medicare program has filled our promise to care for older Americans who have spent a lifetime working and contributing to our Nation's economy. Currently, 41 million seniors depend on Medicare for critical health care assistance. Those seniors have been asking Congress for many years to strengthen Medicare. This Congress, we must respond by taking action. We must enact legislation this year that fills in the gaps in Medicare.

When Congress and President Johnson designed the Medicare program in 1965, they could not have foreseen the health care system that exists today. New technologies in research and an aging population have changed both what beneficiaries need and the system that is responding to those needs. One of the unforeseen implications of these changes is a growing number of Americans living with chronic conditions.

In 2000, over 45 percent of Americans had a chronic condition. That number continues to grow and, by 2030, more than 48 percent or 157 million Americans, will have at least one chronic condition. Chronic conditions encompass an array of health conditions that are persistent, recurring, and cannot be cured. They include severely impairing conditions like Alzheimer's disease, congestive heart failure, chronic obstructive pulmonary disease, depression, hypertension, and arthritis.

Treating serious and disabling chronic conditions is the highest cost and fastest growing segment of health care. People with chronic conditions represent 76 percent of all health care spending. These people are the heaviest users of home health care visits, prescriptions, physician visits, and inpatient stays.

As we grow older, the chances of developing a chronic condition increase. Thus, it should be no surprise that nearly 80 percent of Medicare beneficiaries have at least one chronic condition and two-thirds have two or more chronic conditions. However, the Medicare fee-for-service program does not currently cover many of the services needed to provide quality care to beneficiaries who are managing complex chronic conditions.

To care for individuals of these individuals, our Medicare fee-for-service system must reflect a person-centered, system-oriented approach to care. Pay- ers and providers who serve the same person must be empowered to work together to help people with chronic conditions prevent, delay, or minimize disease and disability progression and maximize their health and well being. That is why I am here to reintroduce a much-needed Medicare Chronic Care Improvement Act of 2003. This bill establishes a comprehensive plan to improve and strengthen the Medicare fee-for-service and Medicare+Choice systems by generating better health outcomes for beneficiaries with chronic conditions and increasing efficiency.

This bill would achieve these results by, first, helping to prevent, delay, and minimize the progression of chronic conditions by authorizing the Secretary of Health and Human Services to expand coverage of preventive health benefits. The bill permits providers to waive deductibles and co-payments for preventive and wellness services currently covered. Medicare and streamlines the process of approving new preventive benefits.

Second, this bill provides a person-centered, system-oriented approach to care for this burgeoning segment of our population by expanding Medicare coverage to include assessment, care-coordination, self-management services, and patient and family caregiver education and counseling.

For more detail, I am also entering a section-by-section bill summary into the CONGRESSIONAL RECORD following this statement.

The Medicare Chronic Care Improvement Act provides a comprehensive solution to improving the quality of life and health for millions of Americans who are struggling with serious and disabling chronic conditions. Not only that, it has the potential to save the Medicare program money, by better managing and treating chronic conditions before costly complications result. That is good for seniors and good for Medicare—a win-win situation.

It is time to step up to the plate and fulfill our duty. Our Nation's most vulnerable citizens. Improving Medicare is the right thing to do, but only if we do it the right way. I believe that this bill is a critical component of the right recipe for strengthening the Medicare program for today and tomorrow's beneficiaries. Unlike the administration's Medicare reform plan, the Medicare Chronic Care Improvement Act gives beneficiaries better care while maintaining consumer choice and enhancing the program's efficiency. Because these are the results that West Virginians want, I will fight to include the provisions of this bill in any Medicare reform package that moves through the Finance Committee or the Senate floor.

I would like the record to reflect that the following groups publicly support this legislation: Alzheimer's Association; American Geriatrics Society; Center for Medicare Advocacy; Families USA; and Medicare Rights Center. National Chronic Care Consortium, representing such organizations as: Aging and Disability Services Administration, State of Washington (Olympia, WA); Aging in America, Inc (Brons, NY); Albert Einstein Healthcare Network (Philadelphia, PA); Area Agency on Aging in 10B Inc. (Akron, OH); Baylor Health Care System (Dallas, TX); Benjamin Rose (Cleveland, OH); Beth Abraham Family of Health Services (Brons, NY); Blue Cross & Blue Shield of Minnesota (Eagan, MN); Carle Foundation Hospital-Health Systems Research Center (Mahomet, IL); Catholic Health Initiatives System (Denver, CO); Denver Health and Urban Services (Denver, CO); Community Health Partnership, Inc. (Eau Claire, WI); Fairview Health Services/Enbenezer (Minneapolis, MN); Halstead Health Consulting (Minneapolis, MN); Hebrew Home and Hospital (Hartford, CT); Highmark Blue Cross Blue Shield (Pittsburgh, PA); Inglis Innovative Services (Philadelphia, PA); Lancaster General Hospital (Lancaster, PA); Masonicare (Wallingford, CT); Meritorius Medical Center—North Iowa (Mason City, IA); MetroHealth System (Cleveland, OH); Metropolitan Jewish Health System (Brooklyn, NY); Minnesota Senior Health Options (MSHO) (St. Paul, MN); Motion Picture and Television Fund (Woodland Hills, CA); Northeast Health (Troy, NY); Presbyterian SeniorCare (Pittsburgh, PA); Saint Michael's Hospital (Stevens Point, WI); SCAN (Long Beach, CA); Sierra Health Services (Las Vegas, NV); Summa Health System (Akron, OH); UnitedHealth (Sacramento, CA); Total Longterm Care, Inc. (Denver, CO); Upstate NY Network of the U.S. Dept. of Veterans Affairs, VISN 2 (Albany, NY); ViaHealth (Rochester, NY); Visiting Nurse Service of New York (New York, NY); Volunteers of America National Services (Eden Prairie, MN); and Wisconsin Partnership Program at Community Living Alliance (Madison, WI).

I ask unanimous consent that the text of the bill and the summary be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1179
Be it enacted by the Senate and House of Represent- atives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as the "Medicare Chronic Care Improvement Act of 2003".
(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Title I.—Benefits to Prevent, Delay, and Minimize the Progression of Chronic Conditions.

Subtitle A.—Improving Access to Preventive Services

Sec. 101. Elimination of deductibles and co-insurance for existing preventive health benefits.

Sec. 102. Institute of Medicine Medicare prevention benefit study and report.

Sec. 103. Authority to administratively provide for coverage of additional preventive benefits.
SEC. 111. CARE COORDINATION AND ASSESSMENT

TITLE I

§ 121. Review of coverage standards.

The third sentence of section 1866(a)(2)(A) of the Social Security Act (42 U.S.C. 1395l(a)(1)(A)) is amended by inserting "(or 100 percent, in the case of such an item as described in section 1833(p))" after "80 percent".

(3) ELIMINATION OF DEDUCTIBLES AND COINSURANCE FOR COLORECTAL CANCER SCREENING TESTS—Section 1834(d)(1)(A) of the Social Security Act (42 U.S.C. 1395f(m)(d)) is amended by adding "(or 100 percent, in the case of such an item as described in section 1833(p))" after "80 percent".

SEC. 101. ELIMINATION OF DEDUCTIBLES AND COINSURANCE FOR EXISTING PREVENTIVE HEALTH BENEFITS

(a) IN GENERAL.—Section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)(1)(B)) and each succeeding section 1833(a) of such Act is amended by inserting after subsection (a)(1)(A) the following new subsection:

"(b) DEDUCTIBLES AND COINSURANCE WAIVED FOR PREVENTIVE HEALTH ITEMS AND SERVICES.—(A) In general.—The Secretary shall not require the payment of any deductible or coinsurance under subsection (a) or (b), respectively, of any enrolled covered under this part for any of the following preventive health items and services:

(1) Blood-testing strips, lancets, and blood glucose monitors for individuals with diabetes described in section 1861(n).

(2) Colorectal cancer screening test (as defined in subsection (d)(3)); and

(3) Pneumococcal, influenza, and hepatitis B vaccines and administration described in section 1861(o).

(4) Screening mammography (as defined in section 1861(i)).

(5) Screening pap smear and screening pelvic exam (as defined in paragraphs (1) and (2) of section 1861(nn), respectively).

(6) One annual measurement (as defined in section 1863(rr)).

(7) Prostate cancer screening test (as defined in section 1861(oo)).

(8) Cholesterol screening test (as defined in section 1861(pp)

(9) Screening for glaucoma (as defined in section 1861(uu)).

(10) Medical nutrition therapy services (as defined in section 1861(vv)).

(b) WAIVER OF COINSURANCE.—

(1) IN GENERAL.—Section 1833(a)(3)(B) of the Social Security Act (42 U.S.C. 1395f(m)(3)) is amended to read as follows: "(B) with respect to preventive health items and services described in subsection (p), the amounts paid shall be 100 percent of the fee schedule or other basis of payment under this title for the particular item or service.

(2) ELIMINATION OF COINSURANCE IN OUT- PATIENT HOSPITAL SETTINGS.—The third sentence of section 1866(a) of the Social Security Act (42 U.S.C. 1395c(a)(2)(A)) is amended by inserting after "1395c(a)(2)(A)" the following: "(or which are medically effective (as so defined))

(c) WAIVER OF APPLICATION OF DEDUCTIBLE.—Section 1833(b)(1) of the Social Security Act (42 U.S.C. 1395f(m)(1)) is amended to read as follows: "(1) such deductible shall not apply with respect to preventive health items and services described in subsection (p), (q), (r), (s), (t), and (u)."

(d) ADDING "LANCET" TO DEFINITION OF DME.—Section 1861(n)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)(A)) is amended by striking "blood-testing strips and blood glucose monitors" and inserting "blood-testing strips, lancets, and blood glucose monitors".

(2) ELIMINATION OF COINSURANCE FOR CLINICAL DIAGNOSTIC LABORATORY TESTS.—Paragraphs (1)(D)(i) and (2)(D)(ii) of section 1833(a) of the Social Security Act (42 U.S.C. 1395f(m)(a)(1)) are each amended by inserting "or which are described in subsection (p)" after "assignment-related basis".

SEC. 102. INSTITUTE OF MEDICINE PREVENTIVE CARE BENEFIT STUDY AND REPORT

(a) STUDY.—

The Secretary of Health and Human Services shall contract with the Institute of Medicine of the National Academy of Sciences to conduct a comprehensive study of current literature and best practices in the field of health promotion and disease prevention among medicare beneficiaries, including the issues described in paragraph (2) and (3) of section 1861(nn), respectively.

(b) REPORTS.—

(1) THREE-YEAR REPORT.—On the date that is 3 years after the date of enactment of this Act, and each successive 3-year anniversary of that date, the Institute of Medicine of the National Academy of Sciences shall submit to the President a report that contains—

(A) a detailed statement of the findings and conclusions of the study conducted under subsection (a); and

(B) the recommendations for legislation described in paragraph (3).

(2) INTERIM REPORT BASED ON NEW GUIDELINES.—If the United States Preventive Services Task Force or the Task Force on Community Preventive Services establishes new guidelines regarding preventive health benefits for medicare beneficiaries more than 1 year prior to the date that a report described in paragraph (1) is due to be submitted to the President, then not later than 6 months after the date such new guidelines are established, the Institute of Medicine of the National Academy of Sciences shall submit to the President a report that contains a detailed description of such new guidelines. Such report may also contain recommendations for legislation described in section 103(b).

(3) RECOMMENDATIONS FOR LEGISLATION.—The Institute of Medicine of the National Academy of Sciences, in consultation with the United States Preventive Services Task Force and the Task Force on Community Preventive Services, shall develop recommendations in legislative form that—

(A) prioritize the preventive health benefits under the medicare program; and

(B) modify such benefits, including adding new benefits under such program, based on the study conducted under subsection (a).

(c) TRANSMISSION TO CONGRESS.—

(1) IN GENERAL.—Subject to paragraph (2), on the day that is 6 months after the date on which the report described in paragraph (1) of subsection (b) or paragraph (2) of such subsection if the report contains recommendations in legislative form described in subsection (b)(3) is submitted to the President, the President shall transmit the report and recommendations to Congress.

(2) REGULATORY ACTION BY THE SECRETARY OF HEALTH AND HUMAN SERVICES.—If the Secretary of Health and Human Services has exercised the authority under section 103(a) to adopt by regulation one or more of the recommendations under this section, the President shall only transmit to Congress those recommendations under subsection (b)(3) that have not been adopted by the Secretary.

(3) DELIVERY.—Copies of the report and recommendations in legislative form required to be transmitted to Congress under paragraph (1) shall be delivered—

(A) to both Houses of Congress on the same day;

(B) to the Clerk of the House of Representatives if the House is not in session; and

(C) to the Secretary of the Senate if the Senate is not in session.

DEFINITION OF MEDICALLY EFFECTIVE.—In this section, the term "medically effective" means, with respect to a benefit or technique, that the benefit or technique has—

(1) subject to peer review;

(2) described in scientific journals; and

(3) determined to achieve an intended goal under normal programmatic conditions.

SEC. 103. AUTHORITY TO ADMINISTRATIVELY PROVIDE FOR COVERAGE OF ADDITIONAL PREVENTIVE SERVICES

(a) IN GENERAL.—The Secretary of Health and Human Services may by regulation, after notice and comment and a hearing, provide for coverage under medicare of any of the preventive services described in section 1861(qq)

(b) REPORTS.—

(1) THREE-YEAR REPORT.—On the date that is 3 years after the date of enactment of this Act, and each successive 3-year anniversary of that date, the Institute of Medicine of the National Academy of Sciences shall submit to the President a report that contains—

(A) a detailed statement of the findings and conclusions of the study conducted under subsection (a); and

(B) the recommendations for legislation described in paragraph (3).
States Preventive Services Task Force and the Task Force on Community Preventive Services in a report under section 102(b)(3) (relating to prioritizing and modifying preventive health benefits under the program and the addition of new preventive benefits), consistent with subsection (b).

(b) ELIMINATION OF COST-SHARING.—With respect to items and services furnished under the Medicare program that the Secretary has incorporated by regulation under subsection (a), the provisions of section 1333(p) of the Social Security Act (relating to elimination of cost-sharing for preventive benefits), as added by section 103(a), shall apply to those items and services described in paragraphs (1) through (10) of such section.

SEC. 104. COVERAGE OF AN INITIAL PREVENTIVE PHYSICAL EXAMINATION.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395(s)(2)) is amended—

(1) in subparagraph (U), by striking ‘‘and’’ at the end; and

(2) in paragraph (7), by striking ‘‘(or H)’’ and inserting ‘‘(H), or (J)’’.

(b) PAYMENT AS PHYSICIANS SERVICES DESCRIBED.—Section 1861 of such Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

‘‘(b) SERVICES DESCRIBED.—Section 1861 of this Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

‘‘Initial Preventive Physical Examination’’.

‘‘The term ‘Initial Preventive Physical Examination’ means a medical examination with the goal of health promotion and disease detection and includes a history and physical examination, a health risk appraisal, and health risk counseling, and laboratory tests or other items and services as determined by the Secretary in consultation with the United States Preventive Services Task Force.’’

(c) WAIVER OF DEDUCTIBLE AND CONsurANCE.—

(1) DEDUCTIBLE.—The first sentence of section 1833(b) of such Act (42 U.S.C. 1395b(b)) is amended—

(A) by striking ‘‘and’’ before ‘‘(6)’’; and

(B) by inserting before the period at the end the following: ‘‘, and (7) such deductible shall not apply with respect to an initial preventive physical examination as defined in section 1863(wv).’’

(2) COINSURANCE.—Section 1833(a)(1) of such Act (42 U.S.C. 1395b(a)(1)) is amended—

(A) by striking ‘‘100 percent in the case of an initial preventive physical examination, as defined in section 1861(wv)’’ after ‘‘80 percent’’; and

(B) in clause (O), by inserting ‘‘or 100 percent in the case of an initial preventive physical examination, as defined in section 1861(wv)’’ after ‘‘80 percent’’.

Section 1848(c)(3) of such Act (42 U.S.C. 1395w-4(j)(3)) is amended by inserting ‘‘(2’’’’ after ‘‘(2)’’;

(C) OTHER CONFORMING AMENDMENTS.—Section 1862(a) of such Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (1)—

(A) by striking ‘‘and’’ at the end of subparagraph (H); and

(B) by striking the semicolon at the end of subparagraph (I) and inserting ‘‘, and’’; and

(2) in paragraph (7), by striking ‘‘(or H)’’ and inserting ‘‘(H), or (J)’’.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2004, but only for individuals whose coverage period begins on or after such date.

Subtitle B—Medicare Coverage for Care Coordination and Assessment Services

SEC. 111. CARE COORDINATION AND ASSESSMENT SERVICES.

(a) SERVICES AUTHORIZED.—Title XVII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

‘‘CARE COORDINATION AND ASSESSMENT SERVICES.

‘‘SEC. 1897. (a) COVERAGE.

‘(1) IN GENERAL.—The purpose of this section is to provide the appropriate level and mix of follow-up care to an individual with a chronic condition who qualifies as an eligible beneficiary (as defined in paragraph (2)).

‘(2) ELIGIBLE BENEFICIARY DEFINED.—In this section, the term ‘eligible beneficiary’ means a beneficiary who—

(A) has a serious and disabling chronic condition (as defined in subsection(f)(1)); or

(B) has four or more chronic conditions (as defined in subsection (f)(4)).

‘(b) ELECTION OF CARE COORDINATION AND ASSESSMENT SERVICES.

‘(1) IN GENERAL.—On or after January 1, 2005—

(i) an eligible beneficiary may elect to receive care coordination services in accordance with the provisions of this section under which, in appropriate circumstances, the eligible beneficiary has health care services covered under this title and managed and coordinated by a care coordinator who is qualified under subsection (e) to furnish care coordination services; and

(ii) The Secretary may elect to require care coordination services for which payment would not otherwise be made under this title to be furnished by the care coordinator of an eligible beneficiary who has made an election under this section (subject to an assessment by the care coordinator of an individual beneficiary’s circumstances and need for such benefits) in order to encourage the receipt of, or to improve the effectiveness of, care coordination services.

‘(c) CARE COORDINATORS.

‘(1) REQUIREMENT FOR CERTIFICATION.—

(A) IN GENERAL.—In order to be qualified to furnish care coordination and assessment services under this section, an individual or entity shall be a health care professional or entity (which may include physicians, physician group practices, or other health care professionals or entities which the Secretary may find appropriate) who has been certified for a period (as provided in subparagraph (B)) by the Secretary, or by an organization recognized by the Secretary, as having met such criteria as the Secretary may establish for the furnishing of care coordination under this section (which may include experience in care coordination or primary care physician’s services).

‘(2) PERIOD OF CERTIFICATION.—The period of certification for an individual referred to in subparagraph (A) is as follows:

(i) A one-year period for each of the first three years of participation under this section.

(ii) A three-year period thereafter.

‘(d) ADDITIONAL REQUIREMENTS.—

(A) SUBMISSION OF DATA.—A care coordinator shall comply with such data collection and reporting requirements as the Secretary determines necessary to assess the effect of care coordination on health outcomes.

(B) PARTICIPATION IN QUALITY IMPROVEMENT PROGRAM.—A care coordinator shall participate in the quality improvement program under paragraph (3).
``(C) ADDITIONAL TERMS.—A care coordinator shall comply with such other terms and conditions as the Secretary may specify.

``(3) QUALITY IMPROVEMENT PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish a chronic care quality assurance program to monitor and improve clinical outcomes for beneficiaries with chronic conditions.

(B) ELEMENTS OF PROGRAM.—Under the program, the Secretary shall—

(i) establish standards to measure—

(A) quality of performance of the care of chronic conditions;

(ii) the continuity and coordination of care that eligible beneficiaries under this section receive; and

(iii) make available information on quality and outcomes measures to facilitate beneficiary comparison and choice of care coordination options (in such form and on such quality and outcomes measures as the Secretary determines to be appropriate).

(C) REVIEW OF CLAIMS.—

(i) the continuity and coordination of care that eligible beneficiaries under this section receive; and

(ii) make available information on quality and outcomes measures to facilitate beneficiary comparison and choice of care coordination options (in such form and on such quality and outcomes measures as the Secretary determines to be appropriate).

(D) IN GENERAL.—The Secretary shall provide to a care coordinator under clause (ii) make available information on quality and outcomes measures to facilitate beneficiary comparison and choice of care coordination options (in such form and on such quality and outcomes measures as the Secretary determines to be appropriate).

(E) TELEPHONE USE.—

(A) PROVIDENCE.—Data may only be provided to a care coordinator under clause (i) if the eligible beneficiary involved has given written authorization for such information to be so provided.

(B) TECHNICAL IMPROVEMENT GRANTS.—Payment may only be made under this section for care coordination services furnished during a period to one care coordinator with respect to an eligible beneficiary.

(S) PAYMENT SERVICES.—

(A) IN GENERAL.—The Secretary shall establish payment terms and conditions and payment rates for basic care coordination and assessment services described in section (d).

(B) PAYMENT METHODOLOGY.—Payment under this section shall be made in a manner that bundles payment for all care coordination and assessment services furnished during a period, as specified by the Secretary.

(C) TECHNOLOGY IMPROVEMENT GRANTS.—The Secretary may establish new billing codes to carry out the provisions of this paragraph.

(f) DEFINITIONS.—In this section:

(1) SERIOUS AND DISABLING CHRONIC CONDITION.—The term ‘serious and disabling chronic condition’ means, with respect to an individual, that the individual has at least one chronic condition and a licensed health care practitioner has certified within the preceding 90 days that—

(A) the individual has a level of disability such that the individual is unable to perform (without substantial assistance from another individual for a period of at least 90 days due to a loss of functional capacity—

(i) at least 2 activities of daily living; or

(ii) such number of instrumental activities of daily living that the individual cannot perform (as determined by the Secretary) to the level of disability described in clause (i);

(B) the individual has a level of disability equivalent (as determined by the Secretary) to the level of disability described in clause (i); or

(C) the individual requires substantial supervision or protection from threats to health and safety due to severe cognitive impairment.

(2) ACTIVITIES OF DAILY LIVING.—The term ‘activities of daily living’ means each of the following:

(A) Eating.

(B) Dressing.

(C) Transferring.

(D) Bathing.

(E) Toilet use.

(F) Money management.

(G) Telephone use.

(H) Transport use.

(I) CHRONIC CONDITION.—The term ‘chronic condition’ means an illness, functional limitation, or cognitive impairment that—

(A) lasts, or is expected to last, at least one year;

(B) limits what a person can do; and

(C) requires on-going medical care.

(3) BENEFITS.—‘beneficiary’ means an individual enrolled under the Social Security Act (42 U.S.C. 1395l(a)(1)) as the Secretary may specify; and

(4) CHRONIC CONDITION.

(A) Medication management.

(B) Medication management.

(C) Shopping.

(D) Housekeeping.

(E) Laundry.

(F) Telephone use.

(G) Money management.

(H) Transport use.

(I) CHRONIC CONDITION.

(A) Medication management.

(B) Medication management.

(C) Shopping.

(D) Housekeeping.

(E) Laundry.

(F) Telephone use.

(G) Money management.

(H) Transport use.

(1) IN GENERAL.—The Secretary shall establish a chronic care quality assurance program to monitor and improve clinical outcomes for beneficiaries with chronic conditions;

(ii) such number of instrumental activities of daily living that the individual cannot perform (as determined by the Secretary) to the level of disability described in clause (i);

(A) Eating.

(B) Dressing.

(C) Transferring.

(D) Bathing.

(E) Toilet use.

(F) Money management.

(G) Telephone use.

(H) Transport use.

(2) ELIMINATION OF COINSURANCE IN OUT-OF-POCKET EXPENSE.—The term ‘chronic condition’ means an illness, functional limitation, or cognitive impairment that—

(A) lasts, or is expected to last, at least one year;

(B) limits what a person can do; and

(C) requires on-going medical care.

(3) PROVIDENCE.—Data may only be provided to a care coordinator under clause (i) if the eligible beneficiary involved has given written authorization for such information to be so provided.

(4) PROVIDENCE.—Payment may only be made under this section for care coordination services furnished during a period to one care coordinator with respect to an eligible beneficiary.

(S) PAYMENT SERVICES.—

(A) IN GENERAL.—The Secretary shall establish payment terms and conditions and payment rates for basic care coordination and assessment services described in section (d).

(B) PAYMENT METHODOLOGY.—Payment under this section shall be made in a manner that bundles payment for all care coordination and assessment services furnished during a period, as specified by the Secretary.

(C) TECHNOLOGY IMPROVEMENT GRANTS.—The Secretary may establish new billing codes to carry out the provisions of this paragraph.

(f) DEFINITIONS.—In this section:

(1) SERIOUS AND DISABLING CHRONIC CONDITION.—The term ‘serious and disabling chronic condition’ means, with respect to an individual, that the individual has at least one chronic condition and a licensed health care practitioner has certified within the preceding 90 days that—

(A) the individual has a level of disability such that the individual is unable to perform (without substantial assistance from another individual for a period of at least 90 days due to a loss of functional capacity—

(i) at least 2 activities of daily living; or

(ii) such number of instrumental activities of daily living that the individual cannot perform (as determined by the Secretary) to the level of disability described in clause (i);

(B) the individual has a level of disability equivalent (as determined by the Secretary) to the level of disability described in clause (i); or

(C) the individual requires substantial supervision or protection from threats to health and safety due to severe cognitive impairment.

(2) ACTIVITIES OF DAILY LIVING.—The term ‘activities of daily living’ means each of the following:

(A) Eating.

(B) Dressing.

(C) Transferring.

(D) Bathing.

(E) Toilet use.

(F) Money management.

(G) Telephone use.

(H) Transport use.

(I) CHRONIC CONDITION.—The term ‘chronic condition’ means an illness, functional limitation, or cognitive impairment that—

(A) lasts, or is expected to last, at least one year;

(B) limits what a person can do; and

(C) requires on-going medical care.

(3) BENEFITS.—‘beneficiary’ means an individual enrolled under the Social Security Act (42 U.S.C. 1395l(a)(1)) as the Secretary may specify; and

(4) CHRONIC CONDITION.

(A) Medication management.

(B) Medication management.

(C) Shopping.

(D) Housekeeping.

(E) Laundry.

(F) Telephone use.

(G) Money management.

(H) Transport use.
provider and supplier settings or professional services with respect to Medicare beneficiaries; (b) identify requirements under the program imposed by law or regulation that—(i) promote cost shifting across providers and suppliers; (ii) impede provision of effective, seamless transitions across health care settings, such as between hospitals, skilled nursing facilities, home health services, hospice care, and care in the home; (iii) impose unnecessary burdens on such beneficiaries and their family caregivers; (iv) impede the establishment of administrative information systems to track health status, utilization, cost, and quality data across providers and suppliers and provider settings; (v) impede the establishment of clinical information systems that support continuity of care across settings and over time; or (vi) impede the alignment of financial incentives among the Medicare program, the Medicaid program, and the Secretary of Health and Human Services shall conduct a review of—

(1) regulations, policies, procedures, and instructions of the Centers for Medicare & Medicaid Services for making those determinations; and

(2) policies, procedures, local medical review policies, manual instructions, interpretative rules, statements of policy, and guidelines of general applicability of fiscal intermediaries (under section 1816 of the Social Security Act (42 U.S.C. 1395h)) and carriers under section 1842 of such Act (42 U.S.C. 1395u) for making those determinations.

SEC. 201. INSTITUTE OF MEDICINE STUDY ON EFFECTIVE CHRONIC CONDITION CARE

(a) STUDY.—(1) IN GENERAL.—The Secretary of Health and Human Services shall contract with the Institute of Medicine of the National Academy of Sciences to—(A) conduct a comprehensive study of the Medicare program to identify—(i) factors that facilitate provision of effective care (including, where appropriate, hospice care) for Medicare beneficiaries with chronic conditions; and

(ii) factors that impede provision of such care for such beneficiaries, including the issues studied under paragraph (2); and

(b) submit the report described in subsection (b).

(ii) make recommendations to avoid misapplication of the standard in the future.

(b) MODIFICATION.

(1) IN GENERAL.—If the Secretary determines that the Centers for Medicare & Medicaid Services, a fiscal intermediary, or a carrier has misapplied such standard by requiring that the item or service improve the condition of the patient with respect to such illness or injury, the Secretary shall take such corrective measures as are appropriate to ensure the Centers, intermediary, or carrier (as the case may be) applies the proper standard.

(c) REPORT.—On the date that is 18 months after the date of enactment of this Act, the Institute of Medicine of the National Academy of Sciences shall submit to Congress a report that contains—(1) a detailed statement of the findings and conclusions of the review conducted under subsection (a); (2) a detailed statement of the modifications made under subsection (b); and

(3) recommendations to avoid misapplication of the standard in the future.

TITLe 2—INSTITUTE OF MEDICINE STUDY ON EFFECTIVE CHRONIC CONDITION CARE

SEC. 201. INSTITUTE OF MEDICINE MEDICARE CHRONIC CONDITION CARE IMPROVEMENT STUDY AND REPORT.

(a) STUDY.—(1) IN GENERAL.—The Secretary of Health and Human Services shall contract with the Institute of Medicine of the National Academy of Sciences to—(A) conduct a comprehensive study of the Medicare program to identify—(i) factors that facilitate provision of effective care (including, where appropriate, hospice care) for Medicare beneficiaries with chronic conditions; and

(ii) factors that impede provision of such care for such beneficiaries, including the issues studied under paragraph (2); and

(b) submit the report described in subsection (b).

(2) ISSUES STUDIED.—The study required under paragraph (1) shall—(A) identify inconsistent clinical, financial, or administrative requirements across

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ending on the hiring date; 2. individuals receiving Supplemental Security Income, SSI, benefits; 3. disabled individuals with vocational rehabilitation referrals; 4. veterans on food stamps; 5. individuals aged 18-24 in households receiving food stamp benefits; 6. qualified youth earning income under Work-Income Tax Credit, WOTC, and Welfare-to-Work, W-t-W, up to the first $10,000 of wages earned, 7. individuals living in empowerment zones or opportunity areas; and 8. individuals ages 18-24 living in empowerment zones or renewal communities. Eligibility for W-t-W is limited to individuals receiving welfare benefits for 18 consecutive months ending on the hiring date. More than 80 percent of WOTC and W-t-W hires were previously dependent on public assistance programs. These credits are both a hiring incentive, offsetting some of the higher costs of recruiting, hiring, and retaining public assistance recipients and other low-skilled individuals, and a retention incentive, providing a higher reward for those who stay longer on the job.

Without action by Congress WOTC and W-t-W will expire on December 31, 2003. After seven years' experience with these programs, their value has been well demonstrated. In 2001, the GAO issued a report that indicated that employers have significantly changed their hiring practices because of WOTC. With the resources provided by WOTC, employers have provided job mentors, lengthened training periods, engaged in recruiting outreach, and listed jobs or requested referrals from public agencies or partnerships. WOTC and W-t-W have become a true public-private partnership in which the Department of Labor, the Internal Revenue Service, the states, and employers have forged excellent working relationships.

But the challenges for employers and those looking for better opportunities are not over. The job skills of eligible persons leaving welfare are sometimes limited, and the costs of recruiting, training, and supervising low-skilled individuals cause many employers to look elsewhere for employees. The weak economy and rising unemployment have forged excellent working relationships.

Despite the considerable success of WOTC and W-t-W, many vulnerable individuals still need a boost in finding employment. This is particularly true during periods of high unemployment. There are several legislative changes that would strengthen these programs, expand employment opportunities for needy individuals, and make the programs more attractive to employers.

The Administration's FY 2004 budget proposes to simplify these important employment incentives by combining them into one credit and making the rules for computing the combined credit simpler. The credits would be combined by creating a new welfare-to-work target group under WOTC. The minimum employment periods and
credit rates for the first year of employment under the present work opportunity tax credit would apply to W-t-W employees. The maximum amount of eligible wages would continue to be $10,000 for W-t-W employees and $6,000 for other target groups ($3,000 for summer youth). In addition, the second year 50-percent credit under W-t-W would continue to be available for W-t-W employees under the modified WOTC.

Under current law, only those ex-felons whose annual family income is 70 percent or less than the Bureau of Labor Statistics lower living standard during the six months preceding the hire date are eligible for WOTC. The Administration's FY 2004 budget proposes to eliminate the family income attribution rule.

Permanent extension would provide these programs with greater stability, thereby encouraging more employers to participate, make investments in employee training, and identify potential workers from the targeted groups, and avoid the wasteful disruption of termination and renewal. A permanent extension would also encourage the state job services to invest the resources needed to make the certification process more efficient and employer-friendly.

Current WOTC eligibility rules heavily favor the hiring of women because single mothers are much more likely to be on welfare or food stamps. Women constitute about 80 percent of those hired under the WOTC program, but men from welfare households face the same or even greater barriers to finding work. Increasing the age ceiling in the “food stamp category” would greatly improve the job prospects for many absentee fathers and other “at risk” males. This change would be completely consistent with program objectives because many food stamp households include adults who are not working, and more than 90 percent of those on food stamps live below the poverty line.

The Work Opportunity Credit and Welfare-to-Work Credit have been successful in moving traditionally hard-to-employ persons off welfare and into the workforce, where they contribute to our economy. However, employer participation in these important programs can be increased, particularly among medium-size and small employers. This is due to the complexity of the credits and the fact that they are both only temporary provisions of the tax code subject to renewal every year or two. Small, medium, and even some large employers find it difficult to justify developing the necessary infrastructure to administer and participate in these programs when their continued existence beyond one or two years is constantly in question.

This legislation would remedy this problem by combining WOTC and W-t-W into one, more easily administered tax credit, and by making it a permanent part of the tax code. Many organizations including the National Council of Chain Restaurants, National Retail Federation, Food Marketing Institute, National Association of Convenience Stores, National Restaurant Association, American Hotel & Lodging Association, Restaurant Association, National Association of Chain Drug Stores, American Nursery and Landscape Association, and the American Health Care Association support this legislation. Representatives Charles Rangel, D-N.Y., and Amo Hice, D-Texas, have introduced identical legislation in the House of Representatives. I urge my colleagues to join us in supporting this legislation.

Mr. BAUCUS. Mr. President, I am pleased to join my colleague, Senator SANTORUM, and my other Senate colleagues in introducing legislation to permanently extend and improve upon the Work Opportunity and the Welfare-to-Work tax credits. During this year’s debate on the Jobs and Growth Tax Relief Reconciliation Act, I extended these credits. I was pleased these tax credits were not included in the final conference agreement, but I continue to strongly support the passage of legislation this year to make these credits permanent and make several important changes to programs to improve their effectiveness.

Over the past seven years, the Work Opportunity Tax Credit, WOTC, and the Welfare-to-Work, W-t-W, tax credit have helped over 2.2 million public assistance dependent individuals enter the workforce. Both of these important programs are scheduled to expire on December 31, 2003. These hiring tax incentives have clearly demonstrated their effectiveness in helping to level the job selection playing field for low-skilled individuals by providing employers with additional resources to help recruit, select, train and retain individuals with significant barriers to work. Many vulnerable individuals still struggle to find full-time employment, and this is particularly critical during periods of high unemployment. The weak economy and rising unemployment give employers many more hiring options because of the larger pool of experienced laid-off workers. Without an extension of these programs, the task of transitioning from welfare-to-work will become even harder for individuals reaching their welfare eligibility ceiling this year.

Because they are involved in setting up and administering a WOTC/W-t-W program, employers have established massive outreach programs to maximize the number of eligible persons in their hiring pool. The States, in turn, have steadily improved the programs through improved administration. WOTC has become an example of a true public-private partnership design to assist the most needy. Without the additional resources provided by these hiring tax incentives, few employers would be able to cut this hard-to-employ population.

WOTC provides employers with a graduated tax credit equal to 25-percent of the first $5,000 in wages for eligible individuals working between 120 hours and 399 hours and a 40-percent tax credit on the first $6,000 in wages for those working over 400 hours. The W-t-W tax credit is geared toward long-term unemployed individuals. WOTC provides a 35-percent tax credit on the first $10,000 in wages during the first year of employment and a 50-percent credit on the first $10,000 for those who stay on the job a second year.

In my own State of Montana many businesses take advantage of this program, including large multinational firms and smaller family-owned businesses. Those who truly benefit from the WOTC/W-t-W program, however, are low-income families, under the Food Stamp Program and the Aid to Families with Dependent Children, AFDC, and Temporary Assistance for Needy Families, TANF, program, and also low income U.S. Veterans. In Montana, more than 1,000 people were certified as eligible in the W-t-W program during the past 18 months, October 2001 through March 2003, including 476 food stamp recipients, 475 AFDC/TANF recipients, and 52 U.S. veterans.

The bill we are introducing provides for a permanent extension of the two credits. After seven years of experience with WOTC and W-t-W, we know that employers do respond to these important hiring tax incentives. Permanent extension would provide these programs with greater stability, thereby encouraging more employers to participate, make investments in expanding outreach to identify potential workers from the targeted groups, and avoid the wasteful disruption of termination and renewal. A permanent extension would also encourage the state job services to invest the resources needed to make the certification process more efficient and employer-friendly.

This bill also includes a proposal to simplify the programs by combining them into one credit and making the rules for computing the combined credits simpler. This would be accomplished by creating a new welfare-to-work target group under WOTC. The minimum employment periods and credit rates for the first year of employment under present work opportunity tax credit would apply to W-t-W employees. The maximum amount of eligible wages would continue to be $10,000 for W-t-W employees. In addition, the second year 50-percent credit under W-t-W would continue to be available for W-t-W employees under the modified WOTC.

Finally, there are other changes in the bill that would extend these benefits to more people and help them find work. Because of the program's eligibility criteria, over 80 percent of those hired are women leaving welfare. Since welfare recipients qualify for TANF benefits, the fathers of children on welfare receive little help in finding work, even though they often face even greater barriers to work than women.
on welfare. We propose to help absentee fathers find work and provide the resources to assume their family responsibilities by opening up WOTC eligibility to anyone 39 years old or younger in families receiving food stamps or residing in Enterprise Zones or empowerment communities. Raising the eligibility limits in these two categories will extend eligibility to hundreds of thousands of at-risk men.

I urge my colleagues to support this important piece of legislation.

By Mr. CORZINE (for himself, Mr. LAUTENBERG, and Mr. AKAKA):

S. 1181. A bill to promote youth financial education; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today to introduce along with Senators Lautenberg and Akaka the Youth Financial Literacy Act to call attention to an important issue in education: teaching students the basic principles of financial literacy to prepare them to be responsible consumers. This legislation will give young Americans the tools they need to succeed in this ever-changing economy.

Today, it is as important for young people to learn about staying out of debt, maintaining good credit and building up their savings as it is for them to learn about geography, science and history.

Far too many of our youth enter adulthood lacking basic financial literacy skills, not knowing how to budget their wages or salaries or build personal savings. A recent survey by the nonprofit Jump$tart Coalition reveals that the only 21 percent of students between the ages of 16 and 22 say they have taken a personal finance course at school. The study also found that when high school seniors were tested on basic financial literacy, they answered a mere 50.2 percent of the questions correctly. That, is simply not acceptable.

Providing financial education to our nation’s young people must be a priority. Indeed it is time for our schools to make a more concerted effort to prepare our children for success in new ways including their future financial decision-making.

I am not alone in advocating the importance of financial literacy. Federal Reserve Chairman Alan Greenspan has said, “Improving basic financial education at the elementary and secondary school levels is essential to providing a foundation for financial literacy that can help prevent younger people from making poor financial decisions.”

Today, I hope to elevate the discussion of this issue by introducing the Youth Financial Education Act, which would provide $100 million in grants to help them develop and implement financial education programs in elementary and secondary schools, including helping to prepare teachers to provide financial education. It would also establish a national clearinghouse for instructional materials and information regarding model financial education programs.

I am happy to report that in my state of New Jersey many have already started the ball rolling on financial literacy education. My State allows local schools the option of offering financial education in high school, and the New Jersey Coalition for Financial Education works with the New Jersey Department of Education to develop and implement core curriculum standards.

I believe it is time for our Nation to follow suit and begin to focus on the financial literacy education of all our young Americans.

We must not sit idly by while so many of our children lack financial literacy. So I ask for my colleagues to join me in support of the Youth Financial Literacy Act, which will ensure that our next generation is prepared to meet the challenges of the new economy.

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. 1181

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

SECTION 1. PROMOTING YOUTH FINANCIAL LITERACY.

Title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

"PART D—PROMOTING YOUTH FINANCIAL LITERACY

SEC. 4401. SHORT TITLE AND FINDINGS.

(a) Short Title.—This part may be cited as the ‘‘Youth Financial Education Act’’.

(b) Findings.—Congress finds the following:

(1) In order to succeed in our dynamic American economy, young people must obtain the knowledge and experience necessary to manage their personal finances and obtain general financial literacy. All young adults should have the educational tools necessary to make informed financial decisions.

(2) Despite the critical importance of financial literacy to young people, the average student who graduates from high school lacks basic skills in the management of personal financial affairs. A nationwide survey conducted in 2002 by the Jump$tart Coalition for Financial Literacy examined the financial knowledge of 4,024 12th graders. On average, survey respondents answered only 50 percent of the questions correctly. This figure is down from the 52 percent average score in 2000 and the 57 percent average score in 1997.

(3) An evaluation by the National Endowment for Financial Education High School Financial Planning Program undertaken jointly with the United States Department of Agriculture Cooperative State Research, Education and Extension Service demonstrates that as little as 10 hours of classroom instruction can impart substantial knowledge and affect significant change in how teens handle money.

(4) State educational leaders have recognized the importance of providing a basic financial education to students in kindergarten through grade 12 by integrating financial education into State educational standards, but by 2002 only 4 States required students to complete a course that covered personal finance before graduating from high school.

(5) Teacher training and professional development are critically needed with respect to financial literacy. Teachers confirm the need for professional development in personal finance education. In a survey by the National Institute for Consumer Education, 12 percent of a State’s economics teachers revealed that they had never had a college course in personal finance.

(6) Personal financial education helps prepare students for the workforce and for financial independence by developing their sense of individual responsibility, improving their life skills, and providing them with a thorough understanding of consumer economics that will benefit them for their entire lives.

(7) Financial education integrates instruction in valuable life skills with instruction in economics, including income and taxes, money management, investment and spending, and the importance of personal savings.

(8) The consumers and investors of tomorrow are in our schools today. The teaching of personal finance should begin at all levels of our Nation’s educational system, from kindergarten through grade 12.

SEC. 4402. STATE GRANT PROGRAM.

(a) Program Authorized.—The Secretary is authorized to provide grants to State educational agencies to develop and integrate youth financial education programs for students in elementary schools and secondary schools.

(b) State Plan.—

(1) Approved State Plan Required.—To be eligible to receive a grant under this section, a State educational agency shall submit an application that includes a State plan, described in paragraph (2), that is approved by the Secretary.

(2) State Plan Contents.—The State plan referred to in paragraph (1) shall include—

(A) a description of how the State educational agency will use the funds;

(B) a description of how the programs supported by a grant will be coordinated with other relevant Federal, State, regional, or local programs; and

(C) a description of how the State educational agency will evaluate program performance.

(3) Allocation of funds.—

(A) Allocation Factors.—Except as otherwise provided in paragraph (2), the Secretary shall allocate the amounts made available to carry out this section pursuant to subsection (a) to each State according to the relative populations in all the States of students in kindergarten through grade 12 as determined by the Secretary based on the most recent satisfactory data.

(B) Minimum Allocation.—Subject to the availability of appropriations and notwithstanding paragraph (1), a State that has submitted a plan under subsection (b) that is approved by the Secretary shall be allocated an amount that is not less than $500,000 for a fiscal year.

(C) Reallocation.—In any fiscal year an allocation under this subsection—

(A) for a State that has not submitted a plan under subsection (b); or

(B) for a State whose plan submitted under subsection (b) has been disapproved by the Secretary shall be reallocated to States with approved plans under this section in accordance with paragraph (1).

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Mr. MCDERMOTT. Mr. President, while democracy activists in Burma have been murdered, intimidated and harassed, from the interior of the country to the east and west and from the north to the south, the Burmese military junta, to strengthen its authority and tighten its grip, continues to seek to silence their voices. The government continues to pressure the United Nations to impose a comprehensive arms embargo against the Burmese military junta.

Mr. MCDERMOTT. Mr. President, while democracy activists in Burma have been murdered, intimidated and harassed, from the interior of the country to the east and west and from the north to the south, the Burmese military junta, to strengthen its authority and tighten its grip, continues to seek to silence their voices. The government continues to pressure the United Nations to impose a comprehensive arms embargo against the Burmese military junta.
other Asian, ASEAN countries, that maybe, for once, they will understand what a pariah regime that is and work with us in a coordinated fashion to impose sanctions that will actually mean something in bringing down the regime.

Mr. MCCAIN. If the Senator will yield for one further question, has the Senator heard about a statement of the Japane se Foreign Minister that basically is saying that everything was pretty well, so the status quo was pretty well intact? What do you think? I ask the Senator to answer the question, I want to say again, I thank him for his advocacy for many years, for the democratic movement in Burma, sometimes known as Myanmar. I thank him and look forward to working with him.

I think the Congress can act, and I hope we can work in concert with the administration.

Mr. MCCONNELL. I thank my friend from Arizona. I understand the Japanese may be reconsidering their statement of yesterday. There could well be a subsequent statement today that might be more pleasing to the Senator from Arizona and myself.

I thank him for being an extraordinary leader on this issue as well, and for agreeing to cosponsor the bill I am about to introduce.

I also might mention, I had an opportunity to talk with the Deputy Secretary of State and Deputy Secretary of Defense today to encourage them to take a very great interest and recommend the President take a very great interest in this issue. The only way, obviously, we are going to have an impact in Burma is for the United States to use the kind of leadership only it can provide to rally the world around a sanctions regime and tighten the noose around this regime and hopefully this will be the beginning of that effort.

Mr. MCAIN. I thank my friend.

Mr. MCCONNELL. The White House should utilize all authority at its disposal to immediately sanction the junta, including banning imports from Burma and raising the brutal crackdown on democracy before the U.N. Security Council.

On Tuesday, I appealed to the international community to stand by the people of Burma during their dark hour of need, and called upon the world's democracies to act in support of Suu Kyi. If America does not stand with Suu Kyi and the people she so ably represents. She is obviously the greatest hope for that country.

I ask my colleagues: If America does not stand with Suu Kyi and the NLD now, whither freedom and justice in Burma? Without us, it has no chance.

Mr. MCCONNELL. If America does not stand with Suu Kyi and the NLD now, whither freedom and justice in Burma? Without us, it has no chance.

Pressure, patience and persistence will bring political change to Burma. Suu Kyi knows this in her heart and mind, as we all do. America must lead. And we will do, others will rally.

I thank my friend from New Mexico.

I yield the floor and ask unanimous consent that the text of the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I commend the distinguished majority whip for his eloquent statement today and compliment him on his persistence with reference to the cause of freedom and democracy in Burma.

Mr. DASCHLE. Mr. President, for 6 days, Aung Sang Suu Kyi—the courageous voice of democracy and freedom in Burma—has been in jail. Her crime?
Support for reform and democracy in one of the world’s most isolated and repressive countries.

Of the world’s great democrats is currently being held by a military junta disingenuously named State Peace and Development Council. Last week, the junta announced that it had Suu Kyi in “protective custody.” The truth, of course, is that she was beaten with a bamboo pole and detained at gunpoint that killed four of her supporters. Several observers noted that her arrest is the latest in a vicious and coordinated attack which has claimed 70 of her supporters.

This is evidence of the junta’s deplorable disregard for international standards of decency and for the people it rules. It also tells us what we can expect from the junta. A year ago, after Suu Kyi was released from her 15 year long detention, there was a glimmer of hope among the international community that the junta’s concentration on repressive tactics in Burma. Rather than re-engaging the world, however, the junta holds fast to its failed policies of the past.

The Special Envoy from the United Nations has been officially placed in the most isolated and repressive country in the world. The Special Envoy from the United Nations has been officially placed in Burma this weekend as part of a larger effort to promote democracy. Yet with its actions this past week, the SPDC confirms what we had all feared—and what Suu Kyi has been so long for; the military junta in power in Burma cannot and will not take the necessary steps to bring about democracy and freedom. I hope we send a clear message, indeed the world’s disappointment, to Suu Kyi’s own statement that “it’s a new dawn for us.”

But as the events of May 30 have so tragically illustrated, the SPDC has not changed its approach towards political dialogue and, in fact, have launched a new campaign of repression. Given the military regime’s utter contempt for the welfare and safety of its people and the repeated and ongoing human rights abuses against Suu Kyi and the members of the NLD, I now feel we have no choice but to strengthen the sanctions imposed in 1997.

The actions of the SPDC are simply outrageous and join the Special Envoy in the State Department, the United Nations and the many voices from around the world in demanding that Suu Kyi and the others be released immediately, and to allow the U.N. Special Rapporteur on Human Rights in Burma to conduct an independent investigation into the attack on Aung San Suu Kyi and her party.

Not content to stop with arresting the leadership of the NLD, the regime has tightened its crackdown on the pro-democracy movement, closing universities and shutting down at least six NLD offices. In addition, two NLD leaders have been arrested on charges of “subversion.”

Let us recall, the NLD overwhelmingly won Burma’s national elections in 1990. The NLD are Burma’s rightful leaders, not the military junta which seized power in 1962, crushing a widespread popular uprising. Such actions are only the tip of the iceberg in human rights violations. According to the Council on Foreign Relations Task Force report on Burma, the regime engages in the production and distribution of opium and methamphetamine.

In addition, the report notes that because of SPDC mismanagement, the Burmese economy is in shambles, with poor rice harvests and, most recently, a January 2003 financial crisis sparked by government closure of private deposit companies.

In the face of such brutality it is imperative that the United States take strong and decisive action to express our disapproval of the SPDC and its tactics, and our support of those forces working for peace in Burma.

The United States must act. Although in general I look forward to supporting the use of trade embargoes as an effective instrument of foreign policy, in certain circumstances and when faced with certain conditions I believe they are necessary and proper and can, in fact, provide effective leverage.

Burma, I believe, is such a case and an import ban is a proper and much needed step to take.

Our legislation: imposes a complete ban on all imports from Burma until the President determines and certifies to Congress that Burma has made substantial and measurable progress on a number of democracy and human rights issues; allows the President to waive the import ban should he determine and notify Congress that it is in the national security interests of the United States to do so; allows the President to waive any provision of the bill found to be in violation of any international obligation of the U.S. pursuant to World Trade Organization dispute settlement procedures; freezes the assets of the Burmese regime in the United States; directs United States executive directors at international financial institutions to vote against loans to the Burma; expands the visa ban against the past and present leadership of the military junta; encourages the Secretary of State to highlight the abysmal record of the SPDC in the international community, and; authorizes the President to use all available resources to assist democracy activists in Burma.

Both business and labor are united in support of a ban. The American Apparel and Footwear Association, which represents apparel, footwear, and sewn products companies and their suppliers, has called for a ban.

President and CEO Kevin M. Burke stated, “The government of Burma continues to abuse its citizens through force and intimidation, and refuses to respect the basic human rights of its
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people. AAFA believes this unacceptable behavior should be met with condemnation from not only the international public community, but from private industry as well."

A number of stores, including Saks, Macy’s, Bloomingdales, and others, have already voluntarily stopped importing or selling goods from Burma. The AFL-CIO and other labor groups also support a ban.

In addition, the international Labor Organization, for the first time in its history, has called all ILO members to impose sanctions on Burma.

Such diversity in support of this legislation speaks volumes about the brutality of the SPDC regime and its single-minded unwillingness to take even a modest step towards democracy and national reconciliation.

Currently, Burma exports approximately $400 million in goods per year to the United States. These exports are the regime’s major source of foreign currency, and not failed development. The regime will take notice if this bill becomes law.

As events of the past few days have shown, all other avenues have been tried and failed. There is no other recourse but to introduce this legislation, but pressure on the military junta to cease its violations of human rights and respect the free will of the Burmese people as expressed in the 1990 elections.

We must make a stand on the side of the people of Burma. I urge my colleagues to support this bill.

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. 1182

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

SECTION 1. SHOWCASE.

This Act may be cited as the “Burmese Freedom and Democracy Act of 2003”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The State Peace and Development Council (SPDC) has failed to transfer power to the National League for Democracy (NLD) whose parliamentarians won an overwhelming victory in the 1990 elections in Burma.

(2) The SPDC has failed to enter into meaningful, political dialogue with the NLD and ethnic groups, and has dismissed the efforts of United Nations Special Envoy Razali bin Ismail to further such dialogue.

(3) According to the State Department’s “Report of the Secretary of State Regarding Conditions in Burma and U.S. Policy Toward Burma” dated March 28, 2003, the SPDC has become “more confrontational” in its exchanges with the NLD.

(4) On May 30, 2003, the SPDC, threatened by continued support for the NLD throughout Burma, brutally attacked NLD supporters, killed and injured scores of civilians, and arrested democracy advocate Aung San Suu Kyi and other activists.

(5) The SPDC continues egregious human rights violations. Burmese citizens use rape as a weapon of intimidation and torture against women, and forcibly conscripts child-soldiers for the use in fighting indigenous ethnic groups.

(6) The SPDC has demonstrably failed to cooperate with the United States in stopping the production and export of pyrethrin, reports of which have been growing, refined, manufactured, and transported in areas under the control of the SPDC serving to flood the region and much of the world with the world’s most dangerous pyrethrin-based insecticides.

(7) The SPDC provides security, safety, and engages in business dealings with narcotics traffickers under indictment by the United States authorities. It also supports, finances, and traffickers of narcotics.

(8) The International Labor Organization (ILO), in its 82-year history, adopted in 2000, a resolution recommending that governments, employers, and workers organizations take appropriate measures to ensure that the relations with the SPDC do not abet the government-sponsored system of forced, compulsory, or slave labor in Burma, and that other international bodies reconsider any cooperation they may be engaged in with Burma and, if appropriate, cease as soon as possible any activity that could abet the practice of forced, compulsory, or slave labor.

(9) The SPDC has integrated the Burmese military and its surrogates into all facets of the economy effectively destroying any free enterprise system.

(10) Investment in Burmese companies and purchases from them serve to provide the SPDC with currency that is used to finance its instruments of repression against the Burmese people.

(11) On April 15, 2003, the American Apparel and Footwear Association expressed its “strong support for a full and immediate ban on U.S. textile, apparel and footwear imports from Burma and called upon the United States government to impose an outright ban on U.S. imports” of these items until Burma demonstrates respect for basic human and labor rights of its citizens.

(12) The policy of the United States, as articulated by the President on April 24, 2003, is to officially recognize the NLD as the legitimate representative of the Burmese people as determined by the 1990 election.

SEC. 3. BAN AGAINST TRADE THAT SUPPORTS THE MILITARY REGIME OF BURMA.

(a) GENERAL.

(1) IN GENERAL.—Notwithstanding any other provision of law, until such time as the President determines and certifies to Congress that the conditions described in paragraph (3), no article may be imported into the United States that is produced, mined, manufactured, or assembled in Burma or an immediate family member of such member;

(2) BAN ON IMPORTS FROM CERTAIN COMPANIES.—The import restrictions contained in paragraph (1) shall apply to, among other entities:

(A) the SPDC, any member of the SPDC or an immediate family member of such member;

(B) known narcotics traffickers from Burma or an immediate family member of such narcotics trafficker;

(C) the Union of Myanmar Economics Holdings incorporated (UMEHI) or any company in which the UMEHI has a fiduciary interest;

(D) the Myanmar Economic Corporation (MEC) or any company in which the MEC has a fiduciary interest;

(E) the Union Solidarity and Development Association (USDA); and

(F) any entity that holds or owns the SPDC, UMEHI, MEC, or USDA.

(3) CONDITIONS DESCRIBED.—The conditions described in this paragraph are the following:

(A) The SPDC has made substantial and measurable progress to end violations of internationally recognized human rights including rape, and the Secretary of State, after consultation with the ILO Secretary General and relevant nongovernmental organizations, recommends to each congressional committee that the SPDC no longer systematically violates workers rights, including the use of forced and child labor, conscripts child-soldiers for the use in fighting indigenous ethnic groups,

(B) The SPDC has made measurable and substantial progress toward implementing a democratic government including—

(i) releasing all political prisoners;

(ii) allowing freedom of speech and the press;

(iii) allowing freedom of association;

(iv) permitting the peaceful exercise of religion; and

(v) bringing to a conclusion an agreement between the SPDC and the democratic forces led by the NLD and Burma’s ethnic nationalities.

(C) Pursuant to the terms of section 706 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228), Burma must have failed demonstrably to make substantial efforts to adhere to its obligations under international counternarcotics agreements and to take other effective counternarcotics measures, not with the drug and extraditions of all individuals under indictment in the United States for narcotics trafficking, and concrete and measurable actions to stem the flow of illicit drug money into Burma’s banking system and economic enterprises and to stop the manufacture and export of methamphetamine.

SEC. 4. FREEZING ASSETS OF THE BURMESE REGIME.

(a) GENERA.

(1) The Secretary of the Treasury, in consultation with the appropriate congressional committees, shall take such action as may be necessary to freeze the assets of the Burmese regime and its political arm, the Union Solidarity Development Association. The Secretary of the Treasury shall, not later than 60 days after the date of enactment of this Act, provide to the appropriate congressional committees a list of any United States financial institution holding funds belonging to the SPDC or the assets of those individuals who hold senior positions in the SPDC or its political arm, the Union Solidarity Development Association.

(b) WAIVER AUTHORITY.

(1) In general.—The President may waive the prohibitions described in this section for any or all products imported from Burma to the United States if the President determines and notifies the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives that such waiver is necessary to promote the national security interest of the United States.

(2) INTERNATIONAL OBLIGATIONS.—The President may waive any provision of this Act if the President determines and notifies the appropriate congressional committees that such waiver is necessary to promote the international obligations of the United States pursuant to any final ruling relating to Burma under the dispute settlement procedures of the World Trade Organization.

(c) DURATION OF TRADE BAN.—The President may terminate the restrictions contained in this Act upon the request of a democratically elected government in Burma, provided that all conditions in subsection (a)(3) have been met.

SEC. 5. FREEZING ASSETS OF THE BURMESE REGIME IN THE UNITED STATES.

Not later than 60 days after the date of enactment of this Act, the Secretary of the Treasury shall direct, and promulgate regulations to the same, that any United States financial institution holding funds belonging to the SPDC or the assets of those individuals who hold senior positions in the SPDC or its political arm, the Union Solidarity Development Association, shall promptly report those assets to the Office of Foreign Assets Control. The Secretary may take such action as may be necessary to secure such assets or funds.
SEC. 5. LOANS AT INTERNATIONAL FINANCIAL INSTITUTIONS.

The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose, and vote against the extension by such institution of any financial or technical assistance to Burma until such time as the conditions described in section 3(a)(3) are met.

SEC. 6. EXPANSION OF VISA BAN.

(a) IN GENERAL.—(1) VISA BAN.—The President is authorized to deny visas and entry to the former and present leadership of the SPDC or the Union Solidarity and Development Party.

(b) PUBLICATION.—The Secretary of State shall coordinate on a biannual basis with representatives of the European Union to ensure that an individual who is banned from obtaining a visa by the European Union for the reasons described in paragraph (1) is also banned from receiving a visa from the United States.

(c) C OOPERATION OF OTHER FEDERAL DEPARTMENT AND AGENCIES.—There is authorized to be appropriated for such fiscal year $30,000,000. The Secretary of the Treasury shall:

(1) VISA BAN.—(A) The President is authorized to deny visas to and block assets of any Burmese official who, acting on behalf of the Government of the Union of Myanmar, is responsible for or materially contributing to human rights abuses in the Union of Myanmar.

(2) INTERDICTIVE AND DIVERSIONARY TECHNOLOGIES.—There is authorized to be appropriated to the President $30,000,000. The President is authorized to acquire, develop, and deploy technologies to defeat Internet jamming and censorship, and for other purposes; to the Committee on Appropriations and Foreign Operations.

(d) CONGRESS CONSIDERS.—The Congress shall consider legislation imposing economic or other sanctions to address the human rights abuses in the Union of Myanmar.

SEC. 7. CONDEMNATION OF THE REGIME AND DISSEMINATION OF INFORMATION.

(a) IN GENERAL.—The Secretary of State shall encourage the Secretary of the Treasury to highlight the abysmal record of the SPDC to the international community and use all appropriate fora, including the Association of Southeast Asian Nations Regional Forum and Asian Nations Regional Forum, to encourage other states to restrict financial resources to the SPDC and Burmese companies while offering political recognition and support to Burma’s democratic movement including the National League for Democracy and Burma’s ethnic groups.

(b) U NITED STATES EMBASSY.—The United States embassy in Rangoon shall take all steps necessary to provide access of information and United States policy decisions to media organs not under the control of the ruling military regime.

SEC. 8. SUPPORT DEMOCRACY ACTIVISTS IN BURMA.

(a) I N GENERAL.—The President is authorized to use all available resources to assist Burmese democracy activists dedicated to nonviolent efforts to promote democracy and human rights in Burma, including a list of constraints on such programming.

(b) INTERNET FREEDOM.—(1) FIRST REPORT.—Not later than 3 months after the date of enactment of this Act, the Secretary of State shall provide the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Relations of the House of Representatives a comprehensive report on short- and long-term programs and activities to support democracy activists in Burma, including a list of constraints on such programming.

(2) REPORT ON RESOURCES.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall provide the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report identifying resources that will be necessary for the construction of Burma, after the SPDC is removed from power, including—

(A) the formation of democratic institutions;

(B) establishing the rule of law;

(C) establishing freedom of the press;

(D) providing for the successful reintegration of military officers and personnel into Burmese society; and

(E) providing health, educational, and economic development.

By Mr. KYL (for himself and Mr. WYDEN):

S. 1183 to develop and deploy technologies to defeat Internet jamming and censorship, and for other purposes; to the Committee on Foreign Relations.

Mr. KYL. Mr. President, I ask unanimous consent that the “Global Internet Freedom Act of 2003” be printed in today’s CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1183

Be 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 “Global Internet Freedom Act of 2003”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Freedom of speech, freedom of the press, and association are fundamental characteristics of a free society. The first amendment to the Constitution of the United States guarantees that “Congress shall make no law abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble.”. These constitutional provisions guarantee the rights of Americans to communicate and associate with one another without restriction, including unfettered communication and association via the Internet. Article 19 of the United Nations Universal Declaration of Human Rights explicitly guarantees the freedom to “receive and impart information and ideas through any media and regardless of frontiers.”

(2) All people have the right to communicate freely with others, and to have unrestricted access to news and information, on the Internet.

(3) With nearly 10 percent of the world’s population now online, and more gaining access each day, the Internet stands to become the largest meeting place for international cooperation and the free exchange of ideas ever invented.

(4) Unrestricted access to news and information via the Internet is a cornerstone of our democratic society and an essential component of a free press.

(5) To utilize the expertise of the private sector in the development and implementation of technologies to counter the jamming of the Internet;

(6) To bring to bear the pressure of the free world on repressive governments guilty of the sponsorship of intimidation and persecution of their citizens who use the Internet;

(7) To the transmission of the Voice of America and Radio Free Asia, as well as hundreds of news sources with an Internet presence, are routinely being jammed by repressive governments.

(8) Since the 1990s, the United States has deployed anti-jamming technologies to make Voice of America and other United States government-sponsored broadcasting available to people in nations with governments that seek to block news and information.

(9) The United States Government has thus far commenced only modest efforts to fund and deploy technologies to defeat Internet censorship. As of January 2003, the Voice of America and Radio Free Asia have committed a total of $1,000,000 to counter Internet jamming by the People’s Republic of China. This technology, which has been successful in attracting 10,000 electronic hits per day from the People’s Republic of China, has been relied upon by Voice of America and Radio Free Asia to ensure access to their programming by citizens of the People’s Republic of China, but United States Government financial support for the technology has lapsed.

(10) The success of United States policy in support of freedom of speech, press, and association requires new initiatives to defeat technological and authoritarian efforts to control Internet access and content using black boxes and media organizations that have reported widespread and increasing pattern by authoritarian regimes around the world.

To expedite the development and deployment of technology to promote Internet freedom around the world.

(11) To authorize the commitment of a substantial portion of United States international broadcasting resources to the continued development and implementation of technologies to counter the jamming of the Internet;

To utilize the expertise of the private sector in the development and implementation of such technologies, so that the many current technologies used commercially for securing business transactions and providing confidentiality and privacy are utilized to promote democracy and freedom;

(12) To bring to bear the pressure of the free world on repressive governments guilty of the sponsorship of intimidation and persecution of their citizens who use the Internet.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to adopt an effective and robust global Internet freedom policy;

(2) to establish an office within the International Broadcasting Bureau with the sole purpose of countering Internet jamming and blocking by repressive regimes;

(3) to expedite the development and deployment of technology to protect Internet freedom around the world;

(4) to authorize the commitment of a substantial portion of United States international broadcasting resources to the continued development and implementation of technologies to counter the jamming of the Internet;

(5) to bring to bear the pressure of the free world on repressive governments guilty of the sponsorship of intimidation and persecution of their citizens who use the Internet.

SEC. 4. DEVELOPMENT AND DEPLOYMENT OF TECHNOLOGIES TO DEFEAT INTERNET JAMMING AND CENSORSHIP.

(a) E STABLISHMENT OF OFFICE OF GLOBAL INTERNET FREEDOM.—There is established in the Department of State the Office of Global Internet Freedom (hereinafter in this section referred to as the “Office”). The Office shall be headed by a Director who shall develop and implement a comprehensive global strategy to combat state-sponsored and state-directed jamming of the Internet and persecution of those who use the Internet.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office $30,000,000 for each of the fiscal years 2004 and 2005.

(c) C OOPERATION OF OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The head of each department and agency of the United States Government shall—

(1) support the Office in its efforts to counter Internet jamming and censorship by providing such technical and other assistance as the Director may request;

(2) assist in the implementation of the strategy developed by the Director of the Office and
shall make such resources and information available to the Director as is necessary for the achievement of the purposes of this Act.

(d) REPORT TO CONGRESS.

(1) IN GENERAL.—On March 1 following the date of enactment of this Act, and annually thereafter, the Director of the Office shall submit to Congress a report on the status of state and international efforts with respect to Internet use and of efforts by the United States to counter such interference.

(2) CONTENT.—Each report required by paragraph (1) shall—

(A) list the countries that pursue policies of Internet censorship, blocking, and other abuses;

(B) provide information concerning the government agencies or quasi-governmental organizations that implement Internet censorship, blocking, and other abuses;

(C) describe with the greatest particularity practicable the technological means by which such blocking and other abuses are accomplished;

(D) FORMS OF REPORT.—In the discretion of the Director, a report required by paragraph (1) may be submitted in both a classified and a nonclassified form.

(e) LIMITATION ON AUTHORITY.—Nothing in this Act shall be interpreted to authorize any action by the United States to interfere with another country’s exercise of legitimate law enforcement aims that is consistent with the United Nation’s Universal Declaration of Human Rights.

SEC. 5. SENSE OF CONGRESS.

It is the sense of Congress that the United States should—

(1) publicly, prominently, and consistently denounce governments that restrict, censor, ban, or block access to information on the Internet;

(2) direct the United States Representative to the United Nations to submit a resolution at the next annual meeting of the United Nations Human Rights Commission after the date of enactment of this Act that condemns all governments that practice Internet censorship and deny individuals the freedom to access and share information; and

(3) deploy, at the earliest practicable date, technologies aimed at defeating state-directed Internet censorship, and the persecution of those who use the Internet.

By Mr. SMITH (for himself, Mrs. CLINTON, Mrs. MURRAY, Mr. FITZGERALD, and Mr. LAUTENBERG):

S. 1184. A bill to establish a National Foundation for the Study of Holocaust Assets, to the Committee on Banking, Housing, and Urban Affairs.

Mr. SMITH. Mr. President, I rise today to introduce the Holocaust Victims’ Assets, Restitution Policy, and Remembrance Act of 2003. In this effort, I am joined by my colleagues: Senator CLINTON from New York, Senator MURRAY from Washington, Senator LAUTENBERG, from New Jersey and Senator DODD from Connecticut. I appreciate their support for this important legislation.

We are motivated by a desire to achieve justice for the victims of the Holocaust and their families, and we recognize that if such justice is to be attained, the United States must continue to lead the world.

The United States has provided leadership in this area ever since American troops liberated the death camps in Nazi Germany. This legislation recognizes that the struggle for justice requires continued American leadership and that the Foundation is the appropriate mechanism for that leadership.

The purpose of this Act is to create a public/private Foundation dedicated to supporting productivity in the area of Holocaust-era assets and restitution policy and promoting innovative solutions to restitution issues.

The need for the Foundation arises from the continuing work of the Presidential Advisory Commission on Holocaust Assets in the United States. I was proud to serve as commissioner on that Commission. The Commission identified several policy initiatives that require U.S. leadership, including: creating mechanisms to assist claimants in obtaining resolution of claims; supporting databases of victims’ claims for the restitution of personal property; reviewing the degree to which other nations have adhered to agreements reached at international conferences on Holocaust issues; synthesizing the work of other national commissions throughout the world; supporting further research and review of Holocaust-era policies; and disseminating information about restitution programs to survivors and their families.

If the nations of the world are to be convinced of our lasting commitment to justice for Holocaust victims and if continued work on Holocaust assets issues is to be truly effective, the Foundation must have the stamp of the Federal Government. But the Federal Government cannot, and should not, perform these tasks by itself. It will coordinate the efforts of the Federal Government, State governments, the private sector and individuals here, and abroad, to help people locate and identify assets that would otherwise have remained unclaimed. I encourage policy makers to deal with contemporary restitution issues, including how best to treat unclaimed assets.

Each passing day reveals the existence of still unclaimed assets. This bill will create an institution able to provide the academic center of research into this area of continuing importance. It will also show that the United States is willing to ask of itself no less than it asks of the international community.

The restitution of property is part of a larger process of obtaining a measure of justice for the victims of Europe’s major human disasters of the 20th century—fascism and communism. Justice for these individuals is long overdue. Having had justice delayed for so long, they are entitled to expect that democratic governments will move promptly to bring closure during their lifetime.

I ask unanimous consent that the text of the Holocaust Victims’ assets, Restitution Policy, and Remembrance Act of 2003 be printed in the RECORD.

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 “Holocaust Victims’ Assets, Restitution Policy, and Remembrance Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States should continue to lead the international effort to identify, protect, and return looted assets taken by the Nazis and their collaborators from victims of the Holocaust.

(2) The citizens of the United States should understand exactly how the United States Government dealt with the assets looted from victims of the Nazis that came into its possession.

(3) The United States should continue to make extraordinary efforts to locate and restore assets taken by the Nazis and their collaborators from victims of the Holocaust.

(4) However, the restitution policy formulated by the United States and implemented in the countries in Europe occupied by the United States had many inadequacies and fell short of realizing the goal of returning stolen property to the victims.

(5) As a result of these United States policies and their implementation, there remain today many survivors or heirs of survivors who have not had restored to them that which the Nazis looted.

(6) The Presidential Advisory Commission on Holocaust Assets in the United States, established in Public Law 105-186, found the following:

(A) Despite the undertaking by United States agencies to preserve, protect, and return looted assets, United States restitution policy could never fully address the intractable dimension and complexity of restoring assets to victims of the Holocaust. Many inadequacies reveal that United States authorities looted assets taken by the Nazis and their collaborators from victims of the Holocaust.

(B) Far more regrettable is the United States failure to adequately assist victims, heirs, and successor organizations to identify victims’ assets, instead relying upon them to present their own claims, often within unrealistic short deadlines, with the result that much victim property was never recovered.

(C) Far more regrettable is the United States failure to adequately assist victims, heirs, and successor organizations to identify victims’ assets, instead relying upon them to present their own claims, often within unrealistic short deadlines, with the result that much victim property was never recovered.

(D) Even when property was returned to individual owners or their heirs, it was often after protracted and expensive administrative proceedings that yielded settlements far less than the full value of the assets concerned.

(E) While the overall pace of the United States is one in which its citizens can legitimately take pride, even the most far sighted
and best-intentioned policies intended to restore stolen property to its country of origin failed to realize the goal of returning property to the victims who suffered the loss.

(F) In many instances, policy and circumstance combined and led to results that can be improved upon now, to provide a modicum of justice to Holocaust victims and their heirs and in memory of those who did not survive.

(7) The United States Government should promote both the review of Holocaust-era assets in Federal, State, and private institutions, and the return of such assets to victims or their heirs.

(8) The best way to achieve this is to create a single institution to serve as a centralized repository for research and information about Holocaust-era assets.

(9) Enhancing these policies will also assist victims of future armed conflicts around the world.

(10) The Government of the United States has worked to address the consequences of the National Socialist era with other governments and nongovernmental organizations, including the establishment on Jewish Material Claims Against Germany, which has worked since 1951 with the Government of the United States and with other governments to accomplish the restitution of hundreds of thousands of assets, wherever those assets were identified, and has played a major role in allocating restitution funds and funds contributed by the United States and other donor countries to the Nazi Persecutee Relief Fund.

SEC. 2. ESTABLISHMENT AND PURPOSES.

(a) ESTABLISHMENT.—There is established a National Foundation for the Study of Holocaust Assets in this Act referred to as the Foundation.

(b) PURPOSES.—The purposes of the Foundation are—

(1) to serve as a centralized repository for research and information about Holocaust-era assets by—

(A) compiling and publishing a comprehensive report that integrates and supplements the research on Holocaust-era assets prepared by various countries' commissions on the Holocaust;

(B) the Department of State's Special Envoy for Holocaust Issues to review the degree to which foreign governments have implemented the principles adopted by the Long Term Conference on Holocaust-era Assets and the Vinnius International Forum on Holocaust-era Looted Cultural Property, and should encourage the signal that the leadership has not yet implemented those principles to do so; and

(C) collecting and disseminating information about restitution programs around the world.

(2) to create tools to assist individuals and institutions to determine the ownership of Holocaust victims' assets and to enable claims to the speediest resolution of their personal property claims by—

(A) ensuring the implementation of the agreements entered into by the Presidential Advisory Commission on Holocaust Assets in the United States with the American Association of Museums and the Association of Art Museum Directors to provide for the establishment and maintenance of a central registry of Holocaust-era cultural property in the United States, beginning with European paintings and jewelry; and

(B) to museums, libraries, universities, and other institutions that hold Holocaust-era cultural property and adhere to the agreements referred to in subparagraph (A), to develop and maintain a searchable portal of Holocaust victims' claims for the restitutions of personal property;

(D) funding a cross match of records developed by the National Claims Conference for the restoration of property from the Holocaust era against databases of victims' names and publicizing the results of this effort;

(E) requiring State governments in the preservation and automation of records of unclaimed property that may include Holocaust-era property; and

(F) regularly publishing lists of Holocaust-era artworks returned to claimants by museums in the United States;

(3) to work with private sector institutions to develop and disseminate standards and best practices for research and information gathering on Holocaust-era assets by—

(A) promoting and monitoring banks' implementation of the suggested best practices developed by the Presidential Advisory Commission on Holocaust Assets in the United States and the New York Bankers' Association;

(B) promoting the development of common standards and best practices for research by United States corporations into their records concerning insurance policies entered into with Nazi Germany in the period preceding the onset of hostilities in December 1941;

(C) encouraging the International Commission on Holocaust Era Insurance Claims (ICHEIC) to prepare a report on the results of its claims process; and

(D) promoting the study and development of policies regarding the treatment of cultural property in circumstances of armed conflict; and

(i) other purposes the Board considers appropriate.

SEC. 4. BOARD OF DIRECTORS.

(a) MEMBERSHIP AND TERMS.—The Foundation shall have a Board of Directors (in this Act referred to as the Board), which shall consist of 17 members, each of whom shall be a United States citizen.

(b) APPOINTMENT.—Members of the Board shall be appointed as follows:

(1) Nine members of the Board shall be representatives of government departments, agencies and establishments, appointed by the President, by and with the advice and consent of the Senate as follows:

(A) One representative each from the Department of State, Department of Justice, Department of the Treasury, Department of the Interior, the Army, National Archives and Records Administration, and Libr ary of Congress.

(B) One representative each from the United States Holocaust Memorial Council, National Gallery of Art, and National Foundation on the Arts and Humanities.

(2) Eight members of the Board shall be individuals who have demonstrated leadership relating to the Holocaust or in the fields of commerce, culture, or education, appointed by the President, by and with the advice and consent of the Senate, after consideration of the recommendations of the congressional leadership, as follows:

(A) Two members each shall be appointed after consideration of the recommendations of the Majority Leader of the Senate and of the Minority Leader of the Senate.

(B) Two members each shall be appointed after consideration of the recommendations of the Speaker of the House of Representatives and of the Minority Leader of the House of Representatives.

(c) CHAIRMAN.—The President shall appoint a Chair from among the members of the Board.

(d) QUORUM AND VOTING.—A majority of the membership of the Board shall constitute a quorum for the transaction of business. Voting shall be by simple majority of those members voting.

(e) MEETINGS AND CONSULTATIONS.—The Board shall meet at the call of the Chair at least twice a year. Where appropriate, members of the Board shall consult with relevant agencies of the Federal Government, the United States Holocaust Memorial Council and Museum.

(f) REIMBURSEMENTS.—Members of the Board shall serve without pay, but shall be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Foundation.

SEC. 5. OFFICERS AND EMPLOYEES.

(a) EXECUTIVE DIRECTOR.—The Foundation shall have an Executive Director appointed by the Board and such other officers as it may require. The Executive Director and the other officers of the Foundation shall be compensated at rates fixed by the Board.

(b) EMPLOYEES.—Subject to the approval of the Board, the Foundation may employ such individuals at such rates of compensation as the Executive Director determines appropriate.

(c) VOLUNTEERS.—Subject to the approval of the Board, the Foundation may accept the services of volunteers in the performance of the functions of the Foundation.

SEC. 6. FUNCTION AND CORPORATE POWERS.

The Foundation—

(1) may conduct business in the United States and abroad;

(2) shall have its principal offices in the District of Columbia or its environs; and

(3) shall have the power—

(A) to accept, receive, solicit, hold, administer, and use any gifts, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom, or any interest therein;

(B) to acquire by purchase or exchange any real or personal property or interest therein;

(C) to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any real or personal property or income therefrom; and

(D) to enter into contracts or other arrangements with public agencies, private corporations, and other persons, and to make such payments as may be necessary to carry out its purposes; and

(E) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

SEC. 7. REPORTING REQUIREMENTS.

The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to Congress a report of its proceedings and activities during that fiscal year, including a full and complete statement of its receipts, expenditures, and investments, and a description of all acquisitions and disposal of real property.

SEC. 8. ADMINISTRATIVE SERVICES AND SUPPORT.

The Secretary of the Treasury, the Secretary of Education, the Secretary of State, and the heads of any other Federal agencies may provide personnel, facilities, and other administrative services to the Foundation.

SEC. 9. SUNSET PROVISION.

The Foundation shall exist until September 30, 2013, at which time the Foundation and all rights, functions, and assets and products shall be transferred to the United States Holocaust Memorial Museum, or to other appropriate entities, as determined by the Board.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Foundation such
By Mr. THOMAS (for himself, Mr. HARKIN and other members of the Senate Rural Health Caucus). This legislation comprehensively addresses the Medicare program issues of rural physicians, rural health clinics, ambulance providers, home health agencies, community health centers, mental health providers and other critical health care providers.

The current Medicare program has many payment formula disparities that are biased against rural providers, which result in them being paid significantly less than their urban counterparts for services. Disparities in geographic inequities that exist within the Medicare program continually put rural providers at a disadvantage and adversely affect seniors; access to a quality health care in these communities.

Many physicians are being forced to limit the number of Medicare patients they serve because of poor reimbursement rates. The “Rural Providers Equity Act” is necessary to adequately pay physicians to continue caring for the elderly. In addition to establishing a work geographic index of 1.0, physicians practicing in federally designated Health Professional Shortage Areas will automatically start receiving ten percent bonus payment to which they are entitled.

In recognition of the difficulties rural and frontier communities face in recruiting and retaining primary care physicians; this legislation includes a provision providing tax exemptions to National Health Service Corps, NHSC, loan-repayments. The NHSC provides scholarships, loan-repayments, and stipends for physicians who agree to serve in nationally designated underserved urban and rural communities. In the current NHSC loan program, recipients are given money to offset their tax liabilities. If this money was made available, more clinicians would be able to participate in the program and care for the underserved.

Home health care agencies and ambulance services are critical elements of the continuum of care in rural areas. These providers face unique circumstances in the distances they are required to travel long distances to utilize the services of mental health providers currently recognized by the Medicare program. Rural communities have difficulty recruiting and retaining providers, especially mental health providers. Many small towns, a mental health counselor or a marriage and family therapist is the only mental health care provider in the area. Medicare law—as it exists today—compounds the situation because only psychiatrists, clinical psychologists, clinical social workers and clinical nurse specialists are able to bill Medicare for their services.

Virtually all of Wyoming is designated a mental health professional shortage area and will greatly benefit from this legislation. Wyoming has 174 psychologists, 37 psychiatrists and 263 clinical social workers for a total of 474 Medicare eligible mental health providers. Enactment of this provision will increase the number of mental health providers available to seniors in my state with the addition of 528 mental health counselors and 61 marriage and family therapists currently licensed in the state.

Health care in rural America is at a critical juncture, and Congress must act now so providers receive this down payment towards Medicare equity to ensure rural seniors continue to have access to the health care services they depend. To target and effectively address the rural care concerns of my colleagues interested in rural health to cosponsor the “Rural Provider Equity Act of 2003.”

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. 1188

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

SECTION 1. SHORT TITLE: AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the “Rural Provider Equity Act of 2003.”

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or reenactment of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; table of contents.
Sec. 2. Rural physician reimbursement improvements.
Sec. 3. Physician assistant, nurse practitioner, and clinical nurse specialist improvements.
Sec. 4. Rural health clinic improvements.
Sec. 5. Extension of bonus incentive payment for home health services furnished in a rural area.
Sec. 6. Rural community health center improvements.
Sec. 7. Ensuring appropriate coverage of ambulance services under ambulance parity improvements.
Sec. 8. Rural mental health care accessibility improvements.
Sec. 9. Rural health services research improvements.
Sec. 10. Exclusion for loan payments under National Health Service Corps loan repayment program.
Sec. 11. Virtual pharmacist consultation service demonstration projects.

SEC. 2. RURAL PHYSICIAN REIMBURSEMENT IMPROVEMENTS.—

(a) MEDICARE INCENTIVE PAYMENT PROGRAM IMPROVEMENTS.—

(1) PROCEDURES FOR SECRETARY, AND NOT PHYSICIANS, TO DETERMINE WHEN BONUS PAYMENTS UNDER MEDICARE INCENTIVE PAYMENT PROGRAM SHOULD BE MADE.—Section 1833(m) (42 U.S.C. 1395l(m))—

(A) by inserting “(1)” after “(m)”; and

(B) by adding at the end the following new paragraph:

(2) The Secretary shall establish procedures under which the Secretary, and not the physician furnishing the service, is responsible for determining when a payment is required to be made under paragraph (1).

(2) EDUCATIONAL PROGRAM REGARDING THE MEDICARE INCENTIVE PAYMENT PROGRAM.—The Secretary of Health and Human Services shall establish and implement an ongoing educational program to provide education to physicians under the medicare program on the medicare incentive payment program under section 1833(m) of the Social Security Act (42 U.S.C. 1395l(m)).

(3) ONGOING STUDY AND ANNUAL REPORT ON THE MEDICARE INCENTIVE PAYMENT PROGRAM.—

(A) ONGOING STUDY.—The Secretary of Health and Human Services shall conduct an ongoing study on the medicare incentive payment program under section 1833(m) of the Social Security Act (42 U.S.C. 1395l(m)).

Such study shall focus on whether such program increases the access of medicare beneficiaries who reside in rural areas that is designated (under section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254a(a)(1)(A))) as a health professional shortage area to physicians’ services under the medicare program.

(B) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under subparagraph (A), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

PHYSICIAN FEE SCHEDULE WAGE INDEX REVISION.—Section 1848(e)(1) (42 U.S.C. 1395w–4(e)(1)) is amended—
SEC. 3. PHYSICIAN ASSISTANT, NURSE PRACTITIONER, AND CLINICAL NURSE SPECIALIST IMPROVEMENTS.

(a) Broadening Medicare Beneficiaries Access to Home Health Services and Hospice Care.—Section 1861(r) (42 U.S.C. 1395l(r)) is amended by adding at the end the following new sentence: "For purposes of sections 1814(a)(2)(C), 1814(a)(7)(B), 1833(a)(2)(A), 1861(m), 1863(dd), and 1895(c)(1), the term ‘physician’ includes a nurse practitioner, a clinical nurse specialist, and a physician assistant (as such terms are defined in subsection (aa)(5)) who does not have a direct or indirect employment relationship with the home health agency or hospice program (as the case may be), and is legally authorized to perform the services of a nurse practitioner, a clinical nurse specialist, or a physician assistant (as the case may be) in the jurisdiction in which the services are performed. For purposes of the preceding sentence, the provisions of section 1833(a)(1)(O) shall apply with respect to amounts paid for services furnished by such a nurse practitioner, a clinical nurse specialist, or a physician assistant.".

(b) Skilled Nursing Facilities.—Section 1819(b)(6) (42 U.S.C. 1395n-3(b)(6)) is amended—

(1) in the paragraph heading, by inserting "or nurse practitioner" after "physician";

(2) in subparagraph (A), by inserting "nurse practitioner, including an individual who is writing a prescription for an individual be admitted to a skilled nursing facility, admitting an individual to a skilled nursing facility, and performing the initial admitting assessment, and all visits thereafter" before the semicolon.

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2004.

SEC. 4. RURAL HEALTH CLINIC IMPROVEMENTS.

(a) Improvement in Rural Health Clinic Reimbursement Under Medicare.—Section 1863(f)(5) (42 U.S.C. 1395m(f)(5)) is amended—

(1) in paragraph (1), by striking "and", "or", and "the following year" and inserting "or the following year";

(2) in subparagraph (A), by inserting "in a subsequent year" after "such"; and

(3) by adding the following new paragraphs:

"(3) in 2003, at $82 per visit; and

(4) in a subsequent year, at the limit established by subsection for the previous year increased by the percentage increase in the MEI (as so defined) applicable to primary care services (as so defined) furnished in that year.

(b) Exclusion of Certain Rural Health Clinic and Federally Qualified Health Center Services from the Medicare Prospective Payment System for Skilled Nursing Facilities.—

(1) In General.—Section 1886(e)(2)(A) (42 U.S.C. 1395n(e)(2)(A)) is amended by adding at the end the following new clause:

"(ii) by striking "clauses (ii) and (iii)" and inserting "clauses (ii), (iii), and (iv);" and

(2) by adding at the end the following new clause:

"(ii) exclusion of certain rural health clinic and federally qualified health center services—services described in this clause are—

"(I) rural health clinic services as defined in paragraph (1) of section 1861(aa); and

"(II) Federally qualified health center services (as defined in paragraph (3) of such section); that would be described in clause (ii) if such services were not furnished by an individual affiliated with a rural health clinic or a Federally qualified health center.

(2) Effective Date.—The amendments made by this section shall apply to services furnished on or after January 1, 2004.

SEC. 5. EXTENSION OF TEMPORARY INCREASE FOR HOME HEALTH SERVICES Furnished in a Rural Area.

(a) In General.—Section 508(a) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2025, 2054) is amended—

(1) in the heading, by striking "24-MONTH INCREASE BEGINNING APRIL 1, 2004" and inserting "IN GENERAL";

(2) by striking "April 1, 2004" and inserting "April 1, 2005";

(3) by striking the period at the end and inserting "and"; and

(c) Retroactive Application.—The amendments made by this section shall apply with respect to home health services furnished in a rural area on or after April 1, 2003.

SEC. 6. RURAL COMMUNITY HEALTH CENTER IMPROVEMENTS.

(a) Delivery of Medicare-Covered Primary and Preventive Services at Federally Qualified Health Centers.—

(1) Coverage of Medicare-Covered Ambulatory Services by FQHCs.—Section 1861(a)(3) (42 U.S.C. 1395(aa)(3)) is amended to read as follows:

"(3) The term ‘federally qualified health center services’ means—

"(A) services of the type described in subparagraphs (A) through (C) of paragraph (4), except that such services provided by a Federally qualified health center for which payment may otherwise be made under this title if such services were furnished by a health care provider that is not an institution other than a Federally qualified health center; and

"(B) preventive primary health services that a center would provide under section 330 of the Public Health Service Act, when furnished to an individual as a patient of a Federally qualified health center and such services when provided by a health care provider that is not an institution other than a Federally qualified health center shall be treated as billable visits for purposes of payment to the Federally qualified health center.

(b) Ensuring FQHC Reimbursement Under Hospital and Skilled Nursing Facility Prospective Payment Systems.—Section 1802(a)(14) (42 U.S.C. 1395(a)) is amended by inserting "Federally qualified health center services," after "qualified psychologist services," as follows:

"(14) The term ‘FQHC’ means—

"(A) the following—

"(i) each such entity;

"(ii) excluding a facility of a health care provider that is not an institution other than a Federally qualified health center for which payment may otherwise be made under this title if such services were furnished by a health care provider that is not an institution other than a Federally qualified health center; and

"(B) any remuneration between a public or nonprofit private health center entity described under clause (i) or (ii) of section 1861(aa)(6) and any individual or entity providing goods, items, services, donations or loans, or a combination thereof, to such health center entity pursuant to a contract, lease, grant, loan, or other agreement, if such agreement contributes to the ability of the health center entity to maintain or increase the availability, or enhance the quality of services provided to a medically underserved population served by the health center entity.

(c) Waiver for Exception for Health Center Entity Arrangements.—

(A) Establishment.—

(i) In General.—The Secretary of Health and Human Services may, in this section referred to as the ‘Secretary’ shall establish, on an expedited basis, standards relating to the exception described in section 1239(f)(3)(D) of the Social Security Act, as added by paragraph (1), for health center entity arrangements to the antikickback penalties.

(ii) Factors to Consider.—The Secretary shall consider the following factors, among others, in establishing standards relating to the exception for health center entity arrangements under this section:

(I) Whether the arrangement between the health center entity and the other party results in savings of Federal grant funds or increased revenues to the health center entity.

(II) Whether the arrangement between the health center entity and the other party results in an increase in the availability, or the quality of services provided to a medically underserved population served by the health center entity.

(d) Interim Final Effect.—No later than 180 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register consistent with the factors under subparagraph (A)(iii) such rule shall be effective and final immediately on an interim basis or such rule shall be effective and final immediately on an interim basis subject to public notice and revision, after public notice and opportunity (for a period of not more than 60 days) for public comment.
SEC. 7. ENSURING APPROPRIATE COVERAGE OF AMBULANCE SERVICES UNDER AMBULANCE FEE SCHEDULE.

(a) AIR AMBULANCE SERVICE.—

(I) COVERAGE.—Section 1834(i)(3) (42 U.S.C. 1395m(i)(3)) is amended—

(1) by redesignating paragraph (8), as added by section 221(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2003 (Pub. L. 108-199), as enacted into law by section 1(a)(6) of Public Law 108-554, as paragraph (9); and

(2) by adding at the end the following new paragraph:

"(10) ENSURING APPROPRIATE COVERAGE OF AIR AMBULANCE SERVICES.—

"(A) IN GENERAL.—The regulations described in section 1863(s)(7) shall ensure that air ambulance services (as defined in subparagraph (C)) are reimbursed under this subsection at the air ambulance rate if the air ambulance service—

"(i) is medically necessary based on the health condition of the individual being transported at or immediately prior to the time of the transport; and

"(ii) complies with equipment and crew requirements established by the Secretary.

"(B) MANDATORY.—An air ambulance service shall be considered to be medically necessary for purposes of subparagraph (A)(i) if such service is requested—

"(1) by a hospital in accordance with the physician's or hospital's responsibilities under section 1877 (commonly known as the "Emergency Medical Treatment and Active Labor Act");

"(2) as a result of a protocol established by a State or regional emergency medical service (EMS) agency;

"(3) by a physician, nurse practitioner, physician assistant, registered nurse, or emergency medical responder who reasonably determines or certifies that the patient's condition is such that the time needed to transport the individual by land or the lack of an appropriate ground ambulance, significantly increases the medical risks for the individual; or

"(4) by a State or Federal government agency to relocate patients following a natural disaster, act of war, or a terrorist attack.

"(C) INTERDISCIPLINARY TRAUMA CENTER.—In the case of trauma centers designated as such centers by the Secretary, the payment rate under this paragraph shall be equal to the payment rate under the fee schedule for services provided in low density rural areas based on the increased cost (if any) of providing such services in such areas.

(b) RURAL AMBULANCE SERVICES.—For years beginning with 2004, the Secretary, after taking into consideration the recommendations contained in the report submitted under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, shall adjust the fee schedule payment rates that would otherwise apply under this subsection for ambulance services provided in low density rural areas based on the increased cost (if any) of providing such services in such areas.

(c) DURATION.—Grants awarded under subsection (a) shall be awarded for a period of 5 years.

(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a) shall use such funds provided under such grant to administer an interdisciplinary, side-by-side training program for mental health care providers and primary health care providers, that includes providing, under appropriate supervision, health care services to patients in underserved, rural areas without regard to patients' ability to pay for such services.

SEC. 8. RURAL MENTAL HEALTH ACCESSIBILITY GRANTS.

(a) INTERDISCIPLINARY GRANT PROGRAM.—Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following new section—

"SECTION 330L. INTERDISCIPLINARY GRANT PROGRAM.—

"(a) PROGRAM AUTHORIZED.—The Director of the Office of the Assistant Secretary for Mental Health Policy (of the Health Resources and Services Administration) shall award grants to eligible entities to establish interdisciplinary training programs that include significant mental health training in rural areas for certain health care providers.

SEC. 9. USE OF FUNDS FOR RURAL SERVICES.

SEC. 10. USE OF FUNDS FOR RURAL SERVICES.

SEC. 11. USE OF FUNDS FOR RURAL SERVICES.

SEC. 12. USE OF FUNDS FOR RURAL SERVICES.

SEC. 13. USE OF FUNDS FOR RURAL SERVICES.

SEC. 14. USE OF FUNDS FOR RURAL SERVICES.

SEC. 15. USE OF FUNDS FOR RURAL SERVICES.

SEC. 16. USE OF FUNDS FOR RURAL SERVICES.

SEC. 17. USE OF FUNDS FOR RURAL SERVICES.

SEC. 18. USE OF FUNDS FOR RURAL SERVICES.

SEC. 19. USE OF FUNDS FOR RURAL SERVICES.
Congressional Record — Senate
June 4, 2003

S7400

(b) Coverage of Marriage and Family Therapist Services and Mental Health Counselor Services under Part B of the Medicare Program.

(1) Definitions.

(A) In general.—Section 1861(s)(2) (42 U.S.C. 1395s(s)(2)) is amended—

(i) in subparagraph (U), by striking ‘‘and’’ after the end of the provision; and

(ii) in subparagraph (V)(iii), by inserting ‘‘and’’ after the semicolon at the end; and

(B) in section 1861(s)(1)(A) (42 U.S.C. 1395s(a)(2)(B)), the first sentence is amended by adding at the end the following new subclause:

‘‘(1) marriage and family therapist services;’’.

(c) Authorization of Marriage and Family Therapists to Develop Discharge Plans for Post-Hospital Services.

(1) In general.—Section 1861(dd)(2)(B)(ii) (42 U.S.C. 1395dd(2)(B)(ii)) is amended by inserting ‘‘or a marriage and family therapist (as defined in subsection (ww)(2))’’ after ‘‘(as defined in subsection (hh)(1))’’.

(d) Effective date.—The amendments made by subsection (a) shall take effect on January 1, 2004.

SEC. 10. Exclusion for Loan Payments under National Health Service Corps Loan Repayment Program.

(a) In general.—Section 117 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

‘‘(e) Loan Payments under National Health Service Corps Loan Repayment Program.—Gross income shall not include amounts received under section 338B(g) of the Public Health Service Act.’’.

(b) Effective date.—The amendment made by subsection (a) shall apply to amounts received by an individual in taxable years beginning after December 31, 2002.


(a) Definitions.—In this section:

(1) Demonstration project.—The term ‘‘demonstration project’’ means any project established by the Secretary under subsection (b)(1).

(2) Drug.—The term ‘‘drug’’ means any drug or biological (as those terms are defined in section 1886(t) of the Social Security Act (42 U.S.C. 1395x(t)), regardless of whether payment may be made for such drug or biological under the medicare program.

(3) Eligible beneficiary.—The term ‘‘eligible beneficiary’’ means an individual enrolled under part B of the medicare program for whom a drug is being prescribed.

(4) Eligible originating site.—The term ‘‘eligible originating site’’ means the site at which a health care provider (as defined by the Secretary) is located at the time a drug is prescribed which:

(A) the office of a physician (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395r(r))) or a practitioner (as described in section 1842(b)(18)(C) of such Act (42 U.S.C. 1395u(b)(18)(C)));

(B) a rural health clinic (as defined in section 1861(aa)(2) of the Social Security Act (42 U.S.C. 1395u(aa)(2)));

(C) a hospital (as defined in section 1861(e) of such Act (42 U.S.C. 1395x(e))) located in a rural area (as defined in section 1886(d)(2) of such Act (42 U.S.C. 1395x(d)(2))); or

(D) a critical access hospital (as defined in section 1861(mm)(1) of such Act (42 U.S.C. 1395x(mm)(1))); or

(F) a sole community health center (as described in section 1861(ff)(2)(B) of such Act (42 U.S.C. 1395x(ff)(2)(B))); or

(G) the Department of Veterans Affairs.

(5) Eligible pharmacist.—The term ‘‘eligible pharmacist’’ means a pharmacist who meets such requirements as the Secretary establishes for purposes of the demonstration projects and who is a full-time employee of a school of pharmacy.

(6) Medicare program.—The term ‘‘medicare program’’ means the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) Secretary.—The term ‘‘Secretary’’ means the Secretary of Health and Human Services.

(b) Virtual Pharmacist Consultation Service Demonstration Projects.
By Mrs. CLINTON:

S. 1187. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to require that ready-to-eat meat or poultry products that are not produced under a scientifically validated program to address Listeria monocytogenes be required to bear a label advising pregnant women and other at-risk consumers of the recommendations of the Department of Agriculture and the Food and Drug Administration regarding the consumption of such products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1187

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 "At-Risk Consumer Protection Through Food Safety Labeling Act".

SEC. 2. FINDINGS. 
Congress finds that:

(1) consumption of food contaminated with microbial pathogens such as bacteria, parasites, viruses, and their toxins causes an estimated 76,000,000 illnesses, 325,000 hospitalizations, and 5,000 deaths each year in the United States;

(2) Government economists estimate that illnesses from Campylobacter, Salmonella, E. coli O157:H7, STEC, Listeria and Toxoplasma gondii cause $6,900,000,000 in medical costs, lost productivity, and premature death in the United States each year;

(3) in particular, Listeria monocytogenes is the cause of 2,500 illnesses and 500 deaths annually, with economic costs of $2,300,000,000;

(4) risks from foodborne illness and associated complications include the very young, the very old, pregnant women, and the immunocompromised, such as persons with AIDS and cancer;

(5) outbreaks of foodborne illness are becoming increasingly widespread in both geographic and demographic terms that are taking steps to protect public health;

(6) in 1998, following a major listeriosis outbreak from deli meats, many ready-to-eat meat and poultry advocates established Listeria testing programs, but others have no Listeria testing and control program at all, giving them an unfair advantage in production costs over those that are able to furnish virtual pharmacist services to an underserved rural area.

(7) A recently submitted report by the United States Department of Agriculture indicated that dietary supplement products not produced under a scientifically validated program to address Listeria monocytogenes be required to bear a label advising at-risk consumers of the Government’s recommendations not to consume contaminated products without having these products not produced under a scientifically validated program to address Listeria monocytogenes be required to bear a label advising at-risk consumers of the Government’s recommendations not to consume contaminated products without having these products not produced under a scientifically validated program to address Listeria monocytogenes be required to bear a label advising at-risk consumers of the Government’s recommendations not to consume contaminated products without having these products not produced under a scientifically validated program to address Listeria monocytogenes be required to bear a label advising at-risk 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Government’s recommendations not to consume contaminated products without having these products not produced under a scientifically validated program to address Listeria monocytogenes be required to bear a label advising at-risk consumers of the Government’s recommendations not to consume contaminated products without having these products not produced under a scientifically validated program to address Listeria monocytogenes be required to bear a label advising at-risk consumers of the Government’s recommendations not to consume contaminated products without having these products not produced under a scientifically validated program to address Listeria monocytogenes be required to bear a label advising at-risk consumers of the Government’s recommendations not to consume contaminated products without having these products not produced under a scientifically validated program to address Listeria monocytogenes be required to bear a label advising at-risk consumers of the Government’s 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(8) The Secretary shall maintain an exemption from the requirement of paragraph (2) if:

(i) the producer of the ready-to-eat meat product that the Secretary determines presents a low risk to at-risk consumers, the producer:

(A) should not consume the ready-to-eat meat product unless the ready-to-eat meat product is handled until heating steaming hot; or

(B) should follow other instructions as the Secretary may prescribe in accordance with health guidelines and recommendations published by the Secretary of Health and Human Services.

(3) EXEMPTIONS FOR PRODUCERS. — On the motion of the Secretary or on petition of a producer of a ready-to-eat meat product, the Secretary, after notice and opportunity for a public hearing, shall, by regulation applicable to all producers of the ready-to-eat meat product, provide that an at-risk consumer who is pregnant woman or by order applicable to a particular producer of the ready-to-eat meat product, provide an exemption from the requirement of paragraph (2) if:

(i) in the case of a scientifically validated program the Secretary determines presents a low risk to at-risk consumers, the producer:

(A) should not consume the ready-to-eat meat product unless the ready-to-eat meat product is handled until heating steaming hot; or

(B) should follow other instructions as the Secretary may prescribe in accordance with health guidelines and recommendations published by the Secretary of Health and Human Services.
“(ii) makes all Listeria control program records (including the results of any testing of plant environment, food-contact surfaces, or meat product) available for inspection by the Secretary; or

“(B) in the case of any ready-to-eat meat product that the Secretary determines presents a greater risk to at-risk consumers, the producer of the ready-to-eat meat product has a scientifically valid program to address Listeria monocytogenes under which the producer—

(i) tests food-contact surfaces for Listeria monocytogenes—

(I) at least once every 2 days of production; and

(ii) if a food-contact surface tests positive—

(aa) at least 3 times per day until the surface tests negative on 3 consecutive days; or

(bb) in accordance with such other regulations as the Secretary may specify;

(ii) tests the plant environment in the ready-to-eat meat processing area for the Listeria species—

(I) at least once every 2 days of production; and

(ii) if any part of the plant environment in the ready-to-eat meat processing area tests positive, conducts daily testing of the meat product from the line found to be positive until the surface tests negative for 3 days;

(iv) makes all control program records (including the results of any testing of plant environment, food-contact surfaces, or meat product) available for inspection by the Secretary; and

(v) meets any other requirement that the Secretary may specify.

(4) Exemptions for Distributors.—On the motion of the Secretary or on petition of a distributor, the Secretary, after notice and opportunity for a public hearing, shall, by regulation applicable to all distributors of the ready-to-eat poultry product or by order applicable to a particular distributor of the ready-to-eat poultry product, provide an exemption from the requirement of paragraph (2) if—

(A) the distributor has purchasing specifications incorporating the requirements of paragraph (3); and

(B) the Secretary determines that the supplier of the distributor is in compliance with paragraph (3).

(5) Reports by the Secretary.—Not later than 3 years after the date of enactment of this section, and at least triennially thereafter, the Secretary shall compile and disseminate information from records made available under paragraphs (3)(A)(ii), (3)(B)(iv), and (4) to Federal agencies, universities, and other research institutions and other entities, as appropriate (excluding any such proprietary or confidential information as is protected from disclosure), for the purpose of furthering scientific research.

(6) Performance Standard.—A performance standard of the Secretary that provides zero tolerance for detectable levels of Listeria monocytogenes in ready-to-eat poultry products—

(A) shall not be modified to permit any detectable level of Listeria monocytogenes in ready-to-eat poultry products; and

(B) shall be based on scientifically validated testing methods for the detection of Listeria monocytogenes, as determined by the Secretary.

(b) Misbranding.—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended—

(1) in paragraph (11), by striking “or” at the end;

(2) in paragraph (12), by striking the period at the end and inserting “; or”;

(3) by striking “and” and inserting “; and”;

(4) in paragraph (16), by striking “or” at the end and inserting “; or”;

(5) by striking “and” and inserting “; and”;

(6) by striking “and” and inserting “; and”;

(7) by striking “or” at the end and inserting “; or”;

(8) by striking “and” and inserting “; and”;

(9) by striking “or” at the end and inserting “; or”;

(10) by striking “and” and inserting “; and”;

(11) by striking “or” at the end and inserting “; or”;

(12) by striking “and” and inserting “; and”;

(13) if it is a ready-to-eat meat product that is required to bear a label under section 7(g), and it does not bear such a label.

(2) SEC. 4. READY-TO-EAT POULTRY PRODUCTS.

(a) In General.—Section 8 of the Poultry Products Inspection Act (21 U.S.C. 457) is amended by adding at the end the following:

“(e) Ready-to-Eat Poultry Products.—

(I) Definitions.—In this subsection:

(A) At-Risk Consumer.—The term ‘at-risk consumer’ includes a pregnant woman.

(B) Ready-to-Eat Poultry Product.—The term ‘ready-to-eat poultry product’ means a poultry product that has been processed so that the poultry product may be safely consumed without further preparation by the consumer, that is, without cooking or application of some other lethality treatment to destroy pathogens.

(C) Performance Standard.—The Secretary, after notice and opportunity for a public hearing, shall, by regulation applicable to all producers of the ready-to-eat poultry product or by order applicable to a particular producer of the ready-to-eat poultry product, provide an exemption from the requirement of paragraph (2) if—

(A) the producer of the ready-to-eat poultry product, the Secretary, after notice and opportunity for a public hearing, shall, by regulation applicable to all distributors of the ready-to-eat poultry product, the Secretary, after notice and opportunity for a public hearing, shall, by regulation applicable to all distributors of the ready-to-eat poultry product, or by order applicable to a particular distributor of the ready-to-eat poultry product, provide an exemption from the requirement of paragraph (2) if—

(2) LABELING REQUIREMENT.—Except as provided in paragraph (3) or (4), a ready-to-eat poultry product shall bear a label advising consumers that an at-risk consumer—

(A) should not consume the ready-to-eat poultry product unless the ready-to-eat poultry product is heated until steaming hot; or

(B) should follow such other instructions as the Secretary may prescribe in accordance with health guidelines and recommendations published by the Secretary and the Secretary of Health and Human Services.

(3) Exemptions for Producers.—On the motion of the Secretary or on petition of a producer of a ready-to-eat poultry product, the Secretary, after notice and opportunity for a public hearing, shall, by regulation applicable to all producers of the ready-to-eat poultry product or by order applicable to a particular producer of the ready-to-eat poultry product, provide an exemption from the requirement of paragraph (2) if—

(A) the producer of the ready-to-eat poultry product that the Secretary determines presents a low risk to at-risk consumers, the producer—

(i) has a scientifically validated program (as determined by the Secretary) to control Listeria monocytogenes; and

(ii) has purchased purchasing specifications incorporating the requirements of this section, and at least triennially thereafter, the Secretary shall compile and disseminate information from records made available under paragraphs (3)(A)(ii), (3)(B)(iv), and (4) to Federal agencies, universities, and other research institutions and other entities, as appropriate (excluding any such proprietary or confidential information as is protected from disclosure), for the purpose of furthering scientific research.

(A) Performance Standard.—A performance standard of the Secretary that provides zero tolerance for detectable levels of Listeria monocytogenes in ready-to-eat poultry products—

(A) shall not be modified to permit any detectable level of Listeria monocytogenes in ready-to-eat poultry products; and

(B) shall be based on scientifically validated testing methods for the detection of Listeria monocytogenes, as determined by the Secretary.

(b) Misbranding.—Section 4(h) of the Poultry Products Inspection Act (21 U.S.C. 453(h)) is amended—

(1) in paragraph (11), by striking “or” at the end;

(2) in paragraph (12), by striking the period at the end and inserting “; or”;

(3) by adding at the end the following:

(13) if it is a ready-to-eat poultry product that is required to bear a label under section 7(g), and it does not bear such a label.”.
As we all know, 2 days ago, the Federal Communications Commission by a vote of 3 to 2 rolled back longstanding rules governing media ownership. This ruling eases the ban on cross-ownership of newspapers, television stations, and radio stations, and allows media corporations to open more outlets locally and nationwide. The new rules have the potential of placing significant control over what the public sees and hears and reads in the hands of a small number of media conglomerates. Ultimately, having a few entities control a vast percentage of the American media market will stifle the diversity of ideas, viewpoints, and opinions.

It reminds me a little bit of Henry Ford who at one point told his customers that could order any color they wanted as long as it was black. I feel the same way—that we may be getting to that point with regard to our media; that we can see and read and hear anything we want as long as it comes through them.

The diversity of viewpoints is critical to our democracy. It is one of the foundations of American society and the American system of government. One thing we know is that in America is the marketplace of ideas—a free and open and robust marketplace of ideas where people can exchange ideas and concepts freely and openly and not have that go through a national lens of corporate conglomeration. I am very confident that this proposed rule change sets the stage for homogenization—not diversification but homogenization. That is not a good thing for this country. It is not a good thing for our system.

Supporters of the FCC ruling say that the large media mergers do not stifle diversity. What they say is you can turn on cable right now and you get dozens—maybe hundreds—of channels. You can turn on a radio station. But let me say this. Is it really diversity when the ideologies, the principles, and the viewpoints are being presented through the myopic lens of a singular, cookie-cutter viewpoint? I am concerned that is where we are getting to today with this ruling that will rush us headlong into this calamity.

I think if the majority of Americans look at this issue they would understand that it does; that this ruling does not promote diversity but, in fact, limits it.

There is a broad array of special interest groups, of consumer advocates, of civil rights and religious groups, small business, whatever— a broad array of interests—that are opposed. They are opposed to this ruling for very sound reasons. That is why I rose today to offer this resolution.

I also wish to take this moment to publicly oppose efforts of Senator Ted Stevens and Senator Fritz Hollings because they are taking the lead in trying to codify the 35-percent ownership cap. I am not only supportive of their legislation but I am also a cosponsor.

This resolution is in no way competition to that but, in my view, this resolution is a logical extension of their efforts. It is unfortunate that we have to have to have this, but it is necessary. Thank you. It is important that the Senate send a very clear message on this topic.

SENATE CONCURRENT RESOLUTION 48—SUPPORTING THE GOALS AND IDEALS OF “NATIONAL EPILEPSY AWARENESS MONTH” AND URGING FUNDING FOR EPILEPSY RESEARCH AND SERVICE PROGRAMS

Mrs. Lincoln (for herself, Ms. Col cling, Mr. Craig, Mr. Breaux, Mr. Cantwell, and Mr. DeWine) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:
WHEREAS epilepsy is a neurological condition that causes seizures and affects 2,300,000 people in the United States; 

WHEREAS a seizure is a disturbance in the electrical activity of the brain, and 1 in every 12 Americans will suffer at least 1 seizure; 

WHEREAS 180,000 new cases of seizures and epilepsy are diagnosed each year, and 3 percent of Americans will develop epilepsy by the time they are 75; 

WHEREAS 41 percent of people who currently have epilepsy experience persistent seizures despite the treatment they are receiving; 

WHEREAS a survey conducted by the Centers for Disease Control and Prevention demonstrated that the hardships imposed by epilepsy are comparable to those imposed by cancer, diabetes, and arthritis; 

WHEREAS epilepsy in older children and adults remains a formidable barrier to leading a normal life by affecting education, employment, marriage, childbearing, and personal fulfillment; 

WHEREAS uncontrollable seizures in a child can create multiple problems affecting the child’s development, education, socialization, and daily life activities; 

WHEREAS public stigma surrounding epilepsy continues to fuel discrimination, and isolates people who suffer from seizure disorders from full participation in society; 

WHEREAS in spite of these formidable obstacles, people with epilepsy can live healthy and productive lives and make significant contributions to society; 

WHEREAS November is an appropriate month to designate as “National Epilepsy Awareness Month”; 

WHEREAS the designation of a “National Epilepsy Awareness Month” would help to focus attention on, and increase understanding of, epilepsy and those people who suffer from it; 

NOW, THEREFORE, BE IT RESOLVED by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of a “National Epilepsy Awareness Month”; 

(2) requests the President to issue a proclamation declaring an annual “National Epilepsy Awareness Month”; 

(3) calls upon the American people to observe “National Epilepsy Awareness Month” with appropriate programs and activities; 

(4) urges an increase in funding for epilepsy research; 

(5) supports the National Institutes of Health and at the Centers for Disease Control and Prevention; and 

(6) urges an increase in funding for epilepsy research;
The Resolution we are submitting today urges the President to issue a proclamation calling upon the people of the United States to observe the week of June 9, 2003, with appropriate recognition, programs, and activities to further ocean affairs, education, and exploration. During this week on Capitol Hill, I am pleased to be an Honorary Co-host of Capitol Hill Oceans Week, a series of events and discussions designed to facilitate awareness of the oceans within the Congress. As a country, we should use this week to expand and take hold as an important appreciation for the oceans. It is through recognized programs, and activities that will help ocean resource conservation.

I would like to thank my fellow Senators who are joining me in this effort to establish National Oceans Week, and I hope that this week will help contribute to a better awareness of and appreciation for the oceans. It is through such efforts that ocean stewardship can expand and grow as an important national ethic.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

Mr. KERRY. Mr. President, I am proud to cosponsor this resolution with Senators SNOWE, HOLINGS, and MCCAIN. In 1998, we recognized the International Year of the Oceans, and it is time we underscore the importance of oceans in our daily lives through an annual celebration of National Oceans Week. The global oceans need our attention more than ever. Today, we are faced with the challenge of sustainably managing our interactions with the marine environment in the face of increasing pressures from population growth and a global economy. While we have been making significant progress in this arena, there are constant reminders that we have not yet achieved our goal of supporting ocean-related industries while maintaining high ecological standards.

The recent oil spill of the Bouchard barge in Buzzard’s Bay, MA, vividly demonstrates that we must be ever vigilant in striving for the balance between ecological protection and economic growth—as well as the need to balance competing economic interests—in this case, an important local seafood industry with our need for energy. Although we have seen a marked improvement in the safe marine transport of oil since the passage of the Oil Pollution Act in 1990, all possible care must be taken to ensure that we have a system in place that adequately protects our marine environment.

Marine fisheries are also a vitally important component of our coastal economies and culture, especially in the Bay State. We are making progress in restoring our overfished stocks to sustainably viable levels, and we are committed to staying the course to reduce mortality, improve water quality and restore habitat. But we must press forward to ensure all nations are pulling their weight in providing sustainable fisheries management. Recent reports show international fleets have had a dramatic impact that appears to go largely unchecked. Living marine resources, particularly highly migratory species like tuna and swordfish, know no bounds, and we tolerate or even condone lawlessness by any nation in the management of these stocks.

The Marine Mammal Protection Act has proved to be a very successful conservation tool, bringing numerous species back from the brink of extinction. However, there is still much more to be done. I am particularly familiar with the example of the North Atlantic right whales, one of the most endangered species of marine mammals in the world, with a population of approximately 300 individuals. Unfortunately, our local New England waters are often the areas where these endangered whales literally collide with the fishing industry and the marine transportation industry. The plight of the right whales highlights the importance of working with a wide variety of interests to find solutions that will make a difference.

Congress has already asked a panel of experts to develop a plan of action for our oceans in the Oceans Act of 2000. This federal mandated U.S. Commission on Ocean Policy will help us understand what steps are needed to advance our knowledge and improve our management of the marine environment. Later this year, the Commission will make recommendations on how we can improve our ocean governance, investment and implementation, research, education and marine operations, and stewardship. Despite these great efforts, there is much more to do. Increased public attention to our Nation’s ocean issues is essential if we are to make further headway. This is why, today, I am honored to join Senator SNOWE in introducing this resolution to declare the week of June 9, 2003, as National Oceans Week.

AMENDMENTS SUBMITTED & PROPOSED

SA 847. Mr. KENNEDY (for himself, Mr. BROWNBACK, Mr. MCCAIN, Mr. REID, Mr. BINGAMAN, Mr. DURBIN, Ms. CANTWELL, Mr. LEAHY, Mr. SCHUMER, Mr. CORNYN, Mr. INHOFE, Mrs. CLINTON, Mr. KERRY, Mrs. BOXER, Mr. CORZINE, Mr. SUNUNU, and Ms. HAGEL) proposed an amendment to the bill H.R. 1588, 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 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 fiscal year 2004 for the Armed Forces, and for other purposes;

At the appropriate place, insert the following:

Subtitle F—Naturalization and Family Protection for Military Members

SEC. 661. SHORT TITLE. This subtitle may be cited as the “Naturalization and Family Protection for Military Members Act of 2003”.

SEC. 662. REQUIREMENTS FOR NATURALIZATION THROUGH SERVICE IN THE ARMED FORCES OF THE UNITED STATES.

(a) REDUCTION OF PERIOD FOR REQUIRED SERVICE. Section 328(a) of the Immigration and Nationality Act (8 U.S.C. 1439(a)) is amended by striking “three years” and inserting “2 years”.

(b) PROHIBITION ON IMPOSITION OF FEES RELATING TO NATURALIZATION. Title III of the Immigration and Nationality Act (8 U.S.C. 1431 et seq.) is amended—

(1) in section 328(b)—

(A) in paragraph (a)—

(i) by striking “honorable. The” and inserting “honorable the”; and
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(ii) by striking "discharge," and inserting "discharge); and;

(B) by adding at the end the following:

"(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected."

(2) in section 328(b)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting ";"; and

(C) by adding at the end the following:

"(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected."

(c) NATURALIZATION PROCEEDINGS OVERSEAS FOR MEMBERS OF THE ARMED FORCES.—Notwithstanding any other provision of law, the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense shall ensure that any applications, interviews, fillings, oaths, ceremonies, or other proceedings under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) relating to naturalization of members of the Armed Forces are available through United States embassies, consulates, and as practicable, United States military installations overseas.

(d) FINALIZATION OF NATURALIZATION PROCEEDINGS FOR MEMBERS OF THE ARMED FORCES.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall prescribe a policy that facilitates the opportunity for a member of the Armed Forces to finalize naturalization for which the member has applied. The policy shall include, for such purpose, the following:

(1) A high priority for grant of emergency leave.

(2) A high priority for transportation on aircraft of, or chartered by, the Armed Forces.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—Section 328(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1439b)(3) is amended by striking "Attorney General" and inserting "Secretary of Homeland Security".

SEC. 663. NATURALIZATION BENEFITS FOR MEMBERS OF THE SELECTED RESERVE FORCES.

Section 329(a) of the Immigration and Nationality Act (8 U.S.C. 1440(a)) is amended by inserting "as a member of the Selected Reserve or after "has served honorably".

SEC. 664. EXTENSION OF POSTHUMOUS BENEFITS TO ALIENS—SPOUSES, CHILDREN, AND PARENTS.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States and who was not legally separated from the citizen at the time of the citizen’s death, the citizen served honorably in an active duty status in the military, air, or naval forces of the United States and died as a result of injury or disease incurred in or aggravated by combat shall be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen’s death, and shall be considered a petition filed under subparagraph (A) of section 204(a)(1)(A) of such Act within 2 years after such date and only until the date the alien remarries. For purposes of subparagraph (A) of section 204(a)(1)(A), an alien granted relief under the preceding sentence shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) CHILDREN.—

(A) IN GENERAL.—In the case of an alien who was the parent of a citizen of the United States at the time of the citizen’s death, if the citizen served honorably in an active duty status in the military, air, or naval forces of the United States and died as a result of injury or disease incurred in or aggravated by combat, the alien shall be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen’s death (regardless of changes in age or marital status after the date of death). An alien may file a petition under subparagraph (B) within 2 years after such date.

(B) Petition.—An alien described in subparagraph (A) may file a petition with the Secretary of Homeland Security for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(3) PARENTS.—

(A) IN GENERAL.—In the case of an alien who was the parent of a citizen of the United States at the time of the citizen’s death, if the citizen served honorably in an active duty status in the military, air, or naval forces of the United States and died as a result of injury or disease incurred in or aggravated by combat, the alien shall be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen’s death (regardless of changes in age or marital status after the date of death). An alien may file a petition under subparagraph (B) within 2 years after such date.

(B) Petition.—An alien described in subparagraph (A) may file a petition with the Secretary of Homeland Security for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(c) SPOUSES AND CHILDREN OF LAWFUL PERMANENT RESIDENCY ALIENS.—

(1) TREATMENT AS IMMEDIATE RELATIVES.—

(A) IN GENERAL.—An alien described in paragraph (3) who is a spouse or child of an alien described in paragraph (1) is a spouse or child of a lawful permanent resident alien for purposes of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). Such spouse or child shall be eligible for deferred action, advance parole, and work authorization.

(2) PETITIONS.—An alien spouse or child described in subparagraph (A) may file a petition with the Secretary of Homeland Security for classification as a family-sponsored immigrant on behalf of an alien described in section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(3) SPOUSES AND CHILDREN OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) TREATMENT AS IMMEDIATE RELATIVES.—

(A) IN GENERAL.—An alien described in paragraph (3) who is a spouse or child of an alien described in paragraph (1) is a spouse or child of a lawful permanent resident alien for purposes of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). Such spouse or child shall be eligible for deferred action, advance parole, and work authorization.

(2) PETITIONS.—An alien spouse or child described in subparagraph (A) may file a petition with the Secretary of Homeland Security for classification as a family-sponsored immigrant on behalf of an alien described in section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(e) ADJUSTMENT OF STATUS.—Notwithstanding subsections (a) and (c) of section 245 (1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)) may have such application adjudicated as if such death had not occurred.

(2) ALIEN DESCRIBED.—An alien is described in this paragraph if the alien—

(A) served honorably in an active duty status in the military, air, or naval forces of the United States;

(B) died as a result of injury or disease incurred in or aggravated by combat; and

(C) was granted posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1154a(3)(A)).

(3) FAMILY MEMBERS.—An alien described in paragraph (2) may file a petition with the Secretary of Homeland Security for classification as a family-sponsored immigrant on behalf of a family member of such alien if the alien—

(A) served honorably in an active duty status in the military, air, or naval forces of the United States;

(B) died as a result of injury or disease incurred in or aggravated by combat; and

(C) was granted posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1154a(3)(A)).

(4) APPLICABILITY.—The provisions of this section shall apply to aliens described in paragraph (2) as if such aliens were described in section 329A of the Immigration and Nationality Act (8 U.S.C. 1154a(3)(A)).

(5) APPOINTMENT OF ATTORNEY.—The alien described in paragraph (2) shall be represented by counsel at the alien’s own expense unless the alien is determined by the Attorney General to be indigent.

(6) APPLICABILITY OF OTHER PROVISIONS.—The provisions of section 329A of the Immigration and Nationality Act (8 U.S.C. 1154a(3)) shall apply to aliens described in paragraph (2) as if such aliens were described in section 329A of the Immigration and Nationality Act (8 U.S.C. 1154a(3)).
of the Immigration and Nationality Act (8 U.S.C. 1255), an alien physically present in the United States who is the beneficiary of a petition under paragraph (1), (2)(B), or (3)(B) of subsection (a) of section 1430(d) of the Immigration and Nationality Act (8 U.S.C. 1430(d)) shall not apply, and notwithstanding any other provision of law, the Secretary of Homeland Security may waive paragraph (5) of subsection (c) of section 1430(d) of the Immigration and Nationality Act (8 U.S.C. 1430(d)) with respect to such an alien if the alien establishes exceptional and extraordinary hardship to the alien or the alien’s spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence. Any such waiver by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation.

(g) Benefits to Survivors; Technical Amendment.—Section 329A of the Immigration and Nationality Act (8 U.S.C. 1440–1) is amended—

(1) by striking subsection (e); and

(2) by striking “Attorney General” each place that term appears and inserting “Secretary of Homeland Security”.

(h) Technical and Conforming Amendments.—Section 319(d) of the Immigration and Nationality Act (8 U.S.C. 1321(d)) is amended—

(1) by inserting “, child, or parent” after “surviving spouse”; and

(2) by striking “who was living” and inserting “who, in the case of a surviving spouse, was living.”

SEC. 605. Effective Date.

This subtitle and the amendments made by this subtitle shall take effect as if enacted on September 11, 2001.

SA 848. Mr. REID (for himself, Mr. MCCAIN, Mr. DORGAN, Mr. INHOFE, Mr. NELSON, Mr. EFFORS, Ms. COLLINS, Mr. EDWARDS, Mr. BINGAMAN, Mrs. MURRAY, Mr. BIDEN, Mrs. CLINTON, Ms. MURKOWSKI, Mrs. LINCOLN, Mr. GRAHAM of South Carolina, Mr. KERRY, and Mr. HAGEL) proposed an amendment to the bill S. 1588, 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 in the title VI, add the following:

SEC. 601. Full Payment of Both Retired Pay and Compensation to Disabled Military Retirees.

(1) Restoration of Full Retired Pay Benefits.—Section 1414A of title 10, United States Code, is amended to read as follows:

‘‘(a) Payment of Both Retired Pay and Compensation.—Except as provided in sub

section (b), a member or former member of the uniformed services who is entitled to re

tired pay (other than as specified in subsection (c)) and who is also entitled to vet

erans’ disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

(b) Special Rule for Chapter 61 Career Retirees.—If a member re

tired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to a reduc

tion under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been enti

tied under any other provision of law based upon the member's service in the uniformed forces if the member had not been retired under chapter 61 of this title.

(c) Exception.—Subsection (a) does not apply to a member retired under chapter 61 of this title who has not been retired for 10 years service otherwise creditable under section 1405 of this title at the time of the member's retirem

tment.

(d) Definitions.—In this section:

‘‘(1) the term ‘retired pay’ includes re

tainer pay, emergency officers’ retirement pay, and naval pension.

‘‘(2) The term ‘veterans’ disability compensa
tion’ has the meaning given the term ‘compensation’ in section 101(13) of title 38.

(e) Repeal of Special Compensation Repea
gams.—Sections 1413 and 1413a of such title are repealed.

(f) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 1413, 1413a, and 1414 and inserting the following:

‘‘1414. Members eligible for retired pay who have service-connected disabil

ities: payment of retired pay and veterans’ disability com

pensation.’’

(g) Effective Date.—The amendments made by this section shall take effect on

(1) the first day of the first month that be

gins after the date of the enactment of this Act; and

(2) the first day of the fiscal year that be

gins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

(h) Prohibition on Retroactive Benefits.—No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as amended by subsection (a), for any period before the effective date appli

cable under subsection (d).

SA 849. Mr. DORGAN (for himself, Mr. LOTT, Mr. DURBIN, Mrs. BOXER, Ms. SNOWE, Mr. BINGAMAN, and Ms. MURKOWSKI) proposed an amendment to the bill H.R. 1588, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Depart

ment of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place in the bill, add the following:

SEC. 600. Repeal of Authorities and Requirements on Base Closure Round I.


(b) Conforming Amendment.—Section 290A(a)(3) of that Act is amended by striking "in a report submitted after 2001."

SA 850. Mr. DOMENICI (for 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, Mr. BAUCUS, Mr. BUNNING, and Mr. BOND) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other pur

poses; as follows:

At the end of title V, add the following:

Subtitle ______—General Provisions Relating to Renewable Fuels

SEC. 5. Renewable Content of Gasoline.

(a) in General.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (r); and

(2) by inserting after subsection (n) the fol
dowing:

(g) Renewable Fuel Program.—In this section:

‘‘(1) CELLULOSIC BIOMASS ETHANOL.—The term ‘cellulosic biomass ethanol’ means eth

anol derived from any lignocellulosic or hemicellulosic material that is available on a renewable or recurring basis, including—

(ii) dedicated energy crops and trees;

(iii) wood and wood residues;

(iv) agricultural residues;

(v) fibers;

(vi) animal wastes and other waste mate

rials; and

(vii) municipal solid waste.

(b) Renewable Fuel.—The term ‘renewable fuel’ means motor vehicle fuel that—

(i) (aa) is produced from grain, starch, oil

seeds, or other biomass; or

(bb) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

(ii) (aa) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle;

(iii) is included. The term ‘renewable fuel’ includes—

(i) cellulosic biomass ethanol; and

(ii) biodiesel (as defined in section 322(f) of the Energy Policy Act of 1992 (42 U.S.C. 7212(f))).

(c) Small Refinery.—The term ‘small re

finery’ means a refinery for which the aver

age aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

(d) Renewable Fuel Program.—

(A) Regulations.—

(i) in General.—Not later than 1 year after the date of enactment of this para

graph, 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).

(ii) Provisions of Federal law.—Regardless

of the date of promulgation, the regula

tions promulgated under clause (i)—
"(I) shall contain compliance provisions applicable to refiners, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this paragraph are met; but

"(II) shall not—

"(aa) restrict cases in geographic areas in which renewable fuel may be used; or

"(bb) impose any gallon obligation for the use of renewable fuel.

"(iii) REQUIREMENT IN CASE OF FAILURE TO PROMULGATE REGULATIONS.—If the Administrator does not promulgate regulations under clause (i), the percentage of renewable fuel in gasoline sold or dispensed to consumers in the United States, on a volume basis, shall be 1.8 percent for calendar year 2005.

"(B) APPLICABLE VOLUME.—

"(i) CALENDAR YEARS 2005 THROUGH 2012.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2005 through 2012 shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Renewable Fuel (in billions of gallons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>2.6</td>
</tr>
<tr>
<td>2006</td>
<td>2.9</td>
</tr>
<tr>
<td>2007</td>
<td>3.2</td>
</tr>
<tr>
<td>2008</td>
<td>3.5</td>
</tr>
<tr>
<td>2009</td>
<td>3.9</td>
</tr>
<tr>
<td>2010</td>
<td>4.3</td>
</tr>
<tr>
<td>2011</td>
<td>4.7</td>
</tr>
<tr>
<td>2012</td>
<td>5.0</td>
</tr>
</tbody>
</table>

"(ii) C ALENDAR YEAR 2013 AND THEREAFTER.—For the purpose of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be equal to the product obtained by multiplying the following ratios:

"(I) the number of gallons of gasoline that the Administrator estimates will be sold or introduced into commerce in the calendar year; and

"(II) the ratio that—

"(aa) 5,000,000,000 gallons of renewable fuel bears to

"(bb) the number of gallons of gasoline sold or introduced into commerce in calendar year 2012.

"(3) APPLICABLE PERCENTAGES.—

"(A) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2004 through 2011, the Administrator of the Energy Information Administration shall provide to the Administrator of the Environmental Protection Agency an estimate of the volumes of gasoline sold or introduced into commerce in the United States during the following calendar year.

"(B) DETERMINATION OF APPLICABLE PERCENTAGE.—

"(i) IN GENERAL.—Not later than November 30 of each of calendar years 2005 through 2012, based on the estimate provided under subparagraph (A), the Administrator of the Environmental Protection Agency shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of paragraph (2) are met.

"(ii) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under clause (i) shall—

"(I) be applicable to refiners, blenders, and importers, as appropriate;

"(II) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce; and

"(III) subject to subparagraph (C)(ii), consist of a gallon obligation applicable to each small refinery that is exempt under paragraph (2)(A) and applies to all categories of persons specified in subclause (I).

"(C) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the Administrator shall make adjustments—

"(i) to prevent the imposition of redundant obligations on persons who receive credits under subparagraph (B)(iii)(A); and

"(ii) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under paragraph (2).

"(D) CREDIT PROGRAM.—

"(A) IN GENERAL.—The regulations promulgated under paragraph (2)(A) shall provide—

"(I) for the generation of an appropriate amount of credits by any small refiner, blenders, or importers of gasoline that contains a quantity of renewable fuel that is greater than the quantity required under paragraph (2);

"(II) for the generation of an appropriate amount of credits for biodiesel; and

"(III) for the generation of credits by small refineries in accordance with paragraph (9)(C).

"(B) USE OF CREDITS.—A person that generates credits under subparagraph (A) may use the credits for a use specified in subparagraph (C) within any 2 calendar years.

"(C) DURATION OF CREDITS.—A credit generated under this paragraph shall be valid to show compliance—

"(i) subject to clause (ii), for the calendar year in which the credit was generated or the following calendar year; or

"(ii) if the Administrator promulgates regulations under paragraph (8), for the calendar year in which the credit was generated or any of the following 2 calendar years.

"(D) INABILITY TO GENERATE OR PURCHASE SUFFICIENT CREDITS.—The regulations promulgated under paragraph (2)(A) shall include provisions allowing any person that is unable to generate or purchase sufficient credits to meet the requirements of paragraph (2) to carry forward a renewable fuel deficit on condition that the person, in the calendar year following the year in which the renewable fuel requirement under paragraph (2) was not met, generates renewable fuel of the same type and under the same conditions.

"(3) APPLICABLE VOLUME.—

"(A) IN GENERAL.—For the purpose of subparagraph (2), the 1 gallon of cellulosic biomass ethanol shall be the equivalent of 1.5 gallons of renewable fuel.

"(B) STUDY AND WAIVER FOR INITIAL YEAR OF PROGRAM.—

"(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Energy shall conduct a study of the renewable fuel requirement established under paragraph (2) to determine whether the renewable fuel requirement established under paragraph (2) will likely result in significant adverse impacts on consumers in 2005, on a national, regional, or State basis.

"(ii) REQUIRED EVALUATIONS.—The study shall evaluate renewable fuel—

"(I) availability and price;

"(II) production and distribution of cellulosic biomass ethanol; and

"(iii) supply and distribution system capabilities.

"(C) RECOMMENDATIONS BY THE SECRETARY.—Based on the results of the study, the Secretary of Energy shall make specific recommendations to the Administrator concerning the initial waiver of the requirements of paragraph (2), in whole or in part, to prevent any adverse impacts described in subparagraph (A).

"(D) WAIVER.—

"(i) IN GENERAL.—Not later than 270 days after the date of enactment of this paragraph, the Administrator shall, if and to the extent recommended by the Secretary of Energy under subparagraph (C), waive, in whole or in part, the renewable fuel requirement under paragraph (2) by reducing the national quantity of renewable fuel required under paragraph (2) in whole, or in part, under paragraph (7).
would impose a disproportionate economic ancence with the requirements of paragraph (2) and the Administrator shall conduct for the Adminis-
trator a study to determine whether compli-
ance with the requirements of paragraph (2) shall not apply to small refin-
eries until calendar year 2011.

paragraph (2) shall not apply to small refin-
eries for a period of not less than 2 additional years.

(B) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARSHNESS—

(i) EXTENSION OF EXEMPTION.—A small re-
finery may at any time petition the Adminis-
trator for an extension of the exemption under subparagraph (A) for the reason of dis-
proportionate economic hardship if required to comply with paragraph (2), the Administrator shall extend the ex-
emption under clause (i) for the small refine-
ry for a period of not less than 2 additional years.

(ii) EVALUATION OF PETITIONS.—In evalu-
ae a petition under clause (i), the Adminis-
trator, in consultation with the Secretary of Energy, shall perform a market concentration analysis of the ethanol pro-
duction industry using the Hirschman-
Hirschman Index, all marketing arrange-
ments among industry participants shall be con-
sidered.

(iii) DEADLINE FOR ACTION ON PETITIONS.—
The Administrator shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(iv) EFFECTIVE DATE.—If a small refinery notifies the Administrator that the small re-
finery waives the exemption under subpara-
graph (A), the regulations promulgated under subparagraph (A) shall provide for the generation of credits by the small refinery under paragraph (5) beginning in the calendar year following the date of notification.

(D) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the re-
quirements of paragraph (2) if the small re-
finery notifies the Administrator that the small re-
finery waives the exemption under subpara-
graph (A).

(10) ETHANOL MARKET CONCENTRATION ANALYSIS—

(A) ANALYSIS.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this para-
graph, and annually thereafter, the Federal Trade Commission shall perform a market concentration analysis of the ethanol pro-
duction industry using the Herfindahl-
Hirschman Index to determine whether there is sufficient competition among industry participants to avoid price-setting and other anticompetitive behavior.

(ii) SCORING.—For the purpose of scoring under clause (i) using the Herfindahl-
Hirschman Index, all marketing arrange-
ments among industry participants shall be consid-
ered.

(B) REPORT.—Not later than December 1, 2004, and annually thereafter, the Federal Trade Commission shall submit to Congress and the Administrator a report on the re-
sults of the market concentration analysis performed under subparagraph (A)(i).

(p) RENEWABLE FUEL SAFE HARBOR.—

(i) IN GENERAL.—

(A) SAFE HARBOR.—Notwithstanding any other provision of Federal or State law, no renewable fuel (as defined in subsection (o)(1)) used or intended to be used as a motor vehicle fuel or motor vehicle fuel con-
taining renewable fuel, shall be deemed to be defective in design or manufacture by reason of the fact that the fuel is, or contains, re-
newable fuel, if—

(i) the fuel does not violate a control or pro-
hibition imposed by the Administrator under this subpart for small refineries;

(ii) the manufacturer of the fuel is in compliance with all requests for information under subsection (b); and

(iii) the fuel is not required to be labeled with a special identity.
security pledged provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with the terms of the loan; and

(2) Eligibility.—(A) In general.—The entity eligible to receive a grant under this subsection are academic institutions in RFG States, and consortia made up of combinations of academic institutions, industry, State government agencies, or local government agencies in RFG States, that have proven experience and capability with relevant technologies.

(B) Application.—To be eligible to receive a grant under this subsection, an eligible entity shall apply to the Administrator for an application in such manner and form, and accompanied by such information, as the Administrator may specify.

(3) Authorization of Appropriations.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2004 through 2008.

SEC. 3. SURVEY OF RENEWABLE FUELS CONSUMPTION.

Section 2025(b) of the Department of Energy Organization Act (42 U.S.C. 7235) is amended by adding at the end the following:

"(m) SURVEY OF RENEWABLE FUELS CONSUMPTION.—

(1) IN GENERAL.—In order to improve the ability to evaluate the effectiveness of the Nation's renewable fuels mandate, the Administrator shall conduct and publish the results of a survey of renewable fuels consumption in the motor vehicle fuels market in the United States monthly, and in a manner designed to protect the confidentiality of individual responses.

(2) ELEMENTS OF SURVEY.—In conducting the survey, the Administrator shall collect information retrospectively to 1998, on a national and regional basis, including—

(A) the quantity of renewable fuels produced;

(B) the cost of production;

(C) the cost of blending and marketing;

(D) the quantity of renewable fuels blended;

(E) the quantity of renewable fuels imported; and

(F) market price data.

Subtitle —Federal Reformed Fuels

SEC. 1. SHORT TITLE. This subtitle may be cited as the "Federal Reformulated Fuels Act of 2003".

SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.

(a) Use of LUST Funds for Remediation of Contamination From Ether Fuel Additives.—

(1) In general.—Section 903(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(A) by striking paragraphs (1) and (2) of this subsection and inserting "paragraphs (1), (2), and (12)"; and

(B) by adding at the end the following:

"(12) REMEDIATION OF CONTAMINATION FROM ETHER FUEL ADDITIVES.—In general. The Administrator and the States may use funds made available under section 903(1) to carry out corrective actions with respect to a release of methyl tertiary butyl ether fuel additive that presents a threat to human health, welfare, or the environment.

(b) Applicable Authority.—Subparagraph (A) shall be carried out—

(i) in accordance with paragraph (2), except that a release with respect to which a corrective action is carried out under sub-paragraph (A) shall not be required to be from an underground storage tank; and

(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7)."

(c) Release Prevention and Compliance.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) is amended by striking section 9010 and inserting the following:

"SEC. 9010. RELEASE PREVENTION AND COMPLIANCE.—

Funds made available under section 9013(2) from the Leaking Underground Storage Tank Trust Fund may be used for conducting inspections, or for issuing orders or bringing actions under this subtitle—

(1) by a State (pursuant to section 9003(h)(7) acting under—

(A) a program approved under section 9004; or

(B) State requirements regulating underground storage tanks that are similar or identical to this subtitle, as determined by the Administrator; and

(2) by the Administrator, acting under this subtitle or a State program approved under section 9004.

"SEC. 9011. AUTHORIZATION OF APPROPRIATIONS.—

In addition to amounts made available under section 2007(f), there are authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund, notwithstanding section 9003(h)(7) of the Internal Revenue Code of 1986—

(1) to carry out section 903(h)(12), $200,000,000 for fiscal year 2003, to remain available until expended; and

(2) to carry out section 9010—

(A) $50,000,000 for fiscal year 2003; and

(B) $30,000,000 for each of fiscal years 2004 through 2008.

"(c) Technical Amendments.—(1) Section 1003 of the Solid Waste Disposal Act (42 U.S.C. 6903) is amended by striking the item relating to section 9010 and inserting the following:

"Sec. 9010. Release prevention and compliance."

"Sec. 9011. Authorization of appropriations."

(2) Section 9003(h)(3) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)(3)) is amended by striking "sustains" and inserting "sub-"

(3) Section 9003(h)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)(1)) is amended—

(1) in paragraph (7)(A)—

(2) by adding the following:

"(c) APPROPRIATIONS.—Subparagraph (A) shall be carried out—

(i) in accordance with paragraph (2), except that a release with respect to which a corrective action is carried out under sub-paragraph (A) shall not be required to be from an underground storage tank; and

(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7)."

(b) Release Prevention and Compliance.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) is amended by striking section 9010 and inserting the following:

"SEC. 9010. RELEASE PREVENTION AND COMPLIANCE.—

Funds made available under section 9013(2) from the Leaking Underground Storage Tank Trust Fund may be used for conducting inspections, or for issuing orders or bringing actions under this subtitle—

(1) by a State (pursuant to section 9003(h)(7) acting under—

(A) a program approved under section 9004; or

(B) State requirements regulating underground storage tanks that are similar or identical to this subtitle, as determined by the Administrator; and

(2) by the Administrator, acting under this subtitle or a State program approved under section 9004.

"SEC. 9011. AUTHORIZATION OF APPROPRIATIONS.—

In addition to amounts made available under section 2007(f), there are authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund, notwithstanding section 9003(h)(7) of the Internal Revenue Code of 1986—

(1) to carry out section 903(h)(12), $200,000,000 for fiscal year 2003, to remain available until expended; and

(2) to carry out section 9010—

(A) $50,000,000 for fiscal year 2003; and

(B) $30,000,000 for each of fiscal years 2004 through 2008.

"(c) Technical Amendments.—(1) Section 1003 of the Solid Waste Disposal Act (42 U.S.C. 6903) is amended by striking the item relating to section 9010 and inserting the following:

"Sec. 9010. Release prevention and compliance."

"Sec. 9011. Authorization of appropriations."

(2) Section 9003(h)(3) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)(3)) is amended by striking "sustains" and inserting "sub-"
the second sentence by striking “referred to” and all that follows and inserting “referred to in subparagraph (A) or (B), or both, of section 9001(2).”

5. RESTRICTIONS ON THE USE OF MTBE.

(a) FINDINGS.—Congress finds that—

(A) since 1979, methyl tertiary butyl ether (referred to in this section as “MTBE”) has been used at low levels in gasoline to replace lead as an octane booster or anti-knocking agent;

(B) in subsection (b)(1), by striking “relevant” and inserting “relevant”; and

(C) in subsection (b)(4), by striking “Environmental” and inserting “Environmental”.

SEC. 5. RESTRICTIONS ON THE USE OF MTBE.

(a) IN GENERAL.—Subject to subparagraph (B), the use of methyl tertiary butyl ether as a fuel oxygenate; and

(b) to provide assistance to merchant producers of MTBE in making the transition from producing MTBE to producing other fuel additives.

(c) AUTHORITY FOR WATER QUALITY PROTECTION FROM FUELS.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended—

(1) in paragraph (1)(A), by inserting “fuel or fuel additive or” after “Administrator any”; and

(2) in paragraph (4)(B), by inserting “or water quality protection,” after “emission control,” and

(3) by adding at the end the following:

“(5) on the day before the date of enactment of this Act concerning the authority of States to limit the use of methyl tertiary butyl ether in motor vehicle fuel.

SEC. 4. ELIMINATION OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

(a) ELIMINATION.—

(1) IN GENERAL.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended—

(A) in paragraph (2)—

(i) by striking the second sentence of subparagraph (A), by striking “(including the oxygen content requirement contained in subparagraph (B))”; and

(ii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(B) in paragraph (3)(A), by striking clause (v) and

(C) in paragraph (7)—

(i) by striking subparagraph (A)—

(ii) by striking clause (ii); and

(iii) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively;

(iv) in subparagraph (C)—

(i) by striking clause (ii); and

(ii) by redesignating clause (iii) as clause (ii);

(2) APPLICABILITY.—The amendments made by paragraph (1) apply—

(A) in the case of a State that has received a waiver under section 209(b) of the Clean Air Act (42 U.S.C. 7543(b)), beginning on the date of enactment of this Act; and

(B) in the case of any other State, beginning 270 days after the date of enactment of this Act.

(b) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSIONS REDUCTIONS FROM REFORMULATED GASOLINE.—

(A) DEFINITION OF PADD.—In this subpart the term “PADD” means a Petroleum Administration for Defense District.

(B) REGULATIONS CONCERNING EMISSIONS OF TOXIC AIR POLLUTANTS.—Not later than 270 days after the date of enactment of this subpart, the Administrator shall establish by regulation, for each refinery or importer other than a refiner or importer in a State that has received a waiver under section 209(b) with respect to gasoline produced for use in that State, standards for toxic air pollutants from use of the reformulated gasoline produced or distributed by the refiner or importer that maintain the reduction of the average annual aggregate emissions of toxic air pollutants for reformulated gasoline produced or distributed by the refiner or importer during calendar years 1999 and 2000.
(as determined on the basis of data collected by the Administrator with respect to the refiner or importer).

(III) STANDARDS APPLICABLE TO SPECIFIC REFINERS OR IMPORTERS.—

(I) APPLICABILITY OF STANDARDS.—For any calendar year, the standards applicable to a refiner or importer under clause (ii) shall be based on the quantity of reformulated gasoline produced or distributed by the refiner or importer during calendar years 1999 and 2000.

(II) APPLICABILITY OF OTHER STANDARDS.—For any calendar year, the quantity of gasoline produced or distributed by a refiner or importer shall be the quantity subject to subclause (I) shall be subject to standards for emissions of toxic air pollutants promulgated under subparagraph (A) and paragraph (3)(B).

(IV) CREDIT PROGRAM.—The Administrator shall provide for the granting and use of credits for emissions of toxic air pollutants in the same manner as provided in paragraph (7).

(V) REGIONAL PROTECTION OF TOXICS REDUCTION BASELINES.

(1) IN GENERAL.—(a) The Administrator shall, to the extent that data are available, the Administrator shall consult with the appropriate Federal agencies to determine the baseline emissions for the previous calendar year, and any such adjustment shall be made at a level below the average percentage of reductions of emissions of toxic air pollutants from reformulated gasoline resulting from the enactment of this Act, the Administrator shall take into account the results of the studies under paragraphs (i) and (ii).

(b) The Administrator may apply any adjustments to the standards applicable to a refiner or importer made under paragraphs (1) and (3) of section 211(k); and

(ii) submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the studies under clauses (i) and (ii).

(B) CONTRACTS FOR STUDY.—In carrying out this paragraph, the Administrator may enter into or make any contract with governmental entities such as—

(V) institutions of higher education; and

(VI) institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

SEC. 5. ANALYSES OF MOTOR VEHICLE FUEL CHANGES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) (as amended by section 5 1(a)) is amended by adding at the end the following:

(A) to conduct tests to determine potential public health and environmental effects of the fuel or additive (including carcinogenic, teratogenic, or mutagenic effects); and

(2) by adding at the end the following:

(4) STUDY ON CERTAIN FUEL ADDITIVES AND BLENDSTOCKS.—

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall—

(i) conduct a study on the effects on public health (including the effects on children, pregnant women, minority or low-income communities, and other sensitive populations), air quality, and water resources of the introduction, use, or residue of diisopropyl ether as a substitute for methyl tertiary butyl ether in gasoline—

(ii) ethyl tertiary butyl ether;

(iii) tert-amyl methyl ether;

(iv) di-isopropyl ether;

(v) tertiary butyl alcohol;

(vi) other ethers and heavy alcohols, as determined by the Administrator;

(vii) ethanol;

(viii) iso-octane; and

(ix) alkanes; and

(b) STUDY ON CERTAIN FUEL ADDITIVES AND BLENDSTOCKS.—

(a) IN GENERAL.—The Administrator may apply any adjustments to the standards applicable to toxic air pollutants resulting from the enactment of this Act, the Administrator shall take into account the results of the studies under paragraphs (i) and (ii).

(b) CONTRACTS FOR STUDY.—In carrying out this paragraph, the Administrator may enter into or make any contracts with governmental entities such as—

(i) the national energy laboratories; and

(ii) institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).
(1) by striking "(6) OPT-IN AREAS.—(A) Upon" and inserting the following:  
"(6) OPT-IN AREAS.—"  
"(A) CLASSIFIED AREAS.—"  
"(B) GENERAL.—(A) Upon";  
(2) in subparagraph (B), by striking "(B)" and inserting "(A)";  
(3) in subparagraph (A)(ii) as redesignated by paragraph (2));  
(A) in the first sentence, by striking "sub-
paragraph (A)" and inserting "clause (i)"; and  
(B) in the second sentence, by striking "this paragraph" and inserting "this subparagraph"; and  
(4) by adding at the end the following:  
"(B) OZONE TRANSPORT REGION.—"  
"(i) IN GENERAL.—On application from a Governor of a State under subsection (a), the Administrator, not later than 180 days after the date of receipt of the application, shall apply the provisions specified in paragraph (5) to any area in the State (other than an area classified as marginal, moderate, serious, or severe ozone nonattainment area under subparagraph (A)) to the extent that there is insufficient capacity to supply reformulated gasoline.  
"(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—"  
"If the Administrator determines under clause (iii) that there is insufficient capacity to supply reformulated gasoline, the Administrator may—"  
(1) in subparagraph (A)(i) and (ii), by striking "subparagraph (A)" and inserting "clause (i)"; and  
(2) by adding at the end the following:  
"(B) REQUIRED ELEMENTS.—The study shall assess—  
(A) the effect of the variety of requirements described in paragraph (1) on the supply, quality, and price of motor vehicle fuels available to the consumer;  
(B) the effect of the requirements described in paragraph (1) on achievement of—  
(i) national, regional, and local air quality standards and goals; and  
(ii) related environmental and public health protection standards and goals (including the protection of women, minority or low-income communities, and other sensitive populations);  
(C) the effect of Federal, State, and local motor vehicle fuel regulations, including multiple motor vehicle fuel requirements, on—  
(i) domestic refiners;  
(ii) the fuel distribution system; and  
(iii) industry investment in new capacity;  
(D) the effect of the requirements described in paragraph (1) on quality of gasoline and the need for the development of national standards necessary to promote cleaner burning motor vehicle fuel.  
(1) STUDY.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of Federal, State, and local requirements concerning motor vehicle fuels, including—  
(A) requirements relating to reformulated gasoline, volatility (measured in Reid vapor pressure), oxygenated fuel, and diesel fuel; and  
(B) other requirements that vary from State to State, region to region, or locality to locality.  
(2) REQUIRED ELEMENTS.—The study shall assess—  
(A) the effect of the variety of requirements described in paragraph (1) on achievement of—  
(i) national, regional, and local air quality standards and goals; and  
(ii) related environmental and public health protection standards and goals (including the protection of women, minority or low-income communities, and other sensitive populations);  
(C) the effect of Federal, State, and local motor vehicle fuel regulations, including multiple motor vehicle fuel requirements, on—  
(i) domestic refiners;  
(ii) the fuel distribution system; and  
(iii) industry investment in new capacity;  
(D) the effect of the requirements described in paragraph (1) on quality of gasoline and the need for the development of national standards necessary to promote cleaner burning motor vehicle fuel.  
(3) REPORT.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall consult with—  
(A) the Governors of the States;  
(B) automobile manufacturers;  
(C) State and local air pollution control regulators;  
(D) public health experts;  
(E) motor vehicle fuel producers and distributors; and  
(F) the public.  
SA 851. Mr. BINGAMAN (for himself, Mr. SUNUNU, and Mrs. FEINSTEIN) proposed an amendment to amendment SA 847 specified 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. EDWARDS, Mr. CRAPRO, Mr. CONRAD, Mr. DEWINE, Mr. BAUCUS, Mr. Bunning, and Mr. BOND)) to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:  

Subtitle I—Miscellaneous  
SEC. 1185. CERTAIN STEAM GENERATORS OR OTHER GENERATING UNITS USED IN NUCLEAR FACILITIES AND CERTAIN REACTOR VESSEL HEADS USED IN NUCLEAR FACILITIES.  
(a) IN GENERAL.—  
(1) Subheading 9902.84.02 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/2006" and inserting "12/31/2012".  
(2) Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:  
"9902.84.03 Reactor vessel heads for nuclear reactors provided for in subheading 8401.40.00 .... Free No No On or be- 
fore 12/31/2012.......

"
Hospitals with a Culture of Continuous Improvement.” The Subcommittee intends to examine the progress made and obstacles that remain in the health care industry in terms of patient safety through better management, reducing costs and increasing quality.

The hearing will take place on Wednesday, June 11, 2003, at 9:30 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Joseph V. Kennedy of the Subcommittee staff at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEES ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, June 4, 2003, at 9:30 a.m. on FCC Oversight. The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Sunday, June 3, 2003, at 9:30 a.m. on hold a hearing on Iraq Stabilization and Reconstruction. The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Government Affairs be authorized to meet on Wednesday, June 4, 2003, at 9:30 a.m. for a hearing entitled “Transforming the Department of Defense Personnel System: Finding the Right Approach.” The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, June 2, 2003, at 10:00 a.m. in Room 405 of the Russell Senate Office Building to conduct a hearing on Proposals to Amend the Indian Reservation Roads Program—S. 243, the Indian Tribal Surface Transportation Improvement Act of 2003, and S. 725, the Tribal Transportation Program Improvement Act of 2003. The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled “SBA Reauthorization: Programming for Success” and other matters on Wednesday, June 4, 2003, beginning at 2 p.m. in Room 439A of the Russell Senate Office Building. The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forestry be authorized to meet on Wednesday, June 4, 2003, at 10:00 a.m. to receive testimony regarding S. 391, the Wild Sky Wilderness Act of 2003; 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—a bill to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes. The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “Solving the Asbestos Litigation Crisis: S. 1125, the Fairness in Asbestos Injury Resolution Act of 2003” on Wednesday, June 4, 2003, at 10:00 a.m., in the Hart Senate Office Building.

WITNESS LIST: Professor Laurence H. Tribe, Ralph S. Tyler, Professor of Constitutional Law, Harvard Law School, Cambridge, MA; Jennifer L. Biggs, Tillinghast-Towers Perrin, St. Louis, MO; Mark A. Peterson, Managing Director, Risk Analysis Systems, Thousand Oaks, CA; Fred Dunbar, Senior Vice President, National Economic Research Associates, New York, NY; Professor Eric D. Green, Boston University School of Law, Boston, MA; Robert Harwick, Chief Economist, Insurance Information Institute, New York, NY; Dr. James D. Crapo, M.D., Department of S/M Pulmonary Sciences/Critical Care Medicine, National Jewish Medical Research Center, Denver, CO; Dr. Laura Stowe, M.D., Duke Medical Center, Durham, NC; Dr. Robert Harwick, M.D., Department of Medicine, National Economic Research Associates, New York, NY; Dr. James D. 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CONGRESSIONAL RECORD
—
SENATE

June 4, 2003

S7415

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent that my detailee, James Flood, be granted the privilege of the floor during the duration of debate on S. 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JUNE 5, 2003

Mr. DOMENICI. On behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, June 5. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and 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 10 a.m., with the time under the control of Senator DOLE, provided that at 10 a.m., the Senate resume consideration of S. 14, the Energy bill, and Senator BOXER be recognized as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. For the information of all Senators, tomorrow morning Senator DOLE will deliver her maiden speech. When the Senate resumes the Energy bill, Senator BOXER will offer the first of two ethanol amendments. The votes in relation to these amendments, as well as the pending Schumer amendment, will be stacked to occur later in the day. It is hoped that Senators who have additional amendments on any part of this bill would make themselves available to offer those amendments so that further progress can be made on this important legislation.

I would also add, it is hoped we can reach an agreement so that all of the amendments must be filed at the desk by a time certain. We will continue to work toward that agreement.

Having said that, votes will occur tomorrow on amendments to the Energy bill with the hope of making substantial progress.

If there is no further business to come before the Senate—

Mr. REID. If I can interrupt my friend, I ask the Senate adjourn following the appearance of the Senator from Arkansas, Mr. PRYOR, to make a unanimous consent request. Following that, the Senate would adjourn under the previous order.

Mr. DOMENICI. I have no objection.

Mr. PRYOR. Thank you, Mr. President.

The PRESIDING OFFICER. In my capacity as a Senator from Tennessee, on behalf of other Senators, I object.

Mr. PRYOR. Thank you, Mr. President.

ORDER FOR ADJOURNMENT

Mr. DOMENICI. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of Senator PRYOR as heretofore agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST

Mr. PRYOR. Mr. President, I ask unanimous consent that the resolution I have at the desk be considered and agreed to and the motion to reconsider be laid upon the table.

Mr. REID. If I can interrupt my friend, I ask the Senate adjourn following the appearance of the Senator from Arkansas, Mr. PRYOR, to make a unanimous consent request. Following that, the Senate would adjourn under the previous order.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. In my capacity as a Senator from Tennessee, on behalf of other Senators, I object.

Mr. PRYOR. Thank you, Mr. President.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:20 p.m., adjourned until Thursday, June 5, 2003, at 9:30 a.m.
EXTENSIONS OF REMARKS

CONGRATULATING SAMMY SOSA OF CHICAGO CUBS FOR HITTING 500 MAJOR LEAGUE HOME RUNS

SPÉECH OF
HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, June 2, 2003

Mr. RANGEL. Mr. Speaker, I rise in support of H. Res. 195, a resolution to congratulate Sammy Sosa of the Chicago Cubs for hitting 500 major league home runs.

There is no doubt that Mr. Sosa's exploits on the baseball diamond will one day earn him a place in Major League Baseball's Hall of Fame in Cooperstown, NY. There is no doubt that his drive and talent make him a role model to scores of American children who one day hope to stare down a fastball in the batter's box of any ballpark.

However, it is his spirit, energy and commitment off the field that has earned him a place in the hearts of citizens all over the world, including those in his native Dominican Republic. Just a couple of weeks after he and Mark McGwire shattered baseball's single season home run record in 1998, he traveled to the DR to help rebuild the country after it was devastated by Hurricane Gorges. He continues to offer his time and money to provide children with the opportunities that poverty denies him, allowing them to dream that they too can rise above their economic circumstances and reach their potential.

Those in my district, which includes the proud Dominican community of Washington Heights, know that Sammy Sosa isn't the first Dominican to achieve success in the Big Leagues. He follows in the footsteps of trailblazers like Felipe Alou, Joaquin Andujar, George Bell, Rico Carty, Tony Fernandez, Pedro Guerrero, Juan Marichal, and Jose Rijo. He, as well as contemporaries like Pedro Martinez, Manny Ramirez and Alex Rodriguez, remind others of how necessary it is to use fame and fortune to help others.

A CONGRESSIONAL TRIBUTE TO
AUDREY FERGUSON, 2002–2003
TEACHER OF THE YEAR

HON. WM. LACY CLAY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. CLAY. Mr. Speaker, I rise to pay tribute to Ms. Audrey Ferguson, a teacher at the Laclede Elementary School in the St. Louis Public Schools to win Missouri's 2003 Teacher of the Year Award.

Laclede Elementary School in the St. Louis Public Schools to win Missouri's 2003 Teacher of the Year Award.

Ms. Ferguson has been teaching 50 years and has held her current post at Laclede Elementary School for 26 years. Also, it should be noted that this year Laclede Elementary School received the distinction of being named a Gold Star School, making it one of the top 15 elementary schools in the state of Missouri. So you see, success at the school is more than personal; it is systemic.

Ms. Ferguson's major subject area is mathematics, in grades 1–5. Also, she is certified to teach English and social studies and has certifications for teaching students with learning disabilities, students who are mentally handicapped and students with behavior disorders.

When Ms. Ferguson was 9 years old she was sent to a reading clinic to assist her with her difficulty in reading. In four years she transformed herself from a non-reading student into one who was well on her way to becoming an honor roll student. She chose to follow in the footsteps of the teachers in the reading clinic and became an educator in order to do for others what they had done for her.

In her own words, "Teachers have been given the awesome responsibility of preparing the Nation's leaders of tomorrow. Teachers must know that they are the gatekeepers of opportunity for millions of children. "We have the power to open doors that lead to great futures and we have the power to cut off access to the pathways that lead to the top," she said.

Ms. Ferguson has received numerous awards—the "Parent of the Year Award" from INROADS, St. Louis in 1994; she is listed in the Marquis' Who's Who of American Women, 21st Edition; and was also among the "100 Women Children's Advocate for 2001" produced by the Annie Malone Children's Home. In December of 1981, she published a method of mathematical instruction in the NCTM Arithmetic Teacher's Journal called the "Stored Ten" method. Laclede teachers have used her method for many years since.

In addition to her work for the school, Ms. Ferguson has been an involved member of the community. She served as president for the INROADS PFG for one year as well as a membership chairperson for several years; volunteers annually for the United Negro College Fund Walk; and worked on community partnerships such as the "Laclede Book Buddy Program," the "Laclede Parent Partners Program," the "Laclede Parent Day Trip Program," and the "Laclede Community/School Garden Project."

Clearly, Ms. Ferguson has acted with great determination in uniting school and community.

Also, Ms. Ferguson has been involved in many workshops and conferences aimed at improving the quality of education, including but not limited to: The Successful Schools Information and Planning Meetings, the MAP Math Training Meetings and the NCTM Conference and the Title I Conference.

As evidence of her unrelenting pursuit of education, she recently received District Recognition for improving Math MAP Scores.

Mr. Speaker, please join me in congratulating Ms. Audrey Ferguson and thanking her for her devotion to the children of the St. Louis Public school system and the children of America.

TRIBUTE TO THE CERES, CALIFORNIA CHAPTER OF FUTURE FARMERS OF AMERICA

HON. DENNIS A. CARDOZA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. CARDOZA. Mr. Speaker, I rise to honor Ceres High School Future Farmers of America as they celebrate their 75th anniversary. The Ceres, California Chapter of Future Farmers of America was chartered into the California Future Farmers of America Association in the 1928. It was the 28th Chapter chartered in the State of California.

After the Chapter became chartered, they became very competitive at local, state and national levels in various competitions winning several and holding titles such as Master Champion throughout their 75 years.

Mr. Speaker, it is with great honor that I stand before my colleagues today to pay tribute to the Ceres High School Future Farmers of America and to their current as well as past members. They have served our community well and are a tremendous asset to Ceres High School. They are our future in agriculture and are very deserving of this recognition.

HONORING MARVIN DAVIES
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. DAVIES of Florida. Mr. Speaker, I rise in honor of Marvin Davies, a longtime civil rights leader in Florida who recently lost his life to cancer.

Davies began his battle for equality at an early age. By the time he was a college student at Florida Agricultural and Mechanical University, Davies was participating in protests with Dr. Martin Luther King Jr. and boycotts in Tallahassee, St. Augustine and Montgomery, Alabama. Chosen as Student of the Year, he graduated from FAMU ranked second in his class.

At age 32, Davies was offered the position of Field Secretary for Florida's NAACP. He served Florida's 138 NAACP branches for seven years and became a leader in the fight for equal opportunities for all Americans in employment, schools, hospitals and all other public places.
Later, Davies served as a special assistant and advisor to Senator Bob Graham during his terms as Florida Governor and U.S. Senator, and worked as the state coordinator of the Martin Luther King, Jr. Foundation. Throughout his entire career, Davies was a public voice for families and improving the lives of young people in our communities.

However, the people of St. Petersburg will remember him best for his work in our community. In 1968, Davies returned to St. Petersburg in support of city sanitation workers who were on strike for better wages and benefits. He served on the Coalition of African-American Leadership, created following the St. Petersburg city riots in 1996, as well as the Citizens Advisory Commission, appointed by the Clinton Administration to oversee the federal assistance to the city after the civil unrest.

On behalf of the Tampa Bay area, I extend my deepest sympathy to Marvin Davies’s family and friends. His life work will never be forgotten.

INTRODUCTION OF THE MEDICARE CHRONIC CARE IMPROVEMENT ACT

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. STARK. Mr. Speaker, today I join with several colleagues to introduce the Medicare Chronic Care Improvement Act of 2003. This legislation would strengthen Medicare in the truest sense, by improving the quality of care delivered to Medicare beneficiaries. The bill would make these improvements without forcing beneficiaries to leave the traditional Medicare program and join private insurance plans, and without restricting beneficiaries’ choice of doctor, hospital, or other health care provider.

Medicare beneficiaries have significant chronic care needs. Nearly 90 percent of those aged 65 and older have one chronic condition and two thirds have two or more chronic conditions. Beneficiaries with five or more chronic conditions comprise 20 percent of the Medicare population, but they account for an astonishing 66 percent of program spending. On average, Medicare beneficiaries with chronic conditions see eight different physicians regularly.

Unfortunately, Medicare—like the rest of our health care system—is designed around acute care needs. We generally do not adequately compensate providers for on-going care such as the time spent communicating with each other around complex patient needs, monitoring for harmful drug interactions, or teaching patients and caregivers how to better manage their conditions. As a result, these crucial coordination services are rarely provided.

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HONORING WASHINGTON HEIGHTS’ DENISE DE LA NUÑEZ
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. RANGEL. Mr. Speaker, I rise to honor Ms. Denise De La Nueces, who last month graduated summa cum laude from Columbia University’s undergraduate program. A first generation daughter of Dominican immigrants, this remarkable young woman overcame numerous challenges, including poverty and a stultering habit, to become the first Latina salutatorian in the College’s 250-year history.

Born and raised in Washington Heights, Ms. De La Nueces attended the neighborhood parochial school of St. Rose of Lima before earning valedictorian honors at Cathedral High School. She entered Columbia in 1999 as one of the first recipients of The New York Times College Program founded to assist promising service-oriented students who have faced financial and other obstacles. Although highly focused on excelling academically in biology, Ms. De La Nueces carefully balanced her studies with an equally strong commitment to her campus and neighborhood community. She was an active member of cultural organizations, working with students and alumni to develop and maintain the school’s Latino mentoring program. She found time to step outside Columbia’s walls to volunteer with Project HEALTH, a community-based program that works with physicians, educators, families and local leaders to design and implement curricula that empowers children to take control of their health.

She also found time to tutor at the Double Discovery Center (DDC), a Columbia-based educational nonprofit that works with students from low-income and historically disadvantaged backgrounds. A DDC alumnus herself, Ms. De La Nueces will spend the summer working there before getting her pediatrics internship off to a good start at Harvard Medical School this fall.

Ms. De La Nueces’ achievements are exceptional, but she is by no means a statistical exception. In them, I have found the desire to excel, but also for all members of the student body to be enriched. An example of how leaders and mentors can be found and developed in all communities, if we are willing to invest in their search.

SSM HEALTH CARE IS FIRST HEALTH CARE FIRM IN NATION TO WIN MALCOLM BALDRIGE NATIONAL QUALITY AWARD

HON. WM. LACY CLAY
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. CLAY. Mr. Speaker, I rise today to honor SSM Health Care, the first health care organization in the country to be named a Malcolm Baldrige National Quality Award winner.

As a 2002 award recipient of the prestigious award, SSM was recently honored, along with two other recipients—Motorola, for manufacturing; and Branch-Smith Printing Division, for small business—during a ceremony in Alexandria, VA in May 2003.

Named for the late Commerce Secretary in the Reagan Cabinet, the award is given by the U.S. Department of Commerce and as you know, is the top honor a U.S. company can receive for quality management and quality achievement in the categories of manufacturing, service, small business, education and health care.

Normally presented by the President of the United States, this year Vice President Dick Cheney did the honors.

In a message to President George W. Bush, the Chief Executive said: “As we embrace new opportunities and face new challenges, these organizations are setting an example of quality and excellence that helps strengthen our Nation and points the way to a brighter, more prosperous future for all.”

In his remarks, Secretary of Commerce Donald L. Evans noted that SSM, which is sponsored by the St. Louis-based Franciscan Sisters of Mary, is a role model of world-class excellence and has achieved extraordinary results.

“the men and women of this organization represent the highest ethical standards in public responsibility and corporate stewardship,” Evans said. “I am particularly pleased to join the President in announcing a first-time winner for health care. The three 2002 Baldrige Award winners are role models of world-class excellence, and they have achieved extraordinary results.”

Dick Davidson, President of The Foundation for the Malcolm Baldrige National Quality Award, also joins in praise of SSM.

“The clearest path to success for any organization is the one that embraces quality principles and the continuous improvement that they can unlock,” Davidson said. “The Malcolm Baldrige National Quality Award highlights those organizations in business, health care and education that have followed this path and, in doing so, have set the standard for excellence in quality processes and results. The Foundation salutes the recipients of the 2002 Award and is pleased to continue its support of the Award.”

Sister Mary Jean Ryan, President and CEO of SSM, and Sister Jacqueline Motzel, SSM Chairperson, received the award.

Sister Ryan said: “This Award is a wonderful recognition of the excellent performance of our employees and physicians and of their strong commitment to our mission—to reveal the healing presence of God through our exceptional health care services.”

In competing for the award, SSM staff submitted a 50-page application and last October were subjected to comprehensive site visits at the corporate office and its facilities in four states. The visits took place at all hours of the day, and were meant to clarify and verify information included in the application.

An example of the SSM success model is its employees. Comprised of a workforce of 82 percent women employees, among the hospitals many achievements has been to reduce employee turnover from a rate of 21 percent in 1999 to 13 percent in 2001.

Mr. Speaker, I am especially proud of SSM Health Care for receiving this honor. A not-for-profit Catholic health care system, it provides primary, secondary and tertiary health care services by way of 21 acute care hospitals and seven nursing homes in four states—Missouri, Illinois, Wisconsin and Oklahoma—of which it owns or manages.

Nearly 5000 affiliated physicians and 22,200 employees work together to provide a wide range of services, including: inpatient, outpatient, emergency, long-term care, physician practices, residential and skilled nursing.

The Foundation for the Malcolm Baldrige National Quality Award was created to provide the private sector a means of accomplishing better employee relations, higher productivity, greater customer satisfaction, increased market share and improved operating performance.

As a recipient of this most prestigious award, SSM Health Care joins the company of other winners, including: Boeing Airlift and Tanker Programs, Merrill Lynch Credit Corp., Xerox Business Services, AT&T Consumer Communications Services, Eastman Chemical Co., the Ritz-Carlton Hotel, Express Corp., Cadillac Motor Car Division, Motorola Inc., and Westinghouse Electric Corp.

In addition to winning a Baldrige Award, SSM Health Care is also the 2003 Missouri Industry of the Year, in the large company classification. That award, sponsored by the Associated Industries of Missouri and the Mid-Missouri Business Journal, annually recognizes the best and brightest Missouri businesses that are working to make Missouri a better place to live and work.

Also, SSM Health Care was a Missouri Quality Award recipient in 1999.

Through a series of 2003 Baldrige Sharing Sessions, not only to its patients, its staff and St. Louis, but also to the nation.

In an April 9 column by Washington Post reporter David S. Broder noted SSM’s success,
something which “Congress and the press were too busy with other things to notice.”

Calling SSM “A Beacon for Better Health Care,” Broder observed how SSM was proving that good medicine is also an economic asset and how Sister Ryan began as a nurse and rose to management.

In his remarks, Broder offered this quote: “We are living proof that health care in the United States is capable of improving, despite many predictions to the contrary. We are proof that large and complex health care organizations can put themselves to step out of their comfort zones to exceptional results. And the more of us that commit to performance excellence, the greater will be our ability to deliver health care breathtakingly better than it’s ever been done before. The nation deserves no less.”

“Those words,” Broder said, “and the performance behind them, deserve more attention than Washington gave them last week.”

Today, Mr. Speaker, let us add our voices to the celebration of a successful health care system. At a time when hospitals are closing in vast numbers and the high cost of malpractice insurance is causing many physicians to limit their practices, we have found a health care system that works. The choice is ours. We are living proof that health care in the United States is capable of improving, despite many predictions to the contrary. We are proof that health care can work. The choice is ours.

As an ardent advocate for the rights of working people, women, and disabled individuals, Judy contributed much to the labor movement. She provided valuable assistance to her husband, Owen, during his long tenure as executive secretary-treasurer of the Central Labor Council of Alameda County. Judy could always be counted on to help with marches, rallies, electoral activities, Labor Day picnics, Unionist of the Year events and other important functions to support the community and further the goals of the labor movement.

Judy leaves a legacy of activism filled with caring commitment and devotion. Her family and all who were privileged to know her and work with her will miss her.

TRIBUTE TO MR. LAZAR C. PIRO

HON. DENNIS A. CARDOZA
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. CARDOZA. Mr. Speaker, I rise today to honor my friend, Mr. Lazar C. Piro, as he is inaugurated for his second term as President of the Assyrian National Council of Stanislaus. Lazar was again chosen by the community to continue the Council’s work to provide social, cultural and spiritual welfare to our Assyrian and non-Assyrian communities. As one of the founders of the Assyrian National Council of Stanislaus, Lazar interacts with local, state and federal agencies on behalf of the Assyrian community. With 20 local Assyrian organizations as members of the Council, our community is fortunate to benefit from their leadership and guidance on matters concerning the community. I consider Lazar and members of the Council invaluable resources in the 18th Congressional District. The Council has provided a voice to so many who have made America their home.

I am honored to recognize the Council’s achievements under Lazar’s direction. Lazar has never shied from community involvement. In addition to his work at Piro Trading International, Lazar is a member of the Board of Trustees for the University of California. He is also actively involved with the Assyrian American Civic Club, the Assyrian Church of the East and the Assyrian Welfare Committee to name a few. Lazar and his wife, Francia, reside in Turlock and have three children and three grandchildren.

HONORING SOLDIERS FROM TAMPA BAY

HON. JIM DAVIS
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of four brave soldiers from the Tampa Bay area who lost their lives while serving our country in Iraq. These four men went to war to protect us and our liberty and ultimately gave their lives to preserve our inalienable rights.

On April 3, Staff Sgt. Wilbert Davis, 40, of the 3rd Battalion, 69th Armor, 3rd Infantry Division, died when his vehicle ran off the road as he was driving journalist Michael Kelly to Baghdad. A native of Tampa, Davis grew up in College Hill, pitched for the Belmont Heights Little League team, all the way to the World Series, and graduated from Tampa Bay Tech High School. A devoted husband and father of four, friends and family recall how dedicated Davis was to serving his country. In 1985, he served in the Persian Gulf War and in Bosnia, Kosovo, Korea and Germany. Just one day later, Tampa lost Sgt. First Class Paul R. Smith, 33, of the 11th Engineer Battalion. Also a graduate of Tampa Bay Tech, Smith knew early on that he wanted to serve as a professional soldier and raise a family. This husband and father of two enlisted right out of high school and served in the Gulf War, Bosnia and Kosovo. A man who is remembered for his dedication to the soldiers he led, Smith has been nominated for the prestigious Medal of Honor for saving dozens of lives before losing his own. During a surprise Iraqi assault, Smith died while manning a .50-caliber machine to fend off the attackers.

On April 7, Lance Cpl. Andrew Julian Aviles, 18, of the 4th Assault Amphibian Battalion, 4th Marine Division, was killed when an enemy artillery round struck his amphibious assault vehicle. A young man with an infectious sense of humor and a promising future in store, Aviles was the student government president of Robinson High School, played on the football and wrestling teams and graduated third in his class. A member of JROTC, Aviles passed up a full academic scholarship to Florida State University to enlist because he felt an obligation to serve his country.

On April 17, another bright future was lost when Cpl. John T. Rivero, 23, of the Florida National Guard’s C Company, 2nd Battalion, 124th Infantry Regiment was killed when his Humvee overturned on a mission with Special Forces. A computer science and engineering student at USF, Rivero grew up in Gainesville and joined the Guard in 1998. He was promoted to Corporal during his service in the Middle East. Friends and family remember his big smile and even bigger heart and talk about his dedication to doing his best at everything he tried.

On behalf of the Tampa Bay community, I would like to extend my deepest sympathies to the families and friends of these four courageous soldiers. These men shared a dedication to the ideals that have made this country great. Their bravery and patriotism makes us all proud, and we will never forget their sacrifice.

HONORING THE LIFE OF CESAR CHAVEZ

HON. CHARLES B. RANGEL
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. RANGEL. Mr. Speaker, I rise today to remember and pay, tribute to Cesar Chavez, a human rights advocate and a man of justice and peace who worked tirelessly to end the oppressive conditions of so many American farm workers. Founder of the United Farm Workers of America, Mr. Chavez dedicated his life to those who suffered hardship without any voice of support. Although the ten-year anniversary of his death passed on April 23, 2003,
IN HONOR OF MELVINA CONLEY,
PRESERVER OF THE “FREEDOM SUITS” ARCHIVE,
ST. LOUIS CIRCUIT COURT 1978-2001

HON. WM. LACY CLAY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. CLAY. Mr. Speaker, I rise to pay tribute to Ms. Melvina Conley, a former employee of the St. Louis Circuit Court, Clerk’s Office, who received the value of old lawsuits filed by slaves seeking their freedom, and worked diligently for many years to protect and preserve the documents, now known as the “Freedom Suits.”

A collection of lawsuits filed in St. Louis by slaves of African descent, who were seeking their freedom, have become the focus of a restoration project by the clerk of the St. Louis Circuit Court. Working with the Court in the state of Missouri and Washington University. This is a great find for St. Louis, a treasure within the United States. I am excited that we have a national gift, a part of our history, to share with the world.

So far, at least 281 lawsuits, along with the historic Dred Scott lawsuit (which figured prominently in the start of the Civil War), have been selected for preservation and placed on display on the web site maintained by Washington University at www.stlcourtreports.wustl.edu.

Called the St. Louis Circuit Court Historical Records Project, the site includes details of the lawsuits—who filed, against whom, when and where—and a copy of the actual handwritten document. Lawsuits also included allegations of trespass, assault and battery, false imprisonment, as well as petition affirming status as a free man.

Found among approximately four million pages of aging court records dating back to 1782, the nearly 300 “freedom suits” (filed between 1806 and 1865) were found covered with coal dust, in the labyrinth of the St. Louis Circuit Court stacks.

As early as 1807, under Missouri territorial statutes, persons held in wrongful servitude could sue for freedom if they had evidence of wrongful enslavement. The territorial statute was codified in Missouri State law in 1824 and remained in effect until after the Civil War.

Most people using this law to obtain their freedom were enslaved Africans. Since their cases were all brought for the same reason, to obtain the basic right to freedom, collectively, historians refer to the cases as freedom suits.

In an effort to protect the “freedom suits” and hundreds of thousands of other old cases from decay, rats and other plagues, courthouse officials began removing them from vulnerable “off-site” storerooms to a more secure archive in the main Courthouse and the Old Globe-Democrat Building on Tucker Boulevard. In September 1999, St. Louis Circuit Court Clerk Mariano V. Favazza invited the Missouri State Archives, a division of Missouri’s Office of Secretary of State, to make arrangements to preserve accessible the historical records. So extensive were the files, a cut-off date of before 1875 was used for the project. The court was founded in 1804.

The freedom suits brought by Dred Scott and his wife, Harriet, in 1846, became the first cases to go online in January 2001, attracting nearly a million information requests from visitors from around the world in their first year on the web. That fall, the American Culture Studies Program in Arts & Sciences agreed to expand this initiative by digitizing additional cases and to preserve a web-based search tool.

While I thank everyone involved with the project for finding the documents and preserving them, Mr. Speaker, I especially want to make a special tribute to Ms. Melvina Conley, as President of the “Freedom Suits.” A 33-year employee of the St. Louis Circuit Clerk’s Office—from 1969 to 2001—Ms. Conley spent many years working as a data entry clerk.

In 1978, she began working in a second-floor office in the old and dusty archive section of the courthouse, where she commenced a search for the legendary “Freedom Suits” or “Slave Cases.”

Because of her interest in history, Mrs. Conley was willing to do a job that others did not want to do. Sifting through the old files was literally a dirty business for few wanted. At the time, the famous Dred Scott case was protected in a vault in the courthouse and she knew Dred Scott was not the first case filed and that there were probably many others. In 1979 she commenced a search of the archives for suits for suits. The first suit she found was of a mother and her two sons, ages 5 and 2. The mother had filed suit—and lost—to keep her young sons from being “hired out.” “I thought I had died and gone to heaven,” Ms. Conley says now, describing how she felt at the time of the find.

Preserving the “Freedom Suits” in boxes, Ms. Conley became an unofficial historian, archivist and preserver of history in her duties as a data entry clerk. In 1999 when Circuit Clerk Favazza invited the city, state and federal agencies to preserve the files, Ms. Conley became a key instrument in helping to make that transition, as well, having helped to carefully preserve the Dred Scott suit and hundreds of other “Freedom Suits” for posterity in her adopted home.

Born in Charleston, Mo., Ms. Conley attended the St. Louis High School and graduated from Sumner High School in 1957. After high school she married John Conley who became a politician and served St. Louis and Missouri as a committeeman and a state representative. They have five children, four stepchildren, 16 grandchildren and one great-grandchild. In 2001 Ms. Conley retired from her job as an Accountant 1, Supervisor, in the St. Louis Circuit Court.

Joining me in recognizing Melvina Conley’s dedication to the nurturing of the “Freedom Suits” and the continued nurturing and care of the files by the St. Louis Circuit Court, is U.S. Representative MAXINE WATERS, of California and a St. Louis native.

Recently, the Honorable Ms. WATERS and I visited the archive located in the old Globe-Democrat Building, in the 700 block of N. Tucker Blvd., to meet with city, state and university officials. During our visit we were welcomed enthusiastically by Mr. Michael Everman, CA and Field Archivist, Local Records Program with the Missouri State Archives; and State Archivist Dr. Kenneth Winn. Ms. WATERS said she first learned about the project from a Los Angeles Times article and made arrangements to visit the archive. Both she and I were told by Favazza that “HBO and Hollywood producers” have made inquires to his office about the lawsuits.

“The connection for me between St. Louis and Hollywood is just absolute,” Ms. WATERS said. Honorable Speaker, I want to find the funds needed to ensure permanent protection for the documents and keep them safe for future generations. This is just the beginning. I know I can count on my colleague, MAXINE WATERS, to help get national exposure. It is the history of our country, which originated in St. Louis. It makes you proud of their actions—if you can find a silver lining in slavery. You have to preserve your history or you will be doomed to repeat it.

HONORING TAIWAN AND PRESIDENT CHEN SHUI-BIAN

HON. DENNIS A. CARDOZA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. CARDOZA. Mr. Speaker, I rise today to congratulate Republic of China President Chen Shui-bian on his third anniversary in office and for Taiwan’s continued support and friendship with the United States. Two years ago, President Chen has continued to make strides toward full democracy by guaranteeing greater constitutional and human rights to the citizens
of Taiwan. Today, Taiwan is home to more than ninety political parties, and virtually every political office is actively contested through free and fair elections. In fact, President Chen is a former political dissident himself. Taiwan's constitution guarantees its citizens extensive political, personal, and religious freedoms. Further, President Chen has committed Taiwan to many international human rights treaties.

Under President Chen's strong leadership, Taiwan has maintained a strong democratic system. The country's commitment to democracy is exemplified by the regular and peaceful transitions of power, as well as the regular and fair elections that have been held since 1996. The government's respect for human rights is also evident in the protection of civil and political liberties, including freedom of speech, assembly, and the press.

In conclusion, Taiwan is a democratic society that respects human rights, and it is committed to upholding these principles. The government's efforts to foster a more open and democratic society have been recognized by international organizations, and Taiwan is a strong ally of the United States. The country continues to make progress in the areas of human rights and democracy, and it is an example of how a small country can achieve great things through dedication and hard work.
Mr. Speaker, the United States stands for freedom and we have always shared the goals of others around the world who strive for democracy. These cowardly attacks are an assault on free people everywhere, and we must act now to condemn them and immediately increase pressure on this evil regime. I urge my colleagues to join with me in condemning these despicable attacks.

Daw Aung San Suu Kyi once said, “Please use your liberty to promote our’s (Burma’s).” I believe I just did. I encourage others to heed this plea as well.

TRIBUTE TO MR. WAYNE BUTLER AND MR. JOHN SPARKMAN

HON. ROY BLUNT
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. BLUNT. Mr. Speaker, I rise today to pay tribute to the memories of two individuals who made important contributions to Missouri agriculture, Wayne Butler and John Sparkman. As friends and neighbors, these men will be remembered for the indelible impression they left on Missouri’s farms and ranches.

These men exemplified the strength of our Nation through their passion for community involvement. Wayne was a cattleman and forage producer who understood the importance of community service. John was a dairyman and outspoken advocate for issues impacting Missouri agriculture.

Over the years, southwest Missouri and I benefited greatly from the leadership, wise counsel and combined experience of Wayne and John. Both men served as the president of the Greene County Missouri Farm Bureau Chapter and as members of my Southwest Missouri Agriculture/Agr-Business Advisory Committee.

Thomas Jefferson said, “The spirit of our citizens will make this government in practice what it is in principle, a model for the protection of man in a state of freedom and order.” Wayne and John were men of faith, family and community. They will be missed; however, their love and dedication to Missouri agriculture will endure.

INTRODUCTION OF THE HIGHER EDUCATION FOR FREEDOM ACT OF 2003

HON. THOMAS E. PETRI
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. PETRI. Mr. Speaker, today I am introducing the Higher Education For Freedom Act. This legislation establishes a competitive grant program making available funds to institutions of higher education, centers within such institutions and associated nonprofit foundations to promote programs focused on the teaching and study of traditional American history, free institutions, and the history and achievements of Western Civilization at both the graduate and undergraduate level, including those that serve students enrolled in K-12 teacher education programs.

Several years ago I was involved in a congressional effort to highlight the decline in historical and civic literacy among American college students. This effort led to the unanimous, bicameral passage of a concurrent resolution, S. Con. Res. 129, which stated, in part, that “the historical illiteracy of America’s college and university graduates is a serious problem that should be addressed by the Nation’s higher education community.”

Given the increased threat to American ideals in the trying times in which we live, it is easy to see how the lack of historical and civic literacy among today’s college students has become a more pressing issue. Nevertheless, most of the Nation’s colleges and universities no longer require U.S. history or systematic study of Western civilization and free institutions as a general prerequisite to graduation, or for completing a teacher education program.

I believe it is time for Congress to take a more active role in addressing this matter. Our country’s higher education system must do a better job of providing the basic knowledge that is essential to full and informed participation in civic life and to the larger vibrancy of the American experiment in self-government, binding together a diverse people into a single Nation with common purposes.

HONORING COURTNEY NORTON

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Courtney Norton, who recently completed the seventh grade at Main Street Junior High School in Madera, California. Courtney was awarded first place prize for the Western Region in the Annual Elks Writing Contest for an entry she submitted while in the sixth grade at Lincoln Elementary School in Madera. The writing prompt was “What does the flag of the United States of America stand for?” Courtney responded to the prompt with this poem:

I am the Star Spangled Banner,
The flag of the United States of America,
I stand for freedom, peace, justice, liberty, and dreams.
I have seen every battle fought by our country over the last two hundred years,
I have been flown in France, Korea, Vietnam and Rome.
I have been ripped, torn, spit on, burnt and trampled, but I still stand proud.
I stand for immigrants who gave their lives to make this country a better place to live.
I stand for every soldier in every war who fought for this country.
I stand for a nation of love, hope, and opportunities.
These colors don’t run!
I am worshipped, loved, saluted and respected.
I stand for the United States of America, the land of the free and the home of the brave.

FOREVER MAY I WAVE!

As a result of her first place prize, Norton was invited to the Elks annual convention in San Diego to read her poem for the conventioners. Her poem also caught the attention of Operation Mom, an organization of mothers of the military, who asked Courtney for her permission to include a copy of her poem in each of the thousands of care packages that they send to the service men and women posted overseas. In addition, the organization invited Norton to present her poem at their Operation Welcome Home Rally, scheduled for August 19, 2003, in Livermore, California.

Mr. Speaker, I am pleased to honor Courtney Norton for her outstanding accomplishments, patriotic spirit, and support for our men and women in uniform. I urge my colleagues to join me in wishing Courtney many years of continued success.

PERSONAL EXPLANATION

HON. DOUG BEREUTER
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. BEREUTER. Mr. Speaker, this Member was in his congressional district on official business on Monday, June 2, 2003, and therefore missed three rollcall votes. If this Member had been present, he would have voted as follows:

Rollcall No. 227 (H. Res. 159, expressing profound sorrow on the occasion of the death of Texas State Representative Irma Rangel)—aye;

Rollcall No. 228 (H. Res. 195, congratulating Sammy Sosa of the Chicago Cubs for hitting 500 major league home runs)—aye; and

Rollcall No. 229 (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”)—aye.

UPPER DUBLIN LUTHERAN CHURCH CELEBRATES 250TH ANNIVERSARY

HON. JOSEPH M. HOEFFEL
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize and honor the Upper Dublin Lutheran Church, located in Montgomery County, Pennsylvania, on its 250th anniversary of community involvement and dedication.

Since its beginning in 1753, the Upper Dublin Lutheran Church has represented the efforts of an entire community. The building itself has changed several times, but the underlying spirit never wavered.

The Upper Dublin Lutheran Church represents a long history of helping the community. The church’s involvement includes helping soldiers as far back as the Revolutionary War. The dedication of its members continued, even when the church itself was destroyed and rebuilt. A tradition was started with Harvest Homes when members of the community would bring fruits and vegetables they could spare from their harvest to give to the less fortunate. The church also started “Puff’s Broadcaster,” a 12-page monthly newsletter providing poetry, business tips, stories of moral integrity, and important announcements for the community.
Today the Upper Dublin Lutheran Church still stands as a symbol of service and tradition to the Upper Dublin community. The “Build to Witness” campaign has provided a magnificent new facility for Sunday school and continues to provide spiritual leadership accompanied by devoted community outreach programs. I am confident that the impact the church has had since its establishment will continue in the future. I wish the members of the church continued success and commend them for 250 years of service.

A NEW MEXICO DESERT FLOWER
FLOR DE LAS FLORES

HON. HEATHER WILSON
OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mrs. WILSON of New Mexico. Mr. Speaker, today I bring to your attention Al Hurricane, a musical legend and the Godfather of New Mexico music. Al Hurricane has brought Norteno music to audiences throughout the Southwest and Mexico for 50 years.

Al Hurricane was born on July 10, 1936 in Dixon, New Mexico. His birth name is Alberto Nelson Sanchez, but his mother gave him his famous nickname because he was like a little “Hurricane,” always knocking things over at the dinner table and running through objects in his path.

He began singing when he was 3 and started playing the guitar when he was 5 years old. He was only 12 when he started to sing and play guitar at local restaurants. Throughout his 50 years of music, he formed several bands and played with legendary artists like Fats Domino, Marvin Gaye, Chuck Berry, Jimmyott, Alton and Chubby Checker. He has recorded over 40 albums, tapes and CDs. His trademark “black eye patch” is a result of an injury he received in a serious automobile accident. Of course, he was on his way to play at a sold-out performance. The accident and the new eye patch could not stop his music.

While Al Hurricane is known for playing and performing music, like Flor de las Flores, or Sentimiento, we cannot forget his strong commitment to his family and his community. He has eight children, several of whom have followed their father’s footsteps into the music business. He has won numerous public service awards such as The Lifetime Achievement Award given to him by the New Mexico Hispanic Awards Association and the Governor’s Award for Music. He is currently the State Chairperson for the National Education Association—New Mexico’s Read Across America.

Mr. Speaker, I ask you to join me and all the residents of New Mexico in honoring and thanking Al Hurricane for 50 years of bringing joy into our lives through his music and his commitment to our community. Here’s to another 50 years of Rancheras, Nortenas, and Corridos from the Godfather of New Mexico music, Al Hurricane.

CONGRATULATIONS TO PRESIDENT CHEN SHUI-BIAN ON THIRD ANNIVERSARY

HON. EDWARD L. SCHRÖCK
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. SCHROCK. Mr. Speaker, 3 years ago, in the first peaceful and successful transition of power in Taiwan’s history, voters elected Mr. Chen Shui-bian President of the Republic of China on Taiwan. Leading his country’s transition from an authoritarian state to a democracy, President Chen has shown to the international community that democracy is indeed alive and able to thrive in a Chinese society like Taiwan. Now in 2003, President Chen has continued to make strides toward full democracy by guaranteeing Taiwan’s citizens full constitutional and human rights, which include free elections and a totally free press.

Since his election, President Chen Shui-bian has ardently sought a meaningful dialogue with his counterparts in the People’s Republic of China (PRC). He has repeatedly urged them to discuss issues of mutual interest and has talked of sending a delegation to Beijing, further emphasizing his struggle for peace. Unfortunately, China has ignored President Chen’s many gestures of friendship and cross-straight dialogue. Positioning hundreds of short-range missiles aimed at Taiwan, China has made it obvious that it does not believe that peace and stability in the Taiwan Strait is a priority. We hope Beijing will soon realize that peace and stability in the Strait is indeed in everyone’s best interest and will pursue a peaceful resolution of tensions with Taiwan.

In the United States Congress greatly appreciate Taiwan’s overwhelming support for our initiatives both home and abroad throughout the years. Since the tragic terrorist attacks of September 11, 2001, Taiwan has graciously offered assistance to the United States in helping the country fight global terrorism. Assuring Washington of its support during Operation Iraqi Freedom supporting the Coalition of the Willing’s cause and pledging to offer humanitarian assistance to postwar-Iraq.

Taiwan is currently enduring an outbreak of the alarming disease Severe Acute Respiratory Syndrome (SARS). We wish Taiwan’s government every success in their endeavor to fight against this disease and acknowledge the need for Taiwan’s representation in the World Health Organization. As Secretary of State Colin Powell stated recently, SARS recognizes no international borders, and Taiwan should be able to utilize every opportunity to contribute to the battle to conquer this disease.

On the third anniversary of President Chen’s election, I wish President Chen well and wish Taiwan continued success in gaining a greater international role. The world has much to gain from what Taiwan has to offer, and the United States affirms its support for President Chen and his country.

AMERICA: A POEM BY MARK E. CRISPPELL

HON. SHERWOOD BOEHLERT
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. BOEHLERT. Mr. Speaker, I respectfully submit the poem of my constituent, Mark E. Crispell of Brooktondale, NY, for submission into the CONGRESSIONAL RECORD. Mr. Crispell has dedicated this inspirational work to the House and the Senate.

In addition to his gift to Congress, Mr. Crispell has also been able to donate this poem to various VFW and American Legion chapters across the New York State. It has touched the hearts of all who read it, as it honors the men and women who have risked their lives to protect America.

I commend Mr. Crispell for his creativity as well as his thoughtful gift.
horses learned to fly
their tails grew into wings
letters turned to digits
phones began to ring
cars come here and take us there
never leaving us far behind
technology seems to challenge
my ever evolving mind

Now Vietnam has come and gone
history tells its tale
yes, God forgive me for I have sinned
when I tried to hide my face
for all the men and women
the blood that you had shed
when I tried to hide my face
oh, God forgive me for I have sinned
history takes its place

Now Vietnam has come and gone
my ever evolving mind
technology seems to challenge
cars come here and take us there
phones began to ring
and when at war and we need it most
our founding fathers will say
hear ye, hear ye,
when you are and when you say
God bless America
it’s Independence Day!
Yes, God bless America
it’s Independence Day!

2003 BLOOMFIELD CITIZENS COUNCIL AWARDS
HON. MICHAEL F. DOYLE
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. DOYLE. Mr. Speaker, I rise today to pay tribute to a number of Pittsburgh residents who were honored on May 3rd 2003 with Bloomfield Citizens Council Awards.

Every year, the Bloomfield Citizens Council gives out these awards to recognize members of the community who have improved the quality of life in the Bloomfield neighborhood of Pittsburgh. I would like to take this opportunity to commend the 2003 award winners for their efforts to make Bloomfield a better place to live.

Emil DelCimuto has been selected as the recipient of the Mary Cerceone Outstanding Citizen Award for his commitment to helping others in the community. As a volunteer for the Bloomfield Lions Club, the St. Joseph Nursing Home, and Meals on Wheels, Mr. DelCimuto has dedicated his time and energy to the people of Bloomfield. He is also an active member of the Bloomfield Preservation and Heritage Society and a sports columnist for several local newspapers.

The Distinguished Patriotism Award was presented to Raymond Fern. As a Korean War Veteran and life member of the Veterans of Foreign Wars, Mr. Fern is currently Commander of District 29, which has 15,000 members. Mr. Fern also became the first Pennsylvania in 25 years to receive the All Star Marine and Fisherman award representing the major scallop fishery in America.

In a very comprehensive and thoughtful article, our former colleague, Gerry Studds, and Dr. Trevor Kenchington, a marine biologist, present the story of the success in the scallop fishery— as the sub-headline of their article in the May 25 issue of the New Bedford Standard Times correctly notes, “cooperation between managers and fishermen has rebuilt stocks.”

Those who served with Gerry Studds during his twenty four years in the House, including his service as Chair of the Committee on Merchant Marine and Fisheries before its abolition, will not be surprised to read his cogent and balanced presentation. As a leading voice in this House on the question of fishing, Mr. Studds has a major role in bringing about many of the achievements chronicled in this article, and I am proud as his successor in representing the major scallop fishery in American to have been able to carry on his work. Because this is a very important issue that we will, I hope, be addressing in legislation this year, I ask that the very informal article “SUCCESS WITH SCALLOPS: HON. BARNEY FRANK OF MASSACHUSETTS IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, we hear too rarely of our public policy successes, because of a natural tendency for people to focus on areas where our efforts have fallen short of what we sought to achieve.

It is important to examine the policies which have not worked well, so that we can change them. But when organizations, the media, and others pay attention only to failure, the public gets a distorted overall picture, and people become unreasonably pessimistic about our ability to achieve important goals through public policy.

One area in which the public is working together to produce a very favorable current situation is that of the scallop fishery. This does not mean that no errors were made in the course of this work, and to some extent we have seen here a process of trial and error. One of the errors we had previously made was to rely exclusively on scientific advice conducted by the regulators, and in recent years, independent scientific assessment of the fishery has proven to be an extremely useful tool.

Today, the scallop fishery is a very successful one. The catch is high, the stock has been replenished, the economy of the Greater New Bedford area—and other scallop fisheries benefits, and, perhaps most importantly, consumers are able to receive a steady supply of a food that is both good and good for them. Sadly, this success seems, in some cases, to have angered some conservationists when it should, instead, have given them a sense of confidence about our ability to make public policy decisions. As the Representative of the City of New Bedford, the Town of Fairhaven, and other communities in which scallop fishing is important, I have had the disappointing experience of seeing some—by no means all—environmental organizations take unreasonable positions, and maintain them even in the face of contradictory experience.

I hope, Mr. Speaker, that when we reauthorize the Sustainable Fisheries Act, we build on the experience that we have gained in the scallop fishery, as well as in other fisheries, where the quality of the research and management that will enhance our ability to achieve the public policy successes that we have seen in the regulation of scalloping.
Left to themselves, however, scallops are not an efficient pathway for the plants to feed the rest of the ecosystem. Scallop-sorters, with their strong shells, resist most predators. Enter the effective management of the U.S. Atlantic scallop fishery, annual production of some 40 million pounds of high-quality scallop meat can be landed and enjoyed by consumers, replacing high-priced fish for scallops to a lesser extent. Some 2,000 people are directly employed in the harvesting. In the process of supplying this product to consumers, the scallop fishery can earn between $350 million and $200 million per year, valued at the point of landing. Even more value is added and more jobs supported by market and distribution channels.

Income from scalloping contributes to the economies and way of life of many coastal communities in a half-dozen states. That is an important contribution for some ports like Stonington, Conn.; Cape May, N.J.; and Hampton Roads, Va. But scalloping is vital to New Bedford, where the majority of Atlantic scallops are landed. In fact, the revalorization of the scallop fishery has propelled New Bedford into its current position as the No. 1 fishing port in the United States, measured by dollar value of product landed.

But it is not foreordained that the scallop industry should have its current success. In the past, scallop fishermen, like those in so many other occupations, compensated for a declining resource by fishing harder (and more dangerously) struggling to maintain their income but driving the scallops down further.

### 1994 RULES

In 1994, all that began to change when strict rules were implemented limiting the number of participants in the fishery and, more importantly, the number of days that scallop vessels could fish in a given year. Further cuts followed, particularly in 1998. Full-time scallop vessels are now limited to 120 days a year and in 1998, the number of days was cut to 52. That is a 63 percent cut compared to the 270 days of the 1970s and more that many worked before restrictions began. They are also now limited to seven men, which severely limits their catching power, compared to the 27 men or more that many worked before restrictions began. They are also now limited to seven men, which severely limits their catching power, compared to the 27 men or more that many worked before restrictions began.

### CURRENT AND FUTURE CONCERNS

In addition, large portions of the most productive scallop grounds in the world (on Georges Bank, off Massachusetts) were closed in order to assist federal efforts to rebuild stocks of groundfish (cod, flounder, and haddock). About 50 percent of the Georges Bank scallops (roughly half of the entire Atlantic scallop resource) is currently off-limits to fishing.

### SCALLOP DREDGING

Under these strict management measures, the weight of scallops alive in the ocean has increased almost eightfold since its low point in 1993. It is now safely above target levels set by federal managers for rebuilding the stock pursuant to the federal Sustainable Fisheries Act. For scallops, a formal 10-year rebuilding plan was initiated in 1999. By 2003 — five years with management rebuilt to their target level.

### RELATED REASONS

They rebuilt so quickly for a series of inter-related reasons.

- First, scallop stocks can be, and were, very productive. Second, significant conservation measures were imposed in time to capitalize on a large, natural up-tick in scallop productivity. Third, the scallop fleet responded to challenges imposed by the Sustainable Fisheries Act by organizing itself to partner with fisheries scientists and enforcement authorities in the development of a conservation focused strategy.

- Almost 200 full-time participants in the Atlantic scallop fishery have come together under the banner of the Fisheries Survival Fund (FSF). The FSF was formed in Fairhaven, Massachusetts, just outside New Bedford.

- FSF participants have worked with the federal government to develop innovative approaches to improve scallop yield, reduce the (already very limited) bycatch of other fish species by scallop dredges and reduce the potential for bycatch of both the scallops and the ocean bottom habitat. FSF members have also worked in partnership with major East Coast universities, such as the University of Massachusetts School for Marine Sciences and Technology and the Virginia Institute of Marine Sciences at the College of William & Mary, using both scallop gear and high-resolution video cameras to survey scallop stocks, to learn about the ocean bottom in scallop areas and to develop gear that can reduce the potential for bycatches and the requisite steps for inter-action of scallop dredges with endangered sea turtles.

- Pilot projects, involving the industry, academia and the federal government, were undertaken in 1999 and 2000 to reopen portions of the Georges Bank groundfish closed areas to experimental scallop fishing.

- Areas have been closed in the Mid-Atlantic to allow concentration of small scallops detected in those regions to grow and produce the large concentrations of harvestable scallops over a period of years, rather than let them be taken in one "gold rush" event.

- ROTA TING CLOSURES

The FSF has been working since 1999 to devise a systematic approach to rotational management of scallop beds—an effort that promises important habitat benefits and further reductions in the already small bycatches.

- Few, if any, fishery participants nationwide have invested more time, effort and materials into the top-down management of marine resources than the scallop fishery. Significant, moreover, these cooperative management efforts have repeatedly (and, sad to say, experienced) stood the test of determined court challenges.

- This is fisheries management for the 21st century. If anything became clear in the 20th century, it is that the top-down management of fisheries, in an atmosphere of conflict between managers and the managed, has failed worldwide and would not have worked for the Atlantic scallop fishery.

- It is, finally, important to recognize that the scallop fishery is an environmentally clean fishery. Scalloping involves very little catch-hauling, and the potential for bycatch of other species. Scallops are particularly susceptible to "shocked" at sea and to 'airplane' dredging and actual abundance can be determined by tagging by scientific means.

- Scalloping alone would pose no threat to the ocean bottom or by environmental factors. The potential for bycatches of flounder, monkfish and skate are a bit hazy, but not negligible. Scalloping alone would be found to be environmentally clean fishery. Scalloping involves very little catch-hauling, and the potential for bycatches of other species. Scallops are particularly susceptible to "shocked" at sea and to 'airplane' dredging and actual abundance can be determined by tagging by scientific means.

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proud of the service these recipients have given to the people of the City of Worcester.

Mr. Speaker, the Worcester Community Action Council (WCAC), created in 1965, serves as an umbrella organization for 20 education and social service programs. It includes Energy Assistance, Head Start, Healthy Families, Training and Youth Education Mediation, Consumer Council, and Community Connections. WCAC’s mission is “to stimulate change in the fundamental causes of poverty and to create and provide opportunities for economic self-sufficiency through services, partnership, and advocacy.”

Mr. Speaker, this ceremony honors organizations and individuals who promote economic self-sufficiency and work tirelessly on behalf of those less fortunate in our society. The following recipients are being honored today for their commitment to the education of all of our children: Allmerica Financial, for their support of WCAC’s Cityworks Program; Anne Quinne for her work to develop programs for at-risk youth; and Lisa Perez for her efforts to encourage parent involvement in Worcester’s schools.

Mr. Speaker, I am honored to acknowledge the contributions of the following organizations: Natar Gas for its support of weatherization services for families; University Home Improvement and Ken Martinetty for their services as weatherization contractors; and Amara Thomas for her participation in the Cityworks corps member and current IDA participant.

Finally, Mr. Speaker, we are also honoring the contributions of the following community leaders: State Representative Robert Spellane for his service on behalf of families in need; Worcester County Treasurer Michael Donoghue for his exemplary community service; Mike Keegan for his leadership of WCAC; Winifred Octave for her parent leadership efforts; Dr. James Ostromeyer for his free dental services for Head Start children; Christopher and Laura Pallotta for their support of WCAC’s mediation services; Marge Perves for her community involvement and volunteer mediation services; Larry Raymond for his commitment to family and self-sufficiency; and Steve Teasdale for his efforts to revitalize the Main South neighborhood.

Mr. Speaker these individuals are the embodiment of our collective common good, and I am sure that my colleagues in the House of Representatives join me in extending sincere thanks to the recipients of WCAC’s Warm Friends Awards.

THE GLOBAL PATHOGEN SURVEILLANCE ACT

HON. ELLEN O. TAUSCHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mrs. TAUSCHER. Mr. Speaker, I am pleased to introduce the Global Pathogen Surveillance Act of 2003 with my colleague, Congressman MARK KIRK. This important bipartisan legislation mirrors legislation offered by Senators BIDEN and LUGAR, and will reduce the risk of infectious diseases entering this country.

As we have learned from the outbreak of severe acute respiratory syndrome, or SARS, and the anthrax attacks, nature and terrorists do not stand still while the world finds ways to improve its preparedness against biological threats.

Indeed, new diseases—no matter where they start—can spread to the United States in days or even hours. Many of them, including smallpox, SARS and the plague have lengthy incubation times, lasting two to twelve days.

The flight time between any two cities, however, is under 36 hours. Any of the 140 million people who enter the United States by air each year can, unknowingly, carry these dangerous pathogens with them.

SARS, for example, came to the world’s attention in East Asia in March. Today, there are over eight thousand cases worldwide, with the highest number of cases in the United States occurring in my home state of California.

Because it was not reported immediately and a strong international network was not in place to monitor and control it, SARS has become a worldwide epidemic.

It has put a severe strain on hospitals and health care systems and caused financial chaos in dozens of countries.

While Congress has been generous in funding measures to improve domestic biopreparedness, rapid detection of outbreaks requires significant improvements in international disease surveillance.

While developing nations are most likely to experience rapid disease outbreaks, they don’t have the trained personnel, the laboratory equipment or the public health infrastructure to deal with epidemics—much less warn the rest of the world.

Our bill would help train public health professionals in developing countries to use electronic surveillance systems and traditional epidemiology methods to better detect, diagnose and contain infectious disease outbreaks.

Our bill would also help developing countries purchase public health laboratory equipment for health surveillance and diagnosis as well as communications technology to transmit information about infectious diseases.

This legislation would also develop and enhance existing regional health networks and establish lab-to-lab cooperative relationships between the United States and public health laboratories and foreign counterparts.

It would also strengthen the reporting capabilities of the World Health Organization, whose decision to issue a global alert in March allowed health officials around the world to take appropriate measures to control the spread of SARS.

All these provisions strengthen a global surveillance network which will detect the unique symptoms of an epidemic before it spreads and allow earlier diagnosis and better containment measures.

I call on my colleagues to support this important bill and help us close the huge gaps in our defense against emerging diseases.

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

SPEECH OF
HON. BARBARA CUBIN
OF WYOMING
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 3, 2003

Mrs. CUBIN. Mr. Speaker, I rise today in strong support of H.J. Res. 4, a constitutional amendment to restore protections for the most widely recognized symbol of our nation and our traditions, the flag of the United States of America.

Some would call stuffing an American flag in a toilet or a trash can a work of art. I would call it a disgrace. Too many brave Americans have fought and died in defense of our flag to allow it to be soiled. In fact, they’re fighting even today in Afghanistan, Iraq and all over the globe to secure the ideals for which the flag stands.

Mr. Speaker, I spent this past weekend in my home state of Wyoming to celebrate Memorial Day. I spoke to a veteran there who wore a shirt with a picture of our flag and the legend, “This flag wasn’t earned to be burned.”

Over the course of our history, more than a million brave Americans have given their lives in defense of our flag. We should honor their sacrifice by defending the flag with the same conviction they did. I urge the passage of this bill and yield back the balance of my time.

PERSONAL EXPLANATION

HON. JIM KOLBE
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. KOLBE. Mr. Speaker, on Rollcall 234 on 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, I inadvertently voted “yea” but I meant to vote “nay.” Although I abhor desecration of our flag, I believe it is a form of political expression and dissent protected under the First Amendment. I would like the record to reflect that my intended vote was “nay.”

ASSURED FUNDING FOR VETERANS HEALTH CARE ACT OF 2003

HON. LANE EVANS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. EVANS. Mr. Speaker, today, on behalf of myself and 72 of my colleagues, I am introducing H.R. 2318 the “Assured Funding for Veterans Health Care Act of 2003.” Starting in Fiscal Year 2005, the bill would require the Secretary of the Treasury to provide funding for the Department of Veterans Affairs Health Care System based on the number of enrollees in the system and the consumer price
by using a mandatory funding mechanism, or funding should occur through modifications to Housing and Urban Development threshold for low-income housing, the latter of which is the right thing to do for our veterans. Every major veterans service organization, including The American Legion, Disabled American Veterans, and Veterans of Foreign Wars, has stated support for this bill. Join us in the fight to do the right thing for our veterans. Join me in cosponsoring the “Assured Funding for Veterans Health Care Act of 2003”.

Mr. NEY. Mr. Speaker, whereas, Cassie Shaw, of Ohio
HON. ROBERT W. NEY OF OHIO

THE SANTA CLARA COUNTY CALIFORNIA DEMOCRATIC CONGRESSIONAL DELEGATIONS HONOR AMY B. DEAN

HON. ANNA G. ESHEE OF CALIFORNIA
HON. MICHAEL M. HONDA OF CALIFORNIA
HON. ZOE LOFGREN OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Ms. ESHEE. Mr. Speaker, Mr. Honda, Ms. LOFGREN, and myself, rise to honor Amy B. Dean, Chief Executive Officer of the South Bay AFL-CIO Labor Council who is leaving the Bay Area to go back to her original home of Chicago. On June 7, 2003, Amy Dean will be participating in her final COPE Awards Banquet as CEO of the organization she has so ably led. Through Amy Dean’s leadership, the South Bay AFL-CIO Labor Council has been extremely successful in working for living wage contracts for city workers, affordable housing requirements in new developments, and health insurance for every child in Santa Clara County. Amy Dean has a tireless passion and enthusiasm for social justice and has helped to strengthen the movement, bringing dignity and hope to countless families, whether they are union or non-union workers. Amy Dean was the youngest person in the country to lead a large metropolitan labor council and the first woman to head a labor council as large as the South Bay AFL-CIO Labor Council. She founded Working Partnerships USA, a non-profit organization dedicated to rebuilding the links between regional economic policy and community well-being. She has been widely recognized for her many accomplishments, has served on many committees and advisory boards and has written extensively on labor issues.

Mr. Speaker, we ask our colleagues to join us in honoring Amy B. Dean for her extraordinary service to our community as an ardent advocate for working women and men and their families.
CONSTITUTIONAL AMENDMENT

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

HON. TOM UDALL
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in opposition to H.J. Res. 4, the proposed amendment to the Constitution to prohibit the physical desecration of the United States flag. I respect our flag, what it stands for, and personally deplore acts of desecration against the flag. However, I believe that our commitment to respecting our flag while preserving our fundamental freedoms, as symbolized by our flag and embodied in the Constitution and Bill of Rights, can be met without amending the Constitution.

Many Members of Congress see continued tension between “free speech” decisions of the Supreme Court, which protect flag desecration as an expression of first amendment speech, and the symbolic significance of the United States flag. Consequently, every Congress that has convened since those decisions were issued has considered possible measures to permit the punishment of those who engage in flag desecration. However, the amendment offered today by the majority would diminish the First Amendment’s guarantee of freedom of expression, one of our most fundamental guarantees of the Bill of Rights.

Amending the U.S. Constitution is necessarily and understandably a rigorous task. To become the law of the land, the flag desecration amendment would have to get the approval of two-thirds of both chambers of Congress and then be ratified by three quarters of the state legislatures. The fact that only 27 amendments, including the Bill of Rights, the civil rights amendments, and women’s suffrage, have been made to the Constitution in the past 200 years illuminates the infrequency of such legislative initiatives. Moreover, since its ratification in 1791, the Bill of Rights has not been altered in any manner. Consequently, I believe that passage of such an amendment would set a dangerous precedent for further erosion of our constitutional rights and freedoms.

Not only is amending the Constitution a task that must not be taken lightly, we must be absolutely sure that it is necessary. In this case, I am not convinced that the requisite level of necessity exists. For example, flag burning is an exceedingly rare occurrence—since the Supreme Court’s free speech, flag desecration decisions, fewer than 10 flag burning incidents have been reported each year.

Considering this, I believe that amending the Constitution to address the shameful conduct of such a minute portion of our general populace is simply unnecessary. This conviction is generally supported by a letter sent to Senator PATRICK LEAHY in May 1999, in which General Colin Powell, now Secretary of State, wrote that “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 to those 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 sunk away.” Secretary Powell, one of our most noted patriots and war heroes, obviously believes that diminishing our First Amendment rights is not the solution to the perceived problem at hand.

Taking into account the infrequency of flag desecration, as noted by Secretary of State Powell, I question today what it is that we are trying to regulate: is it the act of physical desecration itself or rather the sentiment behind the action? I believe that H.J. Res. 4 would affectively and severely abridge our rights of free expression. As such, I will oppose passage of this proposed constitutional amendment.

TRIBUTE TO MR. JACOB HOFFMAN

HON. ROBERT A. BRADY
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor a respected member of the Philadelphia community, Mr. Jacob Hoffman is turning 100 years young.

Mr. Hoffman, a resident of Brith Shalom House, will celebrate his 100th birthday this July 2, 2003. A retired real estate broker and developer, Mr. Hoffman is well regarded in the real estate community. He served on the Philadelphia Board of Realtors and was a founder of the south Philadelphia Realty Board in 1929.

Mr. Hoffman has remained very active in Jewish circles. He received a citation for being one of B’nai B’rith for over 50 years. He is the oldest board member of Har Zion Temple and is also a member of the Lions Club. Along with his two daughters, three grandchildren, and two great grandchildren, I ask that you and my other distinguished colleagues join me in congratulating Mr. Jacob Hoffman during his 100th birthday celebration.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1997, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest designee of the Senate Rules Committee—the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 5, 2003 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

JUNE 6

9:30 a.m.  Judiciary
To hold hearings to examine the nomination of Eduardo Aguirre, J., of Texas, to be Director of the Bureau of Citizenship and Immigration Services, Department of Homeland Security.

10 a.m.  Finance
To hold hearings to examine issues related to strengthening and improving Medicare.

9:30 a.m.  Armed Services
To hold closed hearings to examine certain intelligence programs.

10 a.m.  Banking, Housing, and Urban Affairs
To hold hearings to examine reauthorization of the Federal Motor Carrier Safety Administration.

11 a.m.  Governmental Affairs
To hold hearings to examine castaway children, focusing on whether parents must relinquish custody in order to secure mental health services for their children.

2 p.m.  Commission on Security and Cooperation in Europe
To hold hearings to examine internally displaced persons in the Caucasus Region and Southeastern Anatolia.

2:30 p.m.  Energy and Natural Resources
To hold hearings to examine S. 499, to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers, S. 546, to provide for the protection of paleontological resources on Federal lands, S. 644, to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct
and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, S. 677, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, S. 1060 and H.R. 1577, bills to designate the visitor center in Organ Pipe National Monument in Arizona as the “Kris Eggle Visitor Center”, H.R. 255, to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretive Center in Nebraska City, Nebraska, and H.R. 1012, to establish the Carter G. Woodson Home National Historic Site in the District of Columbia.

JUNE 11

9 a.m.

Governmental Affairs
Investigations Subcommittee
To hold hearings to examine patient safety, focusing on instilling hospitals with a culture of continuous improvement.

JUNE 12

9:30 a.m.

Commerce, Science, and Transportation
To hold hearings to examine global overfishing.

Foreign Relations
To hold hearings to examine repercussions of Iraq stabilization and reconstruction policies.

10 a.m.

Agriculture, Nutrition, and Forestry
To hold hearings to examine the Department of Agriculture's implementation of the Agricultural Risk Protection Act of 2000 and related crop insurance issues.

Health, Education, Labor, and Pensions
To hold hearings to examine private sector lessons for Medicare.

2 p.m.

Health, Education, Labor, and Pensions
To hold hearings to examine certain issues relative to TWA.

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 434, 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 purposes, S. 435, to provide for the conveyance by the Secretary of Agriculture of the Sandpoint Federal Building and adjacent land in Sandpoint, Idaho, S. 490, 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 to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts, S. 1111, 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, and H.R. 622, to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona.

2:30 p.m.

Commerce, Science, and Transportation
Competition, Foreign Commerce, and Infrastructure Subcommittee
To hold hearings to examine reauthorization of the Federal Trade Commission.

Science, Technology, and Space Subcommittee
To hold hearings to examine issues relating to cloning.
HIGHLIGHTS

The House passed S. 3, Partial-Birth Abortion Ban Act after amending it to contain the text of H.R. 760, as passed the House.

Senate

Chamber Action

Routine Proceedings, pages S7269–S7415

Measures Introduced: Ten bills and three resolutions were introduced, as follows: S. 1178–1187, S. Res. 159, and S. Con. Res. 48–49. Page S7381

Measures Passed:

National Defense Authorization Act: Senate passed H.R. 1588, 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, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 1050, Senate companion measure, as passed by the Senate on May 22, 2003, and after taking action on the following amendments proposed thereto: Pages S7279–S7365

Adopted:

Kennedy Amendment No. 847, to change the requirements for naturalization through service in the Armed Forces of the United States, to extend naturalization benefits to members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces, to extend posthumous benefits to surviving spouses, children, and parents. Pages S7280–83

Reid Amendment No. 848, to permit retired members of the Armed Forces who have a service-connected disability to receive both military pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability. Pages S7284–86

Rejected:

By 42 yeas to 53 nays (Vote No. 205), Dorgan Amendment No. 849, to repeal the authorities and requirements for a base closure round in 2005. Pages S7286–95, S7297

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Warner, McCain, Inhofe, Roberts, Allard, Sessions, Collins, Ensign, Talent, Chambliss, Graham (SC), Dole, Cornyn, Levin, Kennedy, Byrd, Lieberman, Reed, Akaka, Nelson (FL), Nelson (NE), Dayton, Bayh, Clinton, and Pryor.

Subsequently, Senate vitiated the May 22, 2003 passage of S. 1050.

Subsequently, S. 1050 be returned to the Senate Calendar.

A unanimous-consent agreement was reached with respect to further consideration of S. 1047, S. 1048, and S. 1049; that if the Senate receives a message from the House of Representatives with regard to any of these measures, the Senate disagree to the amendment or amendments of the House to the Senate-passed bill, and agree to or request a conference, as appropriate, with the House of Representatives on the disagreeing votes of the two Houses; that the Chair be authorized to appoint conferees; and that the foregoing occur without any intervening action or debate.

A unanimous-consent agreement was reached providing that the engrossment of S. 1047, as passed by the Senate on May 22, 2003, be corrected by inserting the text of Amendment Nos. 847 and 848 to H.R. 1588.

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 S7365–73
Rejected:

By 37 yeas to 58 nays (Vote No. 206), Bingaman/Sununu Modified Amendment No. 851 (to Amendment No. 850), to authorize the Secretary of Energy to waive the ethanol mandate on the East and West Coast in the event of a significant price increase or supply interruption.

Pending:

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.

Domenici (for Frist) Amendment No. 850, 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.

Schumer/Clinton Amendment No. 853 (to Amendment No. 850), to exclude Petroleum Administration for Defense Districts I, IV, and V from the renewable fuel program.

A unanimous-consent agreement was reached providing that the only remaining second-degree amendments to Domenici Amendment No. 850 (listed above) be ethanol-related amendments by Senators Schumer (listed above) and Boxer (two amendments); that when the Senate resumes consideration of S. 14 at 10 a.m., on Thursday, June 5, 2003, Senator Boxer be recognized to offer an amendment; and that following debate on the ethanol-related amendments, they be temporarily set aside and the votes occur in relation to the amendments in the order offered at a time determined by the Majority Leader, after consultation with the Democratic Leader.

Text of H.R. 1588 as Previously Passed (Senate amendment which is the text of S. 1050, as passed the Senate on 5–22–03, and further amended on today):

Text of S. 1047 as Previously Passed (Division A of Senate amendment to H.R. 1588):

Text of S. 1048, as Previously Passed (Division B of Senate amendment to H.R. 1588):

Text of S. 1049, as Previously Passed (Division C of Senate amendment to H.R. 1588):

Record Votes: Two record votes were taken today.

Adjournment: Senate met at 9:30 a.m., and adjourned at 6:20 p.m., until 9:30 a.m., on Thursday, June 5, 2003. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S7415.)

Committee Meetings

(Committees not listed did not meet)

MEDIA OWNERSHIP

Committee on Commerce, Science, and Transportation: Committee concluded oversight hearings to examine activities of the Federal Communications Commission, focusing on their recent decision to adopt new broadcast ownership limits, after receiving testimony from Michael K. Powell, Chairman, and Kathleen Q. Abernathy, Michael J. Copps, Kevin J. Martin, Jonathan S. Adelstein, each a Commissioner, all of the Federal Communications Commission.

PUBLIC LANDS

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded 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 country 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 Gibola 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, after receiving testimony from Senator Murray; Mark Rey, Under Secretary of Agriculture for Natural Resources and Environment; Jim Hughes, Deputy Director, Bureau of Land Management, Department of the Interior; Mike Town, Friends of the Wild Sky, Skykomish, Washington; Mark Heckert, Washington Wildlife Federation, Olympia; Ed Husmann, Sultan, Washington, on behalf of the Snohomish County Farm Bureau; and John Postema, Snohomish, Washington.

IRAQ RECONSTRUCTION
Committee on Foreign Relations: Committee held hearings to examine Iraq stabilization and reconstruction, focusing on international contributions and resources, receiving testimony from Alan P. Larson, Under Secretary of State for Economic, Business and Agricultural Affairs; Dov S. Zakheim, Under Secretary of Defense (Comptroller); John B. Taylor, Under Secretary of the Treasury for International Affairs; and Andrew S. Natsios, Administrator, U.S. Agency for International Development.

Hearing continue on Thursday, June 12.

NATIONAL SECURITY PERSONNEL SYSTEM
Committee on Governmental Affairs: Committee concluded hearings to examine proposed legislation to create a National Security Personnel System, focusing on transforming the way the Department of Defense recruits, retains and manages its civilian workforce, after receiving testimony from Donald H. Rumsfeld, Secretary of Defense; David M. Walker, Comptroller General of the United States, General Accounting Office; Bobby L. Harnage, Sr., American Federation of Government Employees (AFL–CIO), Washington, D.C.; Paul C. Light, New York University Wagner School of Public Service, New York, on behalf of the Center for Public Service and the Brookings Institution.

INDIAN RESERVATION ROADS PROGRAM
Committee on Indian Affairs: Committee concluded hearings on 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, 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. 1165, to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads, after receiving testimony from Senator Bingaman; Arthur E. Hamilton, Associate Administrator for Federal Lands Highways, Federal Highway Administration, Department of Transportation; Terry Virden, Director, Bureau of Indian Affairs, Department of the Interior; Joe Shirley, Jr., Navajo Nation, Window Rock, Arizona; Chadwick Smith, Cherokee Nation, Tahlequah, Oklahoma; Richard Milonovich, Agua Caliente Band of Cahuilla, Palm Springs, California; James Garrigan, Red Lake Band of Chippewa Indians of Minnesota, Red Lake; and Loretta Bullard, Kawerak, Inc., Nome, Alaska.

AUTHORIZATION—SMALL BUSINESS ADMINISTRATION
Committee on Small Business and Entrepreneurship: Committee concluded hearings to examine the President’s proposed budget request and proposed legislation authorizing funds for fiscal year 2004 for the Small Business Administration, after receiving testimony from Hector V. Barreto, Administrator, Small Business Administration.

House of Representatives

Chamber Action

Measures Introduced: 26 public bills, H.R. 2318–2343; and; 3 resolutions, H. Con. Res. 206–207, and H. Res. 259, were introduced.

Pages H4976–77

Additional Cosponsors: Pages H4978–79

Reports Filed: Reports were filed today as follows:

Supplemental report on H.R. 1086, to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards (H. Rept. 108–125, Pt. 2);

H. Res. 258, providing for consideration of S. 222, to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for consideration of 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 (H. Rept. 108–140); and

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 (H. Rept. 108–141).

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative Bass to act as Speaker Pro Tempore for today.

**Guest Chaplain:** The prayer was offered by the Rev. Clint Decker, pastor, Clay Center Wesleyan Church of Clay Center, Kansas.

**Recess:** The House recessed at 10:32 a.m. and reconvened at 1:02 p.m.

**Suspension:** The House agreed to suspend the rules and agree to the following measures:

**Commending the Participants and Supporters of Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq:** H. Con. Res. 177, amended, recognizing and commending the members of the United States Armed Forces and their leaders, and the allies of the United States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations (agreed to by 2/3 yea-and-nay vote of 406 yeas to 2 nays with 8 voting “present”, Roll No. 237);

**Commending the Support of Businesses and Business Owners to the Armed Forces and their Families:** H. Res. 201, expressing the sense of the House of Representatives that our Nation’s businesses and business owners should be commended for their support of our troops and their families as they serve our country in many ways, especially in these days of increased engagement of our military in strategic locations around our Nation and around the world (agreed to by 2/3 yea-and-nay vote of 410 yeas with none voting “nay”, Roll No. 238);

**Sports Agent Responsibility and Trust Act:** H. R. 361, amended, to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission; and

**Armed Forces Naturalization Act:** H. R. 1954, amended, to revise the provisions of the Immigration and Nationality Act relating to naturalization through service in the Armed Forces (agreed to by 2/3 yea-and-nay vote of 414 yeas to 5 nays, Roll No. 239).

**Supplemental Report:** Agreed that the Committee on the Judiciary have permission to file a supplemental report on H.R. 1086, Standards Development Organization Advancement Act of 2003.

**Partial-Birth Abortion Ban Act:** The House passed H.R. 760, to prohibit the procedure commonly known as partial-birth abortion by yea-and-nay vote of 282 yeas to 139 nays, Roll No. 242. The House subsequently passed S. 3, a similar Senate-passed bill after striking all after the enacting clause and inserting in lieu the provisions of H.R. 760, as passed the House, and H.R. 760 was laid upon the table. The House insisted on its amendment and requested a conference with the Senate. Appointed as conferees from the Committee on the Judiciary: Chairman Sensenbrenner and Representatives Hyde and Nadler.

**Order of Business—Joint Committee to Review House and Senate Rules Pertaining to the Continuity of Congress:** Agreed that it be in order at any time without intervention of any point of order to consider 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; that it shall be considered as read for amendment; debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and the previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion.

Senate Message: Message received from the Senate today appear on page H4879.

Referral: S. 313 was referred to the Committee on Energy and Commerce.

Amendments: Amendments ordered printed pursuant to the rule appear on page H4979.

Quorum Calls—Votes: Seven yea-and-nay votes developed during the proceedings of the House today and appear on pages H4919, H4920, H4920–21, H4921, H4948, H4949–50, and H4950–51. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:45 p.m.

Committee Meetings

FARM BILL—CONSERVATION TITLE IMPLEMENTATION

Committee on Agriculture: Subcommittee on Conservation, Credit, Rural Development, and Research held a hearing to review conservation technical assistance and the implementation of the Conservation Title of the 2002 Farm Bill. Testimony was heard from Jim Moseley, Deputy Secretary, USDA; and public witnesses.

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Subcommittee on the District of Columbia held a hearing on Fiscal Year 2004 Budget Request. Testimony was heard from the following officials of the District of Columbia: Anthony Williams, Mayor; Linda Cropp, Chairman, Council; and Natwar Gandhi, Chief Financial Officer.

TEACHER RECRUITMENT AND RETENTION ACT; READY TO TEACH ACT

Committee on Education and the Workforce: Subcommittee on 21st Century Competitiveness approved for full Committee action, as amended, the following bills: H.R. 438, Teacher Recruitment and Retention Act of 2003; and H.R. 2211, Ready to Teach Act of 2003.

STRENGTHENING PENSION SECURITY

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing on “Strengthening Pension Security: Examining the Health and Future of Defined Benefit Pension Plans.” Testimony was heard from public witnesses.

WIRELESS E–911 IMPLEMENTATION

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled “Wireless E–911 Implementation: Progress and Remaining Hurdles.” Testimony was heard from John B. Muleta, Bureau Chief, Wireless Telecommunications, FCC; and public witnesses.

FAIR CREDIT REPORTING ACT

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled “Fair Credit Reporting Act: How it Functions for Consumers and the Economy.” Testimony was heard from Howard Beales, Director, Bureau of Consumer Affairs, FTC; Dolores Smith, Director, Division of Consumer and Community Affairs, Board of Governors, Federal Reserve System; William H. Sorell, Attorney General, State of Vermont; and public witnesses.

U.S. NONPROLIFERATION POLICY AFTER IRAQ

Committee on International Relations: Held a hearing on U.S. Nonproliferation Policy After Iraq. Testimony was heard from John R. Bolton, Under Secretary, Arms Control and International Security, Department of State; Alan Zelikoff, Senior Scientist, Center for Nonproliferation Studies, Sands National Laboratories; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Subcommittee on Africa approved for full Committee action 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, amended, 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, amended, regarding the importance of international efforts to abolish slavery and other human rights abuses in the Sudan.

PROPOSED JOINT COMMITTEE—REVIEW HOUSE AND SENATE RULES, AND OTHER MATTERS ASSURING CONTINUING REPRESENTATION AND CONGRESSIONAL OPERATIONS

Committee on Rules: Ordered reported 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.

Prior to this action, the Subcommittee on Technology and the House held a hearing on the concurrent resolution. Testimony was heard from Representatives Dreier and Frost.

ZUNI INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT; AND GRAND TETON NATIONAL PARK LAND EXCHANGE ACT

Committee on Rules: Granted, by a vote of 8 to 3, a closed rule providing that S. 222, Zuni Indian Tribe Water Rights Settlement Act shall be debatable in the House for 40 minutes equally divided between the chairman and ranking minority member of the Committee on Resources. The rule waives all points of order against consideration of S. 222. The rule provides one motion to recommit, with or without instructions, for S. 222. The rule further provides that S. 273, Grand Teton National Park Land Exchange Act, shall be debatable in the House for 40 minutes equally divided between the chairman and ranking minority member of the Committee on Resources. The rule waives all points of order against consideration of S. 273. Finally, the rule provides one motion to recommit, with or without instructions, for S. 273.

AQUATIC INVASIVE SPECIES RESEARCH ACT

Committee on Science: Ordered reported, as amended, H.R. 1081, Aquatic Invasive Species Research Act.

STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE FIREFIGHTERS ACT

Committee on Science: Held a hearing on H.R. 1118, Staffing for Adequate Fire and Emergency Response Firefighters Act of 2003. Testimony was heard from public witnesses.

SMALL BUSINESS ADVOCACY IMPROVEMENT ACT


VISA APPROVAL BACKLOG

Committee on Small Business: Held a hearing on the Visa Approval Backlog and its impact on American Small Business. Testimony was heard from Janice L. Jacobs, Deputy Assistant Secretary, Visa Services, Department of State; Robert J. Garrity, Deputy Assistant Director, FBI, Department of Justice; and public witnesses.

ECONOMIC DEVELOPMENT ADMINISTRATION REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held an oversight hearing on The Administration’s Proposal to Reauthorize the Economic Development Administration. Testimony was heard from David A. Sampson, Assistant Secretary, Economic Development, Department of Commerce and a public witness.

WATER: IS IT THE “OIL” OF THE 21ST CENTURY?

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment concluded oversight hearings on Water: Is it the “Oil” of the 21st Century? Testimony was heard from public witnesses.

CIA TECHNICAL PROGRAM

Permanent Select Committee on Intelligence: Subcommittee on Human Intelligence, Analysis and Counterintelligence met in executive session to hold a hearing on CIA Technical Program. Testimony was heard from departmental witnesses.

Joint Meetings

SERBIA

COMMITTEE MEETINGS FOR THURSDAY, JUNE 5, 2003

Senate

Committee on Appropriations: Subcommittee on Foreign Operations, to hold hearings to examine proposed budget estimates for fiscal year 2004 for foreign operations, 2 p.m., SD–192.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine reauthorization of the Defense Production Act, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine Title XI, 2:30 a.m., SR–253.

Subcommittee on Surface Transportation and Merchant Marine, to hold hearings to examine financing AMTRAK, 10 a.m., SR–253.

Committee on Environment and Public Works: Subcommittee on Clean Air, Climate Change, and Nuclear Safety, to hold hearings to examine S. 485, to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program, focusing on emissions-control technologies and utility-sector investment issues, 9:30 a.m., SD–406.

Committee on Finance: to hold hearings to examine S. 824, to reauthorize the Federal Aviation Administration, Time to be announced, Room to be announced.

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine life inside North Korea, 1:30 p.m., SD–419.

Committee on Governmental Affairs: to hold hearings to examine the nominations of C. Stewart Verdery, Jr., of Virginia, and Michael J. Garcia, of New York, both to be an Assistant Secretary of Homeland Security, 10:30 a.m., SD–342.

Committee on the Judiciary: business meeting to consider S. Res. 116, commemorating the life, achievements, and contributions of Al Lerner, and the nominations of R. Hewitt Pate, of Virginia, to be an Assistant Attorney General, David B. Rivkin, Jr., of Virginia, to be a Member of the Foreign Claims Settlement Commission of the United States, Richard C. Wesley, of New York, to be United States Circuit Judge for the Second Circuit, J. Ronnie Greer, to be United States District Judge for the Eastern District of Tennessee, Thomas M. Hardiman, to be United States District Judge for the Western District of Pennsylvania, Mark R. Kravitz, to be United States District Judge for the District of Connecticut, and John A. Woodcock, Jr., to be United States District Judge for the District of Maine, 9:30 a.m., SD–226.

Committee on Rules and Administration: to hold hearings to examine Senate Rule XXII relative to the cloture rule and proposals to amend this rule, 2 p.m., SR–301.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing on the Commodity Futures Trading Commission, 10 a.m., 1300 Longworth.


Committee on the Judiciary, oversight hearing entitled "The United States Department of Justice," 9 a.m., 2141 Rayburn.


Committee on Transportation and Infrastructure, Subcommittee on Aviation, oversight hearing on The Aircraft Cabin Environment, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Intelligence Policy and National Security, executive, briefing on Global Intelligence Update, 9 a.m., H–405 Capital.

Select Committee on Homeland Security, Subcommittee on Emergency Preparedness and Response and the Subcommittee on Intelligence and Counterterrorism, joint hearing entitled "Does the Homeland Security Act of 2002 give the Department the tools it needs to Determine Which Bio-Warfare Threats are Most Serious?" 2 p.m., 2318 Rayburn.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine arming rogue regimes, focusing the role of OSCE Participating States, 10 a.m., 334 Cannon Building.
Next Meeting of the SENATE
9:30 a.m., Thursday, June 5

Senate Chamber
Program for Thursday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will continue consideration of S. 14, to enhance the energy security of the United States, with votes to occur on certain amendments.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, June 5

House Chamber
Program for Thursday: Consideration of H.R. 1474, Check Clearing for the 21st Century Act (open rule, one hour of debate);
Consideration of H. Con. Res. 190, Joint Committee to Review House and Senate Rules Pertaining to the Continuity of Congress (unanimous consent, one hour of debate);
Consideration of S. 222, Zuni Indian Tribe Water Rights Settlement Act (closed rule, 40 minutes of debate); and
Consideration of S. 273, Grand Teton National Park Land Exchange Act (closed rule, 40 minutes of debate).

Extensions of Remarks, as inserted in this issue

Briefs, June 4, 2003

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