The House met at 10 a.m.

The Very Reverend Ernesto Medina, Provost, Cathedral Center of St. Paul, Los Angeles, California, offered the following prayer:

Loving God, in Your word You have given us a vision of that holy city to which the nations of the world bring their glory. Behold and visit, we pray, the communities on this Earth. Renew the ties of mutual regard which form our civic life. Send us honest and able leaders which stand to eliminate poverty, prejudice and oppression, that peace may prevail with righteousness, and justice with order, and that men and women from different cultures and with differing talents may find with one another the fulfillment of their humanity.

O God, the fountain of wisdom, whose will is good and gracious and whose law is truth: We pray You so to guide and bless our Representatives in Congress assembled, that they may enact such laws as shall please You, to the glory of Your name and the welfare of this people; in Your holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journel of the last day's proceedings and announces to the House his approval thereof.

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. BECERRA) come forward and lead the House in the Pledge of Allegiance.

Mr. BECERRA 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.
say that today, the first day perhaps in more than 2 weeks when we see the sun out in Washington, D.C., that Reverend Medina has come forward.

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

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

Mr. DREIER. Mr. Speaker, I would simply like to join my friend in welcoming Reverend Medina, who has just informed me that he is a constituent of mine. We are very appreciative of the prayer and the very kind words.

Mr. BECERRA. I join with my colleague from California (Mr. DREIER) in recognizing that not only is he an able reverend but he is also a very important constituent. I thank the Speaker for this opportunity to express some thoughts for this 1 minute. I thank the reverend for making the trip to Washington, D.C., and bringing the sunshine with him.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

Office of the Clerk,
House of Representatives,

Hon. J. Dennis Hastert,
Speaker, House of Representatives,
Washington, D.C.

Dear Mr. Speaker:

I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Ann McGeehan, Director of Elections, State of Texas, indicating that the unofficial results of the Special Runoff Election held on Tuesday, June 3, 2003, show that Randy Neugebauer won the runoff election.

The Governor will canvass the election returns no later than June 10, 2003, and will issue certificate of election to Congressman-elect Neugebauer.

I am enclosing a copy of the unofficial election results. As soon as the results are official, I will forward them to you along with the certificate of election.

Sincerely,

Jeff Trandahl

Attachment.

Elections Division,
Austin, Texas, June 4, 2003.

Hon. Jeff Trandahl
Clerk, House of Representatives, The Capitol,
Washington, D.C.

Dear Mr. Trandahl: This to advise you that the unofficial results of the Special Runoff Election held on Tuesday, June 3, 2003, for Representative in Congress from the Nineteenth Congressional District of Texas show that Randy Neugebauer won the runoff election.

The Governor will canvass the election returns no later than June 10, 2003, and will issue certificate of election to Congressman-elect Neugebauer.

I am enclosing a copy of the unofficial election results. As soon as the results are official, I will forward them to you along with the certificate of election.

Your truly,

Ann McGeehan, Director of Elections.

Enc.

Vote 

<table>
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<tr>
<th>Name</th>
<th>Total</th>
<th>% of vote</th>
<th>Ranking</th>
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<td>50.52</td>
<td>14,667</td>
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Vote total: 56,505 100.00 28,649 100.00

SWEARING IN OF THE HONORABLE RANDY NEUGEBAUER OF TEXAS AS A MEMBER OF THE HOUSE

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. Neugebauer) be permitted to take the oath of office today.

His certificate of election has not arrived; but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. Will the Representative-elect and the members of the Texas delegation present themselves in the well.

Mr. NEUGEBAUER appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are now a Member of the 108th Congress.

INTRODUCING THE HONORABLE RANDY NEUGEBAUER AS NEWEST MEMBER OF 108TH CONGRESS

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

Mr. BARTON of Texas. Mr. Speaker, it is my distinct privilege to introduce to the House of Representatives the fourth member to represent the 19th Congressional District of Texas, the 236th Texan to serve in the House, and the 9,833rd U.S. citizen to serve as a member of the House of Representatives, the Honorable Randy Neugebauer, born on December 24, Christmas Eve, 1949, graduate of Texas Tech University, High Plains citizen, small businessman, banker, home developer, and the winner of a historic vote, I believe, by 700 votes. He will say that there were more people in Lubbock that wanted to vote than wanted to vote in Midland, Texas. He now represents both the Permian Basin and the High Plains. We are absolutely delighted to have you. You join such former Texans, Presidents like Lyndon Johnson and George W. Bush, Speakers like Jim Wright and Sam Rayburn, majority leaders like Tom DeLay and Dick Armey in this august body.

We are delighted to have you. Welcome to the United States House of Representatives.

MAIDEN SPEECH OF THE HONORABLE RANDY NEUGEBAUER AS NEWEST MEMBER OF 108TH CONGRESS

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

Mr. NEUGEBAUER. Mr. Speaker, thank you very much. Only the people sitting on this floor understand what I am feeling right now. It is a privilege and an honor to be a part of history and to be with this body today.

I want to recognize my wife and my parents. I have been away for 33 years and it’s up to the balcony there and my family. There is a scripture in Corinthians that says, “I am what I am by the grace of God.” I am here today because of the grace of God. I understand that, and I look forward to working with you.

I have one regret. I would have really liked to have been here yesterday and voted on the partial-birth abortion. I would have voted an affirmative banning the partial-birth abortion. I am glad to see that you did that. It is a pleasure to be here.

Thank you, Mr. Speaker. I look forward to working with you. I am the new kid on the block. I am the 435th ranking Member of the House of Representatives. I bumped some people up today, and I know they are glad of that. We certainly appreciate the Texas delegation and other Members being here today. We look forward to doing good work for the American people.

Thank you and God bless you.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will take 10 minutes on each side.

RECOGNIZING ANTONIO ARGIZ FOR HIS CONTRIBUTIONS TO THE SOUTH FLORIDA COMMUNITY

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

Ms. ROS-LEHTINEN. Mr. Speaker, today I stand in recognition of the wonderful contributions of a friend of the South Florida community, Mr. Antonio Argiz. Tony bravely journeyed to the United States from Cuba, without his parents, at the age of 8, thanks to Operation Peter Pan.

Determined to live the American dream, Tony attended Florida International University, where he earned his accounting degree. Recognized as an expert in forensic accounting, he was the first Cuban American appointed by the Governor to chair Florida’s board of accountancy.

Tony’s passion for business is matched by his dedication to our community in South Florida. Tony serves as the cochair of the United Way of Miami-Dade and has served on the
June 5, 2003

CONGRESSIONAL RECORD — HOUSE
H4983

STATEWIDE FLORIDA CONSTITUTIONAL REVISION COMMISSION.

Tony is a loving husband and the father of three who continues to put passion in his every endeavor. He is a true inspiration and an exemplary Floridian.

Gracias por todo mi amigo. Thank you, Tony.

ENSURE HEAD START’S CONTINUED SUCCESS

(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 celebrate the 38th anniversary of the Head Start Program. As a former Head Start kid, I know firsthand the valuable, comprehensive education program that Head Start does for low-income families, and I celebrate the program’s many achievements.

The Republicans, on the other hand, will celebrate Head Start’s 38 years of success by pushing forward with the School Readiness Act. This legislation is not only a bad idea, it has the possibility of eliminating key services to nearly 1 million students by converting the Head Start Program to a block grant program. Block granting Head Start is a blockheaded idea that will undoubtedly hurt this very successful program.

One problem in particular with this plan is that States are already dealing with huge budget deficits, and they may be tempted to divert Head Start funds to use for other purposes. How would that improve the Head Start Program?

I urge my colleagues to celebrate Head Start’s 38th anniversary by opposing this misguided legislation.

WHERE ARE IRAQI WEAPONS OF MASS DESTRUCTION?

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

Mr. HOLT. Mr. Speaker, Americans, indeed the whole world, are asking, why have we not found any weapons of mass destruction in Iraq, the vast quantities of anthrax, small pox, serum, mustard gas and other agents, the nuclear weapons, or the near-nuclear weapons?

Congress has an obligation to the American people and to our men and women in uniform to conduct a full inquiry. I think the House Permanent Select Committee on Intelligence is the right forum to do that.

Now, the administration says that Iraq has had 12 years of practice in hiding; the weapons were there, perhaps, but were destroyed; or maybe they were there but they were moved; or maybe they were not there, but could be constituted on demand. In any case, either there is something wrong, or the intelligence was too vague and imprecise to track what has happened to them.

The President says we are going to find weapons of mass destruction, he may be right. But it seems to me that since our troops have been into battle and committed our Nation to this war, we should have had a very good idea of just where those weapons of mass destruction were so that we could secure them and track them.

BIRTHDAY WISHES TO BOB HOPE

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

Mr. DREIER. Mr. Speaker, at a very early point in my life, I was taught that you can celebrate your birthday the week before and the week after the actual date.

A week ago today, we all know that Bob Hope celebrated his 100th birthday. These are actually in the midst of the celebration of the 50th birthday of our colleague, the gentleman from California (Mr. CALVERT).

When I think about Bob Hope, he is someone who I have been privileged to know for many years and have had the opportunity to spend time with him and his wonderful wife Delores and their family. But I will tell you, even when you are in small company with Bob Hope, you cannot help but be in awe of an individual who is virtually unparalleled in his commitment to the United States of America.

A year ago we were able to honor him by naming the Chapel at the Veterans Cemetery in West Los Angeles, with the help of his friends, Mary Jane and Charles Wick. There are countless people all over this world who have to continue to be indebted to Bob Hope for the great sacrifice that he has made and the personal service he’s brought to so many millions of individuals.

Happy birthday, Mr. Hope.

ENSURING AMERICA’S SECURITY FROM TERRORISM

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

Mr. BARTLETT of Maryland. Mr. Speaker, we have heard it said it so many times that it risks becoming a cliche: Our Nation is engaged in a war on terrorism.

Mr. CASE. Mr. Speaker, Erin Doyel asked the question, “what about my kid?” Her kid in this case is Adrienne. Erin works as a financial administrative assistant. She earns $12,675 a year. She goes to work every day. She is eligible for the child tax credit. In fact, she receives the child tax credit.

But what she will not receive is she will not receive the increase in the child tax credit that was passed this year, which would mean $400 to families with children who are eligible. But the Republicans made a decision that people like Erin and her daughter Adrienne will not receive it because they earn between $10,000 and $26,000 a year.

These are families with children who go to work every day, but they will not receive the benefit of the tax cut, they will not get the increase in the child tax credit, they will not have an easier time supporting their family for all of the hard work they do at very difficult and low wages, because the Republicans made a decision that Erin and Adrienne will not be included.

That is why Erin Doyel from Vallejo, California, is asking, what about my kid? Why are we treated differently than the rest of America’s families?
The Department of Treasury and the banks see things differently. The Treasury Department has issued a final rule to allow banks to accept the Mexican matricula I.D. card. But at the request of the banks, Treasury went even further. The rule does not even require banks to maintain copies of the matricula cards.

Ignorance in this case might be good business practice, but it is dangerous and foolhardy security policy. Our responsibility as Members of Congress is to make sure that terrorists cannot use American banks to finance attacks on our people.

HELPING CHILDREN WHO NEED HELP THE MOST

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

Mr. COOPER. Mr. Speaker, in 2 weeks ago this House made a terrible mistake in the tax cut bill, partly because that bill was rammed through this House under the so-called marshal law rule, with minimal notice or debate. Some 12 million American children who need the help were left out of that bill; 444,000 Tennessee children were left out of that bill. It is not too late to correct the mistake, and I hope that this House will take prompt action to help those 12 million children, including the 444,000 Tennessee children who need the help the most. The clock is ticking, Mr. Speaker. The world is watching. Let us help these kids.

ISRAELI-PALESTINIAN PEACE PROCESS

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER. Mr. Speaker, yesterday we saw a truly historic event as President Bush pushed the Israeli-Palestinian peace process forward. The road map to peace that President Bush has laid out has been accepted by the Israeli government, Palestinian Prime Minister Abu Mazan and other Arab leaders.

In fact, Abu Mazan became the first Palestinian leader to denounce terrorism as a solution to the conflict with Israel; and, significantly, those words were spoken in Arabic for the entire Arab world to hear.

Prime Minister Sharon also has helped move the process forward by not only continuing the dialogue but by taking concrete steps to show the commitment of the Israeli people to peace.

This is all very promising, but now words need to be backed up with action. None of this would have been possible without the bold leadership of President George W. Bush. I praise President Bush for his efforts. This is just another example of the President's consistent message to the world that the United States is ready to lead the world in the fight against terrorism and in the pursuit of peace and freedom.

EXTINGuish TAX CREDIT FOR CHILDREN TO ALL AMERICANS

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

Mr. PALLONE. Mr. Speaker, the Democrats feel very strongly that we need to move to put back in place this tax credit for children and families of children at lower income levels. These are working people. The Republicans made a huge mistake, and it shows where they are coming from when they eliminated giving a child tax credit to these working families at the lower end of the income spectrum.

But now what we hear is that the Republicans in the other body say, well, they are not going to do this unless we also give the child tax credit to people at a little higher income level. Now we hear that here in this House the Republican leadership says that they are probably not going to do it anyway, because they do not want to give the tax credit to the families of these lower-income working families.

Once again, the Republicans created this problem because they would not include the child tax credit for these working families, and they are still trying to stop it from becoming law and demanding that more money go to higher income people in order to pay for it.

When is this going to stop? When are we going to wake up and realize that what the Republican leadership is really all about in this tax bill and this series of tax bills is just helping the elite, the wealthy elite?

WEAPONS OF MASS DESTRUCTION FOUND IN IRAQ

(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, no weapons of mass destruction exist in Iraq. We know to a moral certitude of such weapons. How do we know? Saddam Hussein told us. On December 7 of last year, he told the U.N. that he owned 30,000 chemical weapons, but he forgot where he put them. We have not even found the weapons, but he forgot where he put them. How do we know? Saddam Hussein told us. On December 7 of last year, he told the U.N. that he owned 30,000 chemical weapons, but he forgot where he put them. We have not even found the chemical weapons that Saddam admitted to the U.N. he made. There are over 500 WMD sites in Iraq, and we have inspected less than half of them.

Remember Dr. Hussein Kamel? The U.N. inspected Iraq for 4 years between 1991 and 1995 and found no nuclear program. Dr. Kamel then told us that 40,000 Iraqis worked on nuclear weapons, but our intelligence missed it all. WMD in Iraq, it is inevitable that a final chapter will be written in this story. As Paul Harvey would say, and then we will say, "and now for the rest of the story."

PORiker of the week Award

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

Mr. HEFLEY. Mr. Speaker, a child's health agency has reportedly diverted Federal funds to a study of the sexual predilections of aging men. And, the National Institute of Child Health and Human Development has provided more than $137,000 for a 3-year study to provide the most comprehensive picture to date of the sexual behavior of aging men. The grants were sent in two fiscal years to the New England Research Institute to examine trends in a range of sexual behavior.

Good grief, we talk about budget deficits, and we spend our money like this. We should be ashamed. This money was intended to help children affiliated with pediatric illnesses and diseases, not to study sexual habits of America's senior men.

The National Institute of Child Health and Human Development gets my Porker of the Week Award.

TAX CUT

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

Ms. SOLIS. Mr. Speaker, I also wish to rise and express my outrage that, in the passing of an irresponsible tax cut, Republicans deliberately prevented families with incomes under $26,625 from receiving a child tax credit.

There is a family that I represent in my district. They also happen to be a family that sent one of their sons to war. He is still in Iraq. He would not even qualify for a rebate. It is outrageous that 31 percent of California families right now will not be eligible for any tax credit, child tax credit. That is 2.4 million children in California alone, a State that I represent. In my district, one out of every four families will get no child tax credit.

Families like this work hard, pay their taxes, are expecting to get some help from the government, and get nothing. They do not want a handout; they just want to be treated fairly. Yet somehow Republicans found $90 billion to give to 200,000 millionaire families. I do not even have one millionaires in my district.

This is the wrong thing to do. We need to not declare a war on working-class people.

CHILD TAX CREDIT

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)
Mr. BURGESS. Mr. Speaker, I recently listened to many of our friends on the other side of the aisle characterize the tax cuts as misdirected and targeted to the wrong people. According to the Joint Economic Committee, the recent tax cuts provide the largest percentage reductions in the income taxes of low- and middle-income groups, thereby shifting the tax burden upward.

Low-income families in particular benefit from this economic growth and tax reform. These are the very families who work hard, take risks, and are successful. We need the success of those individuals for the economy to recover. The country needs the jobs that their success will generate.

I remember 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. I believe it is time for some to figure out where they stand today.

PAYING TRIBUTE TO THE VICTIMS AND SURVIVORS OF BREAST CANCER

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 to pay tribute to the victims and the survivors of breast cancer. This Saturday, the Susan G. Komen Breast Cancer Foundation will sponsor the 14th annual Race for the Cure. Along with Members of my staff, I am entering this race in pursuit of a cure for this rampant disease.

Breast cancer is a disease that has affected the lives of many Georgians and many throughout our Nation. In fact, my wonderful wife of 30 years, Laura, is a breast cancer survivor. I know firsthand the strength and the dignity that she showed throughout this challenge.

I also know all too well the challenges that families face when confronting the harsh realities of breast cancer. But with early detection and aggressive treatment, we know that breast cancer does not mean a life sentence for women.

I am encouraged by the progress that cancer research has made and the struggle to defeat breast cancer. I realize we have a long way to go. But, Mr. Speaker, my wife and thousands of survivors like her are living proof that breast cancer is not an insurmountable challenge.

PROVIDING FOR CONSIDERATION OF H.R. 1474, CHECK CLEARING FOR THE 21ST CENTURY ACT

Mr. SESSIONS. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 256 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 256
Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House in its entirety in favor of House Concurrent Resolution No. 55, which authorizes and directs the Chairman of the Whole House on the state of the Union for consideration of the bill (H.R. 1474) to facilitate check truncation by authorizing substitute check clearance in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation’s payments system, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be limited to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original measure the purpose amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services. At the conclusion of the section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment only the committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of open rule proceedings the Committee shall rise and report the bill to the House with such amendments as may be adopted. Any Member may de- pend upon the House and a separate House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary diminution to the gentleman from Massachusetts (Mr. McGovern), pending which I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the resolution, House Resolution 256. This rule provides for consideration of H.R. 1474, the Check Clearing for the 21st Century Act.

The Committee on Rules on Tuesday afternoon granted an open rule providing for 1 hour of general debate in the House, the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. The rule waives all points of order against consideration of the bill, and provides one motion to recommit, with or without instructions.

I would like to reiterate to the House my satisfaction in the open rule granted for consideration of the underlying piece of legislation that we are debating today, which is also known as CHECK-21.

CHECK-21 is an important bill, although it may seem a bit confusing at first blush for America’s banking customers and check writers. The good news is this bill garnered bipartisan support in both the Committee on Financial Services and the Committee on Rules, and I anticipate the same result as we move forward towards final passage on the floor today.

The legislative work our House of Representatives will complete today builds on the legislative work that was started back in 1987 to foster innovation in the check collection system. The Expedited Funds Availability Act, which was signed into law in 1987, directed the Board of Governors of the Federal Reserve System to improve our check processing system.

Today we are making logical extensions to the work started in 1987 by using our much-improved electronic transfer technology to make check writing speedier and more reliable for all parties involved.

Mr. Speaker, each check that is written and used for payment is actually moving its way back to the check writer’s home bank. That is how each bank patron with a checking account gets the check he or she wrote mailed back to them so that it can appear in their monthly statement.

When we stop to think about it, there is a lot of time, money, and effort invested in getting checks back to their home banks. Checks that are written in one corner of our country today will be trucked and flown to their home banks and then be processed all over the country as a normal part of American commerce, a great expense of time and money. Today, American commerce bears the great expense of time and money associated with shipping checks around the country because it is worth it. Checks are an important commercial instrument that help keep our economy moving.

Today, as a cosponsor of the Check Clearing for the 21st Century Act, I am proud to announce an introduction of a new instrument of commerce into the American economy, the substitute check. The substitute check will provide opportunities to greatly decrease the frantic highway and air traffic associated with the gargantuan task of moving checks around the country every single year.

Thanks to electronic imaging, paper checks have the opportunity to be converted into a substitute check form transmitted in seconds to the home bank across the country, and printed out at their final destination as substitute checks.
The bill provides all those institutions that see electronic transfer of commercial paper as the latest wave in modernizing our economic system the opportunity to use substitute checks, but does not require it. That way we all have a choice into the new potential provided by the creation and introduction of substitute checks into the mainstream of commerce.

Finally, Mr. Speaker, I would like to reassure customers that the same protections provided today under the Uniform Commercial Code for paper checks would also apply to substitute checks. Additionally, CHECK–21 provides legal indemnification protection to bank customers for losses arising from the receipt of substitute checks.

CHECK–21 is a great bill, Mr. Speaker. I congratulate the gentleman from Ohio (Mr. Oxley) of the Committee on Financial Services, the gentleman from California (Mr. Dreier) of the Committee on Rules, as well as the gentleman from Alabama (Mr. Bachus), who is the subcommittee chairman that is directing this legislation today, as well as all the original cosponsors of this very important bill.

Therefore, Mr. Speaker, I urge my colleagues to support both the rule and the underlying legislation.

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

Mr. McGovern. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, we are here today to consider the rule for H.R. 1474, the Check Clearing for the 21st Century Act. I urge my colleagues to look at this resolution very closely, to study it, because it is a very, very rare specimen.

We all know some of the more famous endangered species, including the Virginia big-eared bat, the buff-headed wallaby; but just as rare is the House and the Senate. Do not make any sudden moves because we might startle it.

So far this year, the House has considered a total of 38 rules. So far, exactly four of them have been open, four for 38. That is a batting average of .105, which would get us kicked off my son’s T-ball team.

This is what passes for democracy around here, which brings us to the rule for H.R. 1474, the Check Clearing for the 21st Century Act. This is an open, transparent, noncontroversial bill. The issue for me, Mr. Speaker, is not the rule or the bill, but the fact that this open and fair process is almost never used in this body. Whenever an issue is the least bit contentious, whenever there is even a hint of disagreement about a bill, the majority clamps down on its Members, chokes off debate. It is not unusual for us to be in the Committee on Rules not only at odd hours of the day and night but also to hear hours of testimony from Members of Congress who have important legislation that they wish to bring forward; and I would like to be one member of that committee that stands up and says that I believe that the leadership of the gentleman from California (Mr. Dreier), our chairman, and his balance and wisdom and his dedication to a fair process is something that I believe sets this Committee on Rules up for success every single day. This bill that is on the floor is yet another example of that success that the chairman and this committee achieved.

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

The Committee on Rules meets on a regular basis throughout the week, taking up important pieces of legislation, hearing debate. It is not unusual for us to be in the Committee on Rules not only at odd hours of the day and night but also to hear hours of testimony from Members of Congress who have important legislation that they wish to bring forward; and I would like to be one member of that committee that stands up and says that I believe that the leadership of the gentleman from California (Mr. Dreier), our chairman, and his balance and wisdom and his dedication to a fair process is something that I believe sets this Committee on Rules up for success every single day. This bill that is on the floor is yet another example of that success that the chairman and this committee achieved.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. Bachus), the chairman of the Subcommittee on Financial Institutions and Consumer Credit.

Mr. Bachus. Mr. Speaker, the gentleman from Pennsylvania (Ms. Hart) and the gentleman from Tennessee (Mr. Ford), along with the gentleman from New Jersey (Mr. Ferguson) introduced this legislation; and the important piece of legislation that I think, basically describes what this is all about. It is the Check Clearing for the 21st Century Act. That is what we are doing.

We are replacing what the Chamber of Commerce described as an antiquated method of presenting and returning checks.

It is amazing to me that we had not taken this step 10 or 15 or 20 years ago.
But I do want to commend the gentlewoman from Pennsylvania (Ms. HART), and I want to commend the gentleman from Tennessee (Mr. FORD). I want to commend a bipartisan group of Members who come together to push this legislation and bring it out on the floor today.

This is a model for bipartisanship. There are 33 co-sponsors, Democrats, Republicans. The gentleman from Massachusetts (Mr. FRANK), the ranking member, and the gentleman from Ohio (Mr. FRANK), the ranking member, and the gentleman from Ohio (Mr. FRANK), the ranking member, and the gentleman from Ohio (Mr. FRANK), the ranking member.

We have an amendment that was introduced by the gentleman from North Carolina (Mr. WATT) which is included on page 11 in section 3, paragraph E. Part of that language clarifies that nothing in this act shall diminish in any way and everything in this act shall preserve all consumer protections. In fact, we have added consumer protections in this act.

But I want to be very brief and say what this does, in a nutshell. Americans write 42.5 billion checks a year; and about three-fourths of those checks have to move physically from the bank where they were deposited to the bank where the original maker was, many of them travel by air across the country. Most of them travel by air, but a good many of them travel by truck. When they do, they burn oil, making us more oil dependent. This bill as much as possible shall preserve all consumer protections in this act.

And a lot of people have probably not thought about this, but it is good news for those who travel by air because it will lessen the congestion at our airports. In fact, it is amazing that most Americans do not realize that literally every day tens of thousands of aircraft take to the sky taking back these original checks.

Now, what we are changing today is not something we have not been doing. What we will go to is actually the system the credit unions in this country have used for over 20 years. So it is nothing new. The credit unions have been using this process. In fact, some of our larger banks by agreement have been doing this process for years without any problems.

The Federal Reserve has urged for several years that we go to this system. It is good for our economy. Not only will it lessen our dependence on foreign oil, it will make our banking system more efficient. In a world economy where we compete with European nations which are already doing this, we do not need costs and burdens to our financial system that they do not have. In fact, we need to have the most efficient system in the world; and, in fact, this legislation will assure that this happens.

In conclusion, we will talk about the nuts and bolts of this legislation in the main debate. We will hear from the gentlewoman from Pennsylvania (Ms. HART) on this legislation. I want to commend the chairman, the gentleman from Ohio (Mr. OXLEY), for making this a priority. I want to commend the gentleman from Tennessee (Mr. FORD) for his leadership on this issue.

In conclusion, I want to commend all the Members of this body for continuing together on this important legislation. We built such a consensus piece of legislation that we have the credit unions endorsing this legislation. We have the community banks endorsing this legislation. We have the independent banks endorsing this legislation. We have the largest 100 financial institutions in the country endorsing this legislation. We have the regulators endorsing this legislation. We have the Chamber of Commerce and several consumer groups endorsing this legislation. And I fully expect that the overwhelming vote that this legislation received in the committee will be repeated out here on the floor with a strong bipartisan majority.

I would think that anyone that understands this legislation will vote in favor of it.

Mr. McGovern. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, the sort of checks that Americans are interested in hearing about are not the check clearing system technicality but the checks they receive as a result of their hard work or as a result of tax refunds.

This July most all Americans with children will be receiving a check in their mailbox as a result of the child tax credit that we passed some 2 weeks ago. Except for the parents who are in the military, who are in the National Guard who do not make a whole lot of money serving our country, and except for the low-income parents who work hard every day for minimum wage or a little bit above, they and their children will not be receiving these checks. Why? Six million parents, 12 million of the most deserving people in our country, will not be receiving checks because of a deliberate, secret, backroom deal cut by Republican leadership.

Now, most of my constituents want bipartisan government. They want Democrats and Republicans to work together for the greater good of this Nation. And now that our government is under the control of a Republican White House, a Republican Senate, and a Republican House leadership, people are asking, what decisions are they making?

Well, they are making decisions to leave out 12 million poor children, 12 million deserving folks who need a future in this country; and $400 each would do them a lot of good. It would not only stimulate the economy, it would address the fundamental fairness of the tax code.

Now, many of the folks on the right are saying, well, their parents do not pay taxes. They do pay payroll taxes. They pay property taxes. They pay sales taxes. I dare any of the Members to go to these people and say they do not pay taxes. These are not welfare recipients. These are hard-working people trying to build the American dream, and this House deliberately left out those parents and their 12 million children because we did not have room to fit it into a $350 billion tax bill. All we are asking for is 1 percent of that bill, $3.5 billion to be devoted to the needs of 12 million deserving American kids.

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

Mr. Speaker, as I recall, the debate about this tax bill was all about deficits and all about whether the increase of the debt, the public debt limit was going to be achieved. And what happened is that, as we deliberated about the bill, any motion to instruct conferences from the other party was about those two issues. It was not about the substance of the bill as it related to closing corporate loopholes and tax breaks that were given in the past and to be talked about by the conferees. But, rather, they were focused entirely on the debt and the amount of money that would be as a part of bill.

Now we find out that, oh, my gosh, there is a part of this great tax cut that they maybe were for even though they were voting against that. So it is very interesting to hear this debate today.

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

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

Mr. Speaker, I would just remind the gentleman that, unlike the Republican tax bill, we actually pay for this by closing corporate loopholes so we do not add to the debt or deficit.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. Pallone).

Mr. Pallone. Mr. Speaker, I rise in opposition to the rule because the Republican leadership is not allowing us to bring up the Child Tax Credit for these lower-income working families.

Exactly what my colleague from Massachusetts said is certainly true. This provision which the Republicans eliminated because they did not want to help the working class and working people was financially paid for, and, again, we are trying to get it passed again and it is paid for completely by closing up corporate tax loopholes.

The problem is that the Republicans, they just do not want to give it to these working families. Already the other side the other body is saying that they want to add a child tax credit for people at a higher income level, or the gentleman from Texas (Mr. DeLay) has said that he wants to add more tax cuts here for wealthy people and for corporate interests.

That is the thing that would cause an increase in deficit because they have not paid for it. We are saying, as Democrats, we can pay for this child tax
This is why we have had as part of the
that are great for people but an oppor-
tunity to give more money back to people
who have earned that money and to help out families and children. This is why we have had as part of the bill the marriage penalty because we
do not believe that one spouse that works even part-time should be taxed at the highest rate of the household in-
come. We are proud of what we are doing, and we are going to keep doing it; and so I am pleased to hear my colleagues talk about the need for tax cuts for all Ameri-
cans.

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

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

I just respond to the gentleman that I cannot believe he finally met a tax cut he did not like. Unfortunately, what we are talking about here is try-
ing to help people, low-income workers and their children; and because of the Republicans' late-night maneuver, these people are being denied the tax cut that he says that they are very much dedicated to.

Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. Frank).

Mr. Frank of Massachusetts. Mr. Speaker, the majority party spokes-
man for the Committee on Rules was somewhat inaccurate in describing our
position. The fact that we are en-
thusiastic to provide some tax relief to some of the poorest and hardest-
working people in this country and
their children would not cost the gov-
ernment revenues anymore. It would be balanced.

We find, unlike him, a number of unfairnesses in the Tax Code; and I was struck by, in his conversation, the complete absence of any defense of the decision to deny this benefit to these people.

I came down here today as the rank-
member of the Committee on Fi-
nancial Services to talk about check
 truncation, but I would agree with my colleagues that fairness truncation is a far more important issue; and that is what we are talking about.

The gentleman who spoke said this is a Republican Party and he is proud of
it. I think there is too good of appre-
ciation in the country today of the real
differences that exist between the par-
ties. Partisanship is not always a bad
thing. There is a legitimate aspect in a
democratic society to recognizing dif-
ferences. The gentleman from Texas is
proud that they passed a tax bill that
excluded the poorest working people in
America.

He said he was proud of it, and I think we are proud on our side to be
appalled by it. We are proud on our side to say that we can, without further
drain our ability to pay for impor-
tant public needs, provide help to these
lower-income people; and as I said, it is a matter of fairness truncation.

By the way, one of the misalignments that is used to defend stiffering the poor-
est people in this country when the wealthiest are doing very well is, well, they do not pay taxes. By people in this Chamber really not notice some-
thing called the Social Security pay-
roll tax? In fact, anybody who works
pays Social Security payroll taxes. De-
ductions are made, and in fact, the people who are making $25,000, $30,000,
$20,000, they are paying a very large percentage of their income in those
taxes.

I hope that we will soon do the non-
controversial bill that allows banks to
truncate checks, and I hope we will
then undo the Republican decision to
truncate fairness and equity even fur-
ther than it is and use some of the re-
sources that we were able to use for a very long time, and spend a very few dollars on the poorest people in this country, including children.

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

This rule that is before us about
check clearing is really something that I think that consumers and the bank-
ning community are going to find of
interest, and I am sorry that the debate
is not on this modernization of the sys-
tem.

What we are going to do with this
wonderful bill that we have before us
today is to, once again, prove that an
agenda that can move forward prob-
lems that are facing the American pub-
lic, costs that are in its way, ineffici-
cencies that this system which is
what this bill is about, we are going to
solve, be another part of the solution
today; and I am very, very proud of not
only the gentlewoman from Pennsyl-
van ia (Ms. Hart), a bright young Mem-
ber from New Jersey (Mr. Ferguson) and
the gentleman from Tennessee (Mr. Ford) for bringing this bill, these ideas
forward. But I think it shows that, as
we talk about and move forward in this
great body, the important aspects of
that make a difference in America, just
like tax cuts; that the American people
will see that this House of Representa-
tives not only works, it provides tax
relief.

It provides things in our banking sys-
tem that will keep modernizing Amer-
ica. It will make sure that we are pre-
pared for the future, and as we go past
this bill into other areas, whether it be
appropriations or working with intel-
ligence or matters of national security,
that this House of Representatives
every time brings forth a full debate,
not only on the issues but makes sure
that time is allocated for even the mi-
nority party to stand up and to talk about their frustrations.

I think what we are doing today with
this bill makes sense. I think the
American people see that this House of Representatives and this administra-
tion intends to move forward in a pro-
active, positive way that all Ameri-
cans can be proud of, and the franchise
in their government but also confidence in
the free market enterprise system
that we are so proud of that produces
jobs and wekeep our economy going.

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

Mr. McGovern. Mr. Speaker, I yield
1 minute to the gentleman from Massa-
chusetts (Mr. Frank).
last week, there is an increase in the child tax credit. The general public has asked us for that, and it has been provided.

Those hard-working parents who have been paying income taxes do receive the increased credit, and additional moneys for the raising of their children. Claims have been made that this is not the case, but that is just not true. A tax credit is only paid to those who pay income taxes, and that is exactly what we do. All we are saying is it is very important for us to note also that since I have joined this body about 2½ years ago, the Republican majority has consistently exempted people who are very low income from paying income taxes. It is important to note that because that is clearly something also that those on the other side of the aisle either are not aware of or have ignored.

Our goal has been to encourage families to keep working, even though they may just recently have left the welfare rolls, even though they may have had a difficulty with a layoff and have taken maybe a more entry-level-related job. Our goal is to make sure that those who work and work hard to support their children get a break. The goal is to encourage them to keep working and be promoted and make more money and eventually become taxpayers. Once a very, very low income tax payers, they then will qualify for things like tax credits because, like I said earlier, one must pay an income tax in order to earn a tax credit. That is the way it works.

I would also like to note a couple of other things, and I represent a district that is very diverse economically and, unfortunately, has seen more unemployment in the last couple of months. Folks I talk to tell me this, they are very pleased that we have made a very tough economic situation a bit better, and it is an important program which is very important for those who respect working and are not receiving an income.

Our Republican majority has done that several times. We have extended unemployment twice now. We intend to keep watching the economy, try to make it move forward as we have done with this tax bill, which will help employers hire more people and reduce the unemployment rolls. While those good people are still unemployed, we are trying to make sure that they have enough money, and it is extended in our unemployment extension so they continue to support their families until they can find that job.

Finally, I just need to note that the partisan rancor in this body is getting a bit silly. It is disappointing to me as a person who has come to Washington with a lot of positive ideas. I am going to continue to work with those who work with me, as we are the gentlemen cited kind of their own version of what passed into law. I am going to continue to work for a positive economy, for growth, for opportunity and for more employment because I know people across the United States need it.

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

This Republican House has since 1997 made sure that we reduce taxes on people all across the board; and under this new tax cut that we are talking about, a single mother with two children earning $20,000 will receive over $2,000 in payment from the government with earning $20,000 will receive over $2,000.

I am glad that we are bringing this bill forward. I was the ranking member when it was put forward, but I have to tell my colleagues I am glad that it is going to pass; but it probably will not make it into my next biography. I do not expect being remembered as the co-author of the check truncation legislation which will be part of my legacy. So I thank the gentleman for his concern.

The reason we are not debating it is very simple. There is nothing left to do. There is nothing left to do. People will be able to get a record of their checks. That is the end of it.

I understand why the gentleman would rather talk about something else than being unfair to poor people. Unfortunately, there is not enough substance here.

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

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Mr. Speaker, we have a right to include all families. We ought to vote down this rule and demand that the leadership bring up H.R. 2296 to include all of America’s children and families.

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

Prior to 2001, the child tax credit was $500 for an eligible child. The child tax credit was refundable for most families. However, for families with three or more eligible children, the credit was refundable to the extent that the family had payroll liability that was not offset by the earned income tax credit. What we have attempted to do, and what was signed into law on May 28, accelerates and increases the child credit. Certainly one has to qualify, but the child credit will increase from $600 per child to $1,000 per child in 2003 and 2004, and the credit will revert back to its 2001 act-in-phase. That means that what we have done is to move forward very quickly an acceleration, because I believe, and my party believes, and this bill believes that it is the right thing to do.

The bottom line is that due to political constraints there was not as much money. So what we did is we moved forward from $600 to $1,000, but it is only good for 2 tax years. We have a lot of work to do. Mr. Speaker, but I am ready to do that work. I think this body is ready to do that work, and we intend to get it done.

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

Mr. McGovern. Mr. Speaker, I yield myself such time as I may consume to ask my colleagues to review an editorial from The Washington Post entitled, "Children Left Behind," and also today’s New York Times editorial entitled, "The Poor Held Hostage for Tax Cuts," which I now submit for the RECORD.

[From the Washington Post, June 2, 2003]

CHILDREN LEFT BEHIND

Even for a debate over taxes, the public discussion taking place right now about child credits is in the new tax law is particularly galling, hypocritical and ill-informed.

The new law bumps up the credit for each child from $600 to $1,000 (though the benefit phases out for families that earn more than $10,500). This increase, part of the 2001 tax law, was pushed forward to this year under the new law. The 2001 law also allowed some low-income families to get credits, but they do not get the child tax credit refundable. These folks pay taxes. They do not pay Social Security and Medicare taxes, they pay property taxes, the Federal gas tax, and the cigarette tax. They do not have anybody giving them taxes, and they do not have lobbyists coming in to lobby on their behalf, who are the winners in this bill.

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[From the Washington Post, June 2, 2003]
We know that somehow the Republicans found $90 billion to give to 200,000 millionaire families. Imagine that. That money will not make it to my district because I do not have a single millionaire that lives in my district. My district is filled with families that have less than $20,000, so they do not get the benefit of that money.

Republicans say this is class warfare that we are discussing. Look at the facts. The money does not come home to the district that sends money to Washington because our Republican colleagues are sending it to their friends. In fact, in California, 31 percent of California families will not receive any child tax credit, and that includes 2.4 million children in California alone. Forty-seven percent of those Californians will get a total tax credit of less than $100; $100 does not even help to pay rent in my district, where an apartment goes for $600 to $1,000.

I understand the Republicans say “no” to the rule. Let us do a child tax credit that is fair for working families.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS). Mr. BACHUS. Mr. Speaker, the first time I got up, I talked about the subject at hand, and that was Check-21. But I do want to address what the Democrats say. Members have talked about, and that is the recently passed tax cuts.

One would not think there would be such an uproar from the other side because, in fact, the bill we passed exempted million-plus low-income workers from any Federal tax liability. But there is still an uproar. It increases the child tax credit from $600 to $1,000. But there is still an uproar. It actually gives back, and only in Washington could you give back a tax refund above what people pay in, but it actually gives back $2,000 more to low-income families with children than they paid in; yet there is still an uproar.

What? Because the other side wants to talk about money, taxpayers' money that was paid in, and pay it back to people who did not pay taxes. In other words, an individual paying in $1,500 ought to get back $3,500. Well, let me tell my colleagues that there is only one problem with that, and that is who pays the $2,000? The answer is the middle class.

In Alabama, if my colleagues talk to my constituents and say to them that they are going to pay back $2,000 to people who did not pay taxes, their tax dollars, because they have children, they are going to call that welfare. And that is exactly what it is. When we pay folks because they have children, they are not getting back $4,000 just because they have children, not in money they paid in but with someone else's money, that is welfare.

The other side is still upset that we cut welfare 6 years ago, make them want to use this as an opportunity to start a new welfare program and to fund it out of middle-class taxpayers' pockets.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYN). Mr. WYN. Mr. Speaker, yes, there is an uproar; and, yes, we are appalled. We are appalled that the children of 12 million families have been excluded from this bill. They are quite content to give $93,000 in tax cuts to the very wealthy millionaires; but we have 12 million children who have been excluded, 196,000 from my State of Maryland. There is something fundamentally wrong with that.

What the Republicans are trying to tell Americans is that these people do not pay taxes. Oh, yes, they do. Number one, they work every day. Every one of these families works every day. Number two, they pay property tax, sales tax, entertainment tax, and they pay all the other kinds of taxes. Importantly, many of these people are in the military. They are privates, they are grunts, they are the people who do the dirty work to defend our country. Yet our Republican colleagues say it is okay to give a millionaire $93,000 in tax cuts, but it is not okay to give someone making less than $35,000 a tax break.

Mr. Speaker, I do not call that welfare; I call that democracy. We are Democrats. Every time we talk about this issue, the Republicans want to say that is class warfare. Yes, that is class warfare. But let me talk about that class. It is a class composed of people who work every day and make less than $26,000 a year. They have 12 million children, and they are not going to get the benefit of tax relief.

Republicans want to talk about putting money back into Americans' pockets. What about the class of Americans that work every day but do not get the benefit of this big $350 billion tax deal? This tax deal gives a $90,000 tax cut to millionaires, but they cannot give $1,000 to a family that works every day and has a child. My colleagues have the audacity to tell me that they are in the welfare. Yes, there is going to be an uproar. Yes, I am appalled, because it is undemocratic, it is unfair, and it is disgraceful.

All my Republican colleagues want to do is give more money to the very rich; and when we tell them that people are working and need a tax break, they cannot see fit to do it, particularly when some of those people are in our military. It is a disgrace. Let us reject the Republican approach.

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

Mr. McGOVERN. Mr. Speaker, can you inform us how much time is left on both sides?

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Massachusetts (Mr. McGovern) has 10 minutes remaining, and the gentleman from Texas (Mr. Sessions) has 4½ minutes remaining.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Ms. Schakowsky).

Ms. SCHAKOWSKY. Mr. Speaker, it seems as if we have hit a nerve here. We are supposedly talking about a bill that would make it easier to get checks, and the Republicans are clearly embarrassed that there is a whole lot of people, in fact 12 million children, whose families are going to get checks. They know darn well that that provision that would have sent the check was in the legislation in the Senate, and in a late-night deal that money was taken out. One of those families. They live in my district. It is Maria, that is the mom, Alma and Elia Narvaez. They are not going to get a check. They are one of the 6.8 million families that thought they were going to get one, but they are not. Along with them, as has been pointed out, there are going to be a million children whose families were going to get checks of people in the military, our young men and women who went off to serve, the low-level private, the first class. They are not going to get a check.

So it is not just an uproar from this side of the aisle; there is an uproar going on in the country right now.

We read about it in the press, and we hear about it from our constituents. Who is getting the money?

They are talking about it only goes to taxpayers and ask these people if they pay taxes, but who is getting the money?

Well, let us look at the Bush cabinet. We are talking about Treasury Secretary John Snow. He was the CEO of the CSX Corporation that paid no Federal income tax in 2001, 2000, and 1998. Do Members know how much he is going to get in a tax break? He is going to get $330,000 a year in dividend capital gains tax cuts. That is more than Maria Narvaez makes in 16 years. That is $20,240 for 1 year, what she makes in 16 years.

Think about it another way, what the Secretary of the Treasury gets, $330,000 in 1 year in a tax break, 1,000 millionaires could get a check. Members decide what is fair.

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

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. Ford).

Mr. FORD. Mr. Speaker, let me preface by saying I rise in support of the rule and rise in strong support of the bill. I want to thank the gentlewoman from Pennsylvania (Ms. Hart), the gentleman from Ohio (Mr. Oxley) and the gentleman from Alabama (Mr. Bachus) for all of their hard work.

In light of the conversation that is occurring, there has been a lot of back and forth. I just want to say two things: One, this really represents the difference in priorities between the two parties. While one cannot dispute that
Mr. Speaker, I hope that my friends who believe that the only way to increase welfare will take a look at the facts of the tax bills that this Republican House and Republican Senate have passed.

[From the Washington Post, June 4, 2003]

_MIDDLE CLASS TAX SHARE SET TO RISE_ (By Dana Milbank and Jonathan Weisman)

Three successive tax cuts pushed by President Bush will leave middle-income taxpayers paying a greater share of all federal taxes than those who are poor and very rich. New analyses of the Bush administration's tax policies show that the tax burden will rise disproportionately for families earning between $28,000 and $337,000, the decline would be 7 percent for the very top, while the studies reached similar conclusions.

Citizens for Tax Justice found that for the lowest fifth of taxpayers—those earning below $28,000 and $337,000, the tax burden would fall 10 percent between now and 2010, while federal taxes for those in the second quintile—earning between $16,000 to $28,000—would fall 12 percent. At the other end of the scale, the decline for the top 1 percent of taxpayers—those making $337,000 and up—would be 15 percent.

In contrast, for taxpayers earning between $45,000 and $337,000, the decline would be 7 percent, less than half the cut reaped by the very wealthy.

Citizens for Tax Justice assumed that those provisions in the tax laws scheduled to expire before 2011 would expire as scheduled, although administration officials have said they are determined to make those changes permanent.

The Tax Policy Center assumed that all proposed tax cuts would become permanent. It found that by 2010, federal taxes paid by the top 1 percent of taxpayers would drop to 22.8 percent of the total in 2011, from 24.3 percent today, while the share paid by the lowest 40 percent would fall to 2 percent. From 2.2 percent.

All others would have a slightly larger proportion of the federal tax burden in 2011 than they do today. For families earning between $22,955 and $80,903, their share of federal taxes would rise from 35.5 percent to 36.1 percent.

Both groups included all federal income, payroll, corporate and estate taxes; Citizens for Tax Justice also included excise taxes.

The two studies focused on separate issues. One was designed to examine the potential for progressivity in the tax code, while the other was designed to examine the potential for regressivity in the tax code. The result may be a surprise to both sides: The spread of the tax cut burden to the middle class. Kevin Hassett, a conservative economist with the American Enterprise Institute, said it makes complete sense that this would happen as a result of Bush's policies.

Changes such as the elimination of the estate tax and the reduction of the stock-dividend tax disproportionately benefit the wealthy 1 percent. It widens the largest amount of assets and capital. That at the other end of the income spectrum benefit disproportionately from targeted tax cuts such as the child tax credit.

With the biggest gains going to the wealthiest and to low-income taxpayers, those in the middle inevitably get a higher tax burden because they don't qualify for the targeted tax breaks that go to the poor or the investment-related tax breaks that go to the wealthy. "The middle class is predominately labor income," Hassett said.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, it is shameful enough that the Republican leadership in Congress has chosen to gamble our children's future on a risky and unsustainable tax scheme such as the one signed into law just last week.

But it is even more shameful that the Republicans sold out the very men and women who recently fought for our country in Iraq by cutting many of them out of that tax cut.

That is right. Only hours before Congress was set to vote on President Bush's big tax giveaway, Republicans cut out provisions to expand the child tax credit for working families in order to give the President's wealthy friends a bigger tax cut. The child tax credit provisions Republicans enacted would have benefited millions of working families, including many families of Americans soldiers, sailors, airmen and women just as they return from war.
This is outrageous, and my outrage grows when I hear Members of the other party’s leadership suggesting that this is grounds to write another tax bill for wealthy investors and accuses us of a new welfare scheme. How can they, they honestly stand on this floor, represent the United States and say that kind of thing?

Mr. Speaker, I appeal to Members to fix this problem immediately. This House vote to restore the deleted provisions that would help millions of Americans and their children is one that needs to be taken immediately, so please bring H.R. 2286 to the floor.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I have been listening with a lot of interest to this debate concerning aspects of the Jobs and Growth Act, a bill that I was happy to cosponsor. America needs jobs, needs growth, but I think some on the other side of the aisle forget where jobs come from. J. ob 2286 has not come out of the United States Congress. They do not come out of Washington, D.C., or out of the Federal Government. If we want jobs, the people who need tax relief are job creators. Often when I listen to some on the rhetoric on the other side of the aisle, it is as if these people love jobs, but they hate job creators.

Another point, tax relief ought to be for taxpayers. We have a welfare system. I declare those who would take our Tax Code and turn it into a welfare system. We already have a welfare system; and as Republicans have controlled Congress, we have managed to move people off welfare and onto work. This is an excellent debate because it shows the clear differences between the two parties. It is as if the other side will not be happy until everyone is dependent upon a government check. We will not be happy until every American has an opportunity to have a paycheck, and that is a clear difference between the two parties.

So what we need to do once again, if we want to have jobs, we need to give tax relief to job creators. If we want to be fair, we need to give tax relief to taxpayers. That is the difference here, Mr. Speaker.

Mr. MCGOVERN. Mr. Speaker, I yield 10 seconds to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. I can sit and listen to a lot of this, and I have a lot of friends on the other side of the aisle. But let us be fair. These people making less than $25,000 a year get up and go to work just like you and I do every single day. They pay a payroll tax which is the highest tax paid by 82 percent of Americans. So the other side of the aisle can label us not being for tax cuts if you do not call it a welfare plan. This is a plan designed to help people who go to work day in and day out but who earn under $25,000 a year.

Mr. SESSIONS. Mr. Speaker, I would like to inquire as to the time remaining.

The SPEAKER pro tempore (Mr. Sweeney). The gentleman from Texas (Mr. SESSIONS) has 2½ minutes remaining. The gentleman from Massachusetts (Mr. McGovern) has 4½ minutes remaining.

Mr. SESSIONS. Mr. Speaker, I will allow the minority the opportunity to consume their time, and then I will close.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, it is unfortunate that the gentleman from Texas (Mr. HENSARLING) who had time remaining would not yield to defend his remarks. He did not have the courage to yield to the gentleman from Tennessee (Mr. Ford) who asked him to do so.

Mr. Speaker, as Americans picked up their newspapers this morning, in USA Today they could read about the controversy about Sammy Sosa or the tragedy of Martha Stewart. As they thumbed through the newspaper, they would see something else, they would read that the child tax credit is not available to 250,000 of our veterans. One in five children in the military will not get the tax credit. Some 750,000 veterans, veterans, their children will not get this.

It is a shame. How did this happen? How did 250,000 children of active duty veterans, people fighting for this country, their children will not be eligible for the child tax credit?

Let me set the stage. It is late at night. The Republicans are arguing over tax cuts. Some people want to defend the corporations that go to Bermuda, other Members want to defend millionaires. Vice President Dick Cheney is running between the Republican factions. It seems he is putting out fires. He has to make a decision: Do you help these veterans? Do you help these active duty people with their children, give them the tax credit? Or, Vice President Cheney, if he does that, he will only get $93,000 in tax cuts. If he gives it to the children of hard-working American families earning under $26,000, Dick Cheney will have to take a reduction. He will only get $88,000.

Dick Cheney is now the chief negotiator running between the House and the Senate. He is running between the extreme position of the House, Republicans who say no tax credits for these children, and the Senate which voted to give tax credits to the children. Dick Cheney does not know what to do. What does he do?

He decides he is going to give himself a $93,000 tax cut; and these kids, it is tough. But one would have thought, Mr. Speaker, that he would have thought that a former Secretary of Defense would have just dropped off a little change to the troops, to their families and to their children, and to the veterans and their families and their children. It would not have cost Dick Cheney much. If he just took care of the children, he would have still gotten over $50,000 a year in tax cuts. He could not see it.

Mr. GEORGE MILLER of California. Mr. Speaker, I am just reporting what has been reported in the press.

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California yield for that purpose.

Mr. GEORGE MILLER of California. Yes.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I did not hear the gentleman from California say anything personally offensive to the Vice President. I wonder when we are being told that something was personally offensive to the Vice President, what would that be? He may be more thick-skinned than you give him credit for, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California leveled an innuendo of pecuniary gain.

Mr. FRANK of Massachusetts. So the ruling is or the indication is that any suggestion that the Vice President might be interested in making money would be personally offensive?

Mr. SESSIONS. Mr. Speaker, regular order.

The SPEAKER pro tempore. The Chair would need to hear the remark in question.

Mr. SESSIONS. Mr. Speaker, the gentleman from California (Mr. GEORGE MILLER) may proceed in order.

Mr. GEORGE MILLER of California. Mr. Speaker, the context is this: When the Vice President went into the room, the children of veterans and active duty service people had the tax credit. When he left the room, he had the big tax cut; they had nothing.

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

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

Mr. Speaker, I will be asking for a no vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule. My amendment would provide the child tax credit to an estimated 19 million additional children. It will also help families of soldiers in combat by...
extending the child tax credit to them, and it will speed up the marriage penalty relief to lower-income working couples.

It does not increase the deficit, not by one dime. It is entirely paid for by closing the shameful corporate loophole that allows corporations to move offshore simply to avoid paying taxes.

Let me make very clear that a “no” vote on the previous question will not stop the consideration of the Check Clearing for the 21st Century Act. A “no” vote will allow the House to vote on both the check bill and the tax fairness bill. However, a “yes” vote on the previous question will prevent the House from voting on this bill and the child tax credit for working families. I urge a “no” vote on the previous question.

The time to fix this is now. These hard-working taxpayers were left behind, deliberately cut from the tax bill in the middle of the night by the Republican leadership. That is wrong. That is also cruel. These are taxpayers. These are workers. I urge my colleagues to do the right thing. Let us come together in a bipartisan way to right a terrible wrong. I ask unanimous consent, Mr. Speaker, that the text of the amendment and the description of the amendment be printed in the Record immediately before the vote on the previous question.

There was no objection.

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

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

We are having this debate on the rule for Check-21. It quickly went to child tax credits.

I include for the RECORD information on this from the Committee on Ways and Means.

EXAMPLES—REFUNDABILITY OF CHILD CREDIT FOR 2003

What is a refundable credit? Most tax credits are nonrefundable. In other words, individuals are eligible for the credit only to the extent they have income tax liability. A credit is refundable if it is payable to individuals who have no income tax liability. The “refundable” amount of the credit is the amount that exceeds the individual’s income tax liability.

What was the child credit prior to 2001? Prior to 2001, the child credit was $500 per eligible child. The credit was not refundable for most families. However, for families with 3 or more eligible children, the credit was refundable to the extent the family had payroll tax liability that was not offset by the Earned Income Credit (EIC).

What was the child credit expanded in 2001? The Economic Growth and Tax Relief Reconciliation Act of 2001 significantly expanded the child credit in two important ways:

1. The law gradually increased the credit from $500 to $1,000. The credit was $600 for 2003 and was scheduled to reach $1,000 in 2010.
2. The law made the child credit partially refundable for all families with children—not just those with 3 or more children. The credit is now refundable by an amount equal to 10% of the family’s earned income in excess of $10,000 (families with three or more children get the greater of payroll tax liability or 10% of earnings less $10,000). The $10,000 threshold is indexed annually for inflation (it is $10,500 for 2003), and the 10% refundability rate will increase to 15% in 2005. How was the child credit expanded in the Jobs and Growth Law of 2003? The Jobs and Growth Tax Relief Reconciliation Act of 2003, which was signed into law on May 28, accelerates the increase in the child credit. The credit will increase from $600 per child to $1,000 per child in 2003 and 2004. In 2005, the credit will revert to its 2001 Act phase-in schedule, and the 10% refundability rate will increase to 12%. Who will benefit from the new law? According to the Joint Committee on Taxation, 44 million children (27 million families) will benefit from the acceleration of the increase in the child credit. Some of these children will receive larger refundable credits because of the new law.

Assumptions that would benefit low-income families. The expansion of the 10% tax bracket and the increase in the standard deduction for married couples are both targeted to low- and middle-income families. Plus, $10 billion in State aid was directed to Medicaid, the health care program for the poor.

The new tax law takes an additional 3 million low-income families off the tax rolls entirely.

The child credit provision in the new law is refundable to the extent of 10% of earned income in excess of $10,500. In 2005, the 10% rate will increase to 15%.

Accelerating the increase in the refundability rate from 10% to 15% would affect families who pay no income taxes. In fact, these families generally have negative income tax liability because they are already receiving government payments from the Earned Income Credit and the refundable child credit that was enacted in 2001.

Expanded refundability was not included in President Bush’s $726 billion tax proposal; it was not included in the $50 billion tax proposal that passed the House, and it was not
The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOVE. 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.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the maximum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device and there were—yeas 220, nays 198, not voting 16, as follows:

[Roll No. 243]

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Anderholt, Akin
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Billikirai
Bishop (UT)
Blunt
Boehlert
Boehler
Bonilla
Bonner
Boozman
Bradley (NH)
Brown (SC)
Brown-Walle, Ginny
Burgess
Burns
Buyer
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chocola
Coble
Cole
Collins
Collins
Cowan
Crenshaw
Cubin
Cubler
Cunningham
Davis, J. C. A.
Davis, Tom
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Flake
Foley
Forbes
Fossella
Franks (AZ)

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Walsh
Wamp
Weldon (FL)
Wenell
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynne

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MRS. LOWEY changed her vote from "yea" to "nay".

Mr. REINDL changed his vote from "nay" to "yea".
The SPEAKER pro tempore. The question is on the resolution. The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1329

Mr. STUPAK. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1329.

The Speaker pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE

Mr. BACHUS. 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. 1474.

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

There was no objection.

CHECK CLEARING FOR THE 21ST CENTURY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 256 and rule XVIII, the Chair declares the House in the Committee of the Whole on the State of the Union for the consideration of the bill, H.R. 1474.

\[ \text{1210} \]

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Massachusetts (Mr. FRANK) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I yield such time as she may consume to the gentleman from Pennsylvania (Ms. HART).

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

Ms. HART. Mr. Chairman, I rise in support of H.R. 1474.

A lot of people are not familiar with the legislation. We have been calling it “check truncation.” The official title is Check Clearing for the 21st Century Act. Our truncated name is Check 21.

This legislation holds the promise of a more efficient check collection system by removing legal barriers to the full utilization of new technologies, it is a win for consumers. It is a win for the financial services industry. It will empower banks to help prevent fraud. It will allow banks to have more control over their accounts and more efficiency in the transfer of their funds.

Our current check system's legal framework has not kept up with technological advances and has constrained the efforts of many banks to use innovations like digital check imaging to improve check processing efficiency, providing improved service to customers and substantial reductions in transportation and other check processing costs.

This digital check imaging looks like a check. It simply is a copy that is transferable digitally, transferable more quickly, than a paper check. It can be created and utilized just like a canceled check.

It is important to implement the technological advances made in the field of payment systems so that we provide customers with expedited access to capital, to credit, yet they will be ensured that they are protected from fraud.

This legislation permits banks, credit unions and other financial institutions to truncate checks, just simply not having to transport the canceled check. It allows these financial institutions to process and clear checks electronically, without moving those paper checks to clearinghouses and returning the original cancelled checks to customers.

\[ \text{1215} \]

The problem with the current system is that over and over these checks are processed, and it takes a lot of time. It requires physical delivery of the check through the institution of deposit through an intermediary, such as clearinghouses or the Federal Reserve Bank, to the bank of the customer who wrote the check before it can be paid. Each step of this inefficient process relies on the physical transportation of that check, resulting in billions of checks being driven or flown across the country every day.

The problem with this legal framework was highlighted in the days following the September 11 attacks when the Nation's planes were grounded, and the flow of checks transported by air came to a complete stop. During that time, the Federal Reserve's daily check float grew from its normal few hundred million dollars to over $47 billion.

Under current law, banks, credit unions, and other financial institutions are unable to truncate checks. They are only able to truncate checks if they have special arrangements with other institutions that are part of the transaction. There are over 15,000 banks, thrifts, and credit unions, and they are all negotiating separate agreements among themselves, so it is impossible to follow and keep in touch with all of those, even for the most diligent financial institution.

The way this bill would work, a Pennsylvania bank would no longer have to ship a check drawn on a California bank all the way across the country in order for it to clear, for it to be processed, and for the actual payment of the check. This is done by creating a new negotiable instrument called a substitute check. This substitute check would permit banks to truncate the original check; and it would process the information electronically, immediately, and print and deliver the substitute checks to banks and bank customers. So the customer who wishes to retain that record, such as a canceled check, would have something that looks just like it.

This shows exactly what that substitute check looks like. It looks familiar, does it not? It is just an identical copy of a canceled check.

This is the legal equivalent of the original check under our legislation. It would include all the information contained on the original check and the information of the front and back of the original check, as well as the machine-readable numbers which appear on the bottom of the check. And because the substitute check can be processed just like an original check, a bank would not need to invest in technology or otherwise change its current check processing operation, unless the bank chooses to update its technology.

Consumers benefit, and this is the most important part of the legislation. Customers maintain the same protections that they have with their original check. Reducing processing costs will result in efficiency gains and expedited services for customers. Accessing images of checks will take a fraction of the time that it currently takes to access a check Imaging technology or otherwise change its current check processing operation, unless the bank chooses to update its technology.

Institutions that have already implemented this check imaging technology offer their customers a wide variety of ways to access these images, including in person at branches as they would currently have access to the check Imaging technology or otherwise change its current check processing operation, unless the bank chooses to update its technology.

Institutions that have already implemented this check imaging technology offer their customers a wide variety of ways to access these images, including in person at branches as they would currently have access to the check Imaging technology or otherwise change its current check processing operation, unless the bank chooses to update its technology.

Customers will also benefit from the availability of check Imaging technology to help combat fraud and the problems associated with bad checks. The ability to access check images on the Internet helps consumers to quickly and conveniently verify their transactions. They can identify potential errors. They can detect fraudulent transactions sooner, rather than waiting until the end of the month when they receive their traditional statement.
Identifying errors and potential fraud as soon as possible helps everyone. It helps the banks minimize customer inconvenience and cost. It helps control potential losses. It helps give law enforcement an advantage in tracking down the perpetrators of fraud.

Promoting this image technology can help speed processing and encourage banks to provide new and improved products and services to consumers. Financial institutions will be able to establish new ATMs or ATMs in remote locations to further service their customers, provide more cost-effective service, provide customers with later deposit and cut-off times, and provide printed copies of checks deposited at ATMs on ATM receipts. Such changes could result in a check being credited a day earlier and interest accruing a day earlier on interest-bearing accounts. Obviously, that will make customers quite happy.

In conclusion, this is a win-win for everyone. It is a win for the industry, but it is especially a win for consumers. I encourage my colleagues to support H.R. 1474 and significantly increase the efficiency of the Nation's check clearing process.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. CHAIRMAN. I think this is a very good idea. It is efficient. We make sure consumers are fully protected. I agree with just about everything everybody else is going to say today.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I thank the gentleman for yielding time to me, and I thank the sponsors for giving me an opportunity to speak.

This is clearly a bill, as the previous speaker outlined, that improves efficiency and hopefully reduces costs to banks. One thing that was not addressed in this legislation, though, is the remaining area of patent unfairness to consumers.

We all know that a check is essentially an article of faith. It is a contract between two people. From time to time, people write checks that they simply do not have the money to cover. They are penalized. They pay a fine by their bank, anywhere in the neighborhood of $15 to $25.

But what continues to be the case in this country in many banks, in the neighborhood of about 85 percent of the big banks and about 75 percent of smaller banks, is someone who receives the check, who is already out the amount of money that they were supposed to be given, is also charged a fee, a fine. This is patently unfair. It is counterintuitive; and, frankly, it is indefensible. I think we should address this in this House.

Some of the arguments that are raised to defend the idea that the person who gets the check should be fined when someone bounces a check say that there is an added cost to banks when someone bounces a check.

This is true. It is estimated that that cost is in the neighborhood of 48 to 65 cents, depending on what study we see. It is clear that someone should be penalized for that. Frankly, we can argue that it is too high, but the person who wrote the check is already getting a $20-some odd-dime penalty.

Also, there is a relationship between all banks in the system that when there is a bounced check, if the credit union has a bounced check that they have to return to CitiBank, there is a relationship there that they exchange a few dimes to make up for that cost. The net of all of this is the banking business makes about $6.1 billion of profits, according to 1999 numbers, just on these transactions. They cover the costs, and then industry-wide they make about $6.1 billion. So the idea that the costs are not getting covered is certainly not the case.

Secondly, some have argued that we need to have a disincentive for a merchant who writes bad checks. We have to incentivize them, checking vigorously to make sure they are getting it from a legitimate person.

Well, this is the silliest argument. They already have the greatest incentive of all. If they write a bad check, they are out the money or they are out the service or they are out the product that they exchange in exchange for that. That is why we all go to our local diners and we see the checks up, notices up, notices saying, "we do not accept checks from this person," because they definitely do not want to get snookered a second time. So the idea that they should get a $20, a $15 or $10 fine, somehow creates a disincentive is simply not the case.

A third argument made is that, well, when we are receiving a check, we should be extra vigilant. We should call up to make sure the person has the money in their account. Well, I have never heard of this. Some people have said, we do not have guarantees even when the gentleman from Ohio (Mr. OXLEY) and others, we cannot do that. We cannot receive a check for $100 and call up the bank and say, listen, I have account number 1751. Do they have $100 in their account? They cannot even exchange that information, so there is no way you as the person receiving the check can avoid that fee.

Some people have said, well, the receiving bank simply has to trust the issuing bank has costs. As I mentioned, those costs are already covered.

Then, finally, after we cut through all of it, I have found in my one experience with this, and some industry leaders have said, do you know what, at the end of the day if you make a stink about it, we do not charge. That is not any way to run a railroad.

Frankly, this fee, this fine, this penalty is indefensible. It does not penalize the individual who does something wrong. It does not disincentivize activity in any way, and it does not encourage any type of activity that a person can protect.

One of the things we are doing here is making this transaction more efficient. The gentleman from Alabama (Mr. BACHUS) said it in the debate on the rule, do we want to improve the efficiency here? That is the rationale. If I think we want to improve efficiency, we do not want to make consumers perceive a sense of fairness. This is one open fissure in the law that I look for opportunities to address.

Now, I know that we are here under an open rule and I have the opportunity, but I would ask the gentleman from Massachusetts if perhaps there might be other opportunities to address this inequity.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WEINER. Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentleman is right, we are trying in everything we have done, and I think we have accomplished that in our committee so far. The chairman has been very receptive, very receptive of efficiency while protecting consumers. This bill, as I said, does do that with regard to your ability to get the check if you actually need it.

Mr. Chairman, I raise a point that had not previously occurred to me that I think is a good one. I think it ought to be addressed. I would be obviously, as I have told him, very reluctant to do it now without a chance to examine it and have some hearings.

We do have pending in the process a more comprehensive bill called the Regulatory Relief Bill into which I believe this would fit. The bill passed our committee. It is being sequentially referred to the Committee on the Judiciary.

There are some important issues there, particularly including the industrial loan corporations, where we have given assurances that we are going to try and work some compromises out. So I have guaranteed to the gentleman from New York (Mr. WEINER), who has raised this very important issue, that further work remains to be done on regulatory relief. I have spoken to the chairman of both the full committee and the subcommittee, and we agree that this is an issue worthy of consideration.

I would say this, whether or not we would ultimately agree on a solution cannot be predicted. Certainly the gentleman will, I believe, have an opportunity if not today to offer it later, and I hope then to be able to offer it with a good deal more agreement.

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

Mr. WEINER. I yield to the gentleman from Ohio.

Mr. OXLEY. I thank the gentleman for yielding, Mr. Chairman.

Mr. Chairman, the gentleman from New York makes a very excellent point. This is an issue that needs to be addressed. I think, indeed, the avenue that the gentleman from Massachusetts (Mr. FRANKs) mentioned would be...
the most appropriate, as opposed to this check truncation bill. So I appreciate the gentleman's witholding the amendment until we have an opportunity to find out where it fits.

Indeed, as the regulatory relief bill works its way through the process, the gentleman would have adequate opportunity to work his amendment in that particular venue. So I appreciate the gentleman for yielding and looking forward to working with him.

Mr. Chairman, I thank the chairman and the ranking member for those words. Perhaps in the interim we could also inform some of the small business groups and advocates, who are probably the primary victims of these fees, small businesses who are in good faith accepting these things. The larger businesses, the Wal-Marts of the world, probably say to their banks, we refuse to pay them.

But this will be an opportunity. I appreciate the gentleman's willingness to give me another bite at this apple at the appropriate time.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman from Tennessee (Mr. FORD) be allowed to manage the remainder of his time on this bill.

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

There was no objection.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. OXLEY), the chairman of the full committee.

Mr. OXLEY. Mr. Chairman, I rise today to encourage my colleagues to support this important legislation.

I want to particularly pay my highest regards and admiration to the gentleman from Alabama (Chairman BACHUS) for working so well in a bipartisan way on this legislation; to our good friend, the gentleman from Pennsylvania (Ms. HART) for being the lead Democrat to sponsor this legislation, and to the gentleman from New Jersey (Mr. FERGUSON), and all my friends on the Democrat side.

The rule kind of got heated and spirited over another issue that probably isn't on the bill, but I think this issue here is one that should enjoy relative ease as we move forward.

I thank the gentleman from Ohio (Mr. OXLEY) for working with the gentleman from New York (Mr. WEINER) and the gentleman from New Jersey (Mr. FERGUSON) in addressing what also is an important issue in how people's checks are cashed and how they may be penalized for someone else wronging them.

That being said, the gentleman from Pennsylvania (Ms. HART) has walked through in pretty good detail in a lot of ways, Check 21 is pretty simple in what it does. It just modernizes the Nation's check payment system and tries to keep up with all the new technologies in the 21st century.

The gentleman from Alabama (Mr. BACHUS) mentioned how many millions of dollars can flow across the continents and across the oceans with the click of a mouse and the challenge we faced 2 years ago after the tragedies of 9/11 and how this bill really tries to respond. I know some people suggested, my good friend, the gentleman from Texas (Mr. SESSIONS), suggested earlier somehow or another this would really help to decrease oil costs. I hope we are not overstating the impact of the bill, and the will help in our fight against terrorism. Perhaps it will.

But one thing can be said, it is pro-consumer. It is pro-business in a lot of ways, not only pro-business for the banks but pro-business for those institutions who electronically transfer monies and those who depend heavily on checks.

My good friend, the gentleman from Vermont (Mr. SANDERS), who deserves some thanks also on our side of the aisle for working with the gentleman from Alabama (Mr. BACHUS). In particular raised some legitimate concerns throughout the debate about checks and whether or not these substitute checks that have now been introduced as a legal equivalent will somehow or another diminish the rights of those who rely on checks heavily, particularly seniors.

Perhaps the opposite is true. Not only is this legislation an opportunity to make arrangements between banks and customers moving forward, but it will probably also allow for a cheaper, more efficient way for checks to be used. I say that because banks will actually save money on the process and will actually be able to provide a greater array of services to all of its customers, particularly those customers who may rely more on checks.

The year upwards of 60 billion checks will be written in the United States; and although, more and more people are relying on forms of electronic pavement, the Fed makes clear that checks will remain an indispensable part of our financial system.

Mr. Speaker, I could go on and on about the benefits, but for the work of the gentleman from New York (Mrs. MALONEY) for some comments on the bill.

We talked about check truncation, and just to be real simple about what we were trying to do, we wanted to sort of foster innovation without mandating the receipt of checks in electronic form. It is important for banks and businesses, consumers to continue to have that option of accepting checks in paper form.

Essentially, what truncation is is when information on the paper check is captured off the check and delivered electronically, instead of the paper check being presented physically. Through check truncation, paper checks are rendered into zeros and one digital signal which can move through the payment system at digital speeds.

Check 21 accomplishes this by establishing this new negotiable instrument, a substitute check having the same legal status as original checks. The substitute checks would contain the two-face image of the original check. They would include the magnetic code at the bottom so that any bank could process them using existing equipment.

They would conform to standards for size, paper stock and the like. The substitute checks can then be used by banks and consumers in the same way as original checks.

I make one last comment about my friend from North Carolina (Mr. WATT). He and the gentleman from Alabama (Mr. DAVIS) both contributed heavily to this bill ending up as good as it has, largely because of concerns they raised about the language. But for the gentleman from North Carolina (Mr. WATT) bringing to our attention how there might have been some ambiguity regarding coverage of the Uniform Commercial Code as it relates to certain disputes over checks, the gentleman from Alabama (Mr. DAVIS) both contributed heavily to this bill ending up as good as it has, largely because of concerns they raised about the language. But for the gentleman from North Carolina (Mr. WATT) bringing to our attention how there might have been some ambiguity regarding coverage of the Uniform Commercial Code as it relates to certain disputes over checks, and the gentleman from Alabama (Mr. DAVIS) both contributed heavily to this bill ending up as good as it has, largely because of concerns they raised about the language.
the recredit provision, which actually is a new protection for consumers, might not have been included.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY). (Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of the Check 21 legislation that will modernize the Nation's check clearing system and benefit our constituents across the country. I thank the ranking member, the gentleman from Massachusetts (Mr. FARMAN) and the gentleman from Tennessee (Mr. FORD) and the gentleman from Vermont (Mr. SANDERS), along with the gentleman from Ohio (Mr. OXLEY) and the gentleman from Alabama (Mr. BACHUS) for their hard work on this bill.

This legislation will increase electronic check presentment and lower the cost of check clearing, and it will make it easier for the payments system to proceed without breakdown in the event of another terrorist attack.

Today, the technology exists to allow customers to view images of checks on their own home computers so they do not have to wait until the end of the month to get their checks. This legislation complements this technology and will spur more financial institutions to offer these services to consumers.

As a practical matter, the ability of a consumer to see an electronic image of a check will allow them to more easily resolve disputed checks and combat fraud. The legislation also includes important consumer provisions that will allow customers to retrieve and properly debit funds.

Check truncation legislation will help prevent another post-9/11 situation where the grounding of the Nation's airplanes prevented checks from being cleared. Currently, checks that are truncated have to be physically flown to their paying bank. With the planes grounded, massive float built up in the payment system after the terror attack and could have threatened a widespread economic interruption had flights not resumed.

Not only was this a problem after 9/11, but there is a long history of inefficiency in the transfer of checks by airplane, especially with respect to check-clearing systems provided by the Federal Reserve. I have had a long interest in this issue, and I thank the sponsors of this legislation for including language in the bill that adds check truncation services to the Monetary Control Act.

I have had an interest in this issue and I thank the sponsors of the legislation for including language in the bill that adds check truncation services to the Monetary Control Act. This provision will require the Federal Reserve to develop a system to handle check truncation and prevent further inefficiency.

This legislation is the product of years of work by the Federal Reserve and the Financial Services Committee. It represents contributions from many Members over the course of countless hearings.

I urge my colleagues to support the underlying bill.

Mr. BACHUS, Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FERGUSON), who is last year's sponsor of the bill and is an original cosponsor this year.

Mr. FERGUSON. Mr. Chairman, I am pleased to be here. I certainly appreciate the chairwoman of the full committee and the chairwoman of the full committee for their work on this, and the ranking member of the full committee and the subcommittee and certainly my friend, the gentlewoman from Pennsylvania (Ms. HART), my friend, the gentleman from Tennessee (Mr. FORD), for their great work in sponsoring this legislation in this Congress.

I rise in support of this important legislation. It is commonsense legislation. It has gathered overwhelming support from financial institutions, from technology companies, from various trade associations, and from the Federal Reserve.

The way in which banks currently handle check transfers is totally outdated. Currently, banks are required to physically present and return original paper checks. This is a tedious process that is inefficient. It is expensive, and it is rife with potential for fraud. As a result, millions of paper checks are physically transported between banks every day. The system relies solely on uninterrupted air and ground traffic in order to ensure that checks are presented to paying banks in a timely manner.

When the horrific events of September 11 grounded all air traffic in the United States, hundreds of millions of checks did not move and the U.S. payment system was stalled, creating a situation that severely threatened our economic security. That is why the Federal Reserve, after consulting with the banking industry, technology companies, and consumer groups, submitted a proposal to Congress that would reduce the need for physical transportation of checks through increased electronic truncation.

Last Congress, I sponsored Check 21, a bill which builds on the Federal Reserve proposal and modernizes the Nation's check clearing system by allowing banks to exchange checks electronically. This Congress, I am proud to be a co-sponsor of the gentlewoman from Pennsylvania's (Ms. HART) and the gentleman from Tennessee's (Mr. FORD) legislation.

Check 21 strengthens our economic security by capitalizing on existing technology to make the collection process faster and more efficient while improving customer service, access to funds, and any fraud protections. Check 21 is simply a better, more efficient way of transferring checks that takes advantage of the technology that we have at hand.

Mr. Chairman, I am pleased that we were poised to pass this legislation.

Mr. FORD. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama (Mr. DAVIS), a new colleague but one who has already distinguished himself in this body.

Mr. DAVIS. Mr. Chairman, I want to thank the gentleman for yielding me time.

This is somewhat of a departure from the debate of the morning and from the debate that we may have this afternoon on some issues, but it is something of a welcome departure I suspect for some of us.

I want to highlight the way this institution works when it acts at its best is we find a way to work with the best interests of the business community and we find a way to work with the best interests of the consumer community and if we get some efficiency out of the process, well, all the better.

This legislation is a good bill. It is outstanding legislation, and I want to compliment the leadership of this committee. I want to compliment our very able colleague from Pennsylvania's (Ms. HART), as well as my good friend, my very able colleague, the gentleman from Tennessee (Mr. FORD), as well as a number of members of this committee who have contributed to this legislation and getting it to the point that it is an excellent piece of legislation.

A number of people have extolled the virtues of this bill as far as efficiencies are concerned. A number of people have extolled its virtues as far as making a system that has been something of a maze a much more comprehensible process.

I want to dwell a minute on an act of simplification that this bill creates with respect to consumers. Right now, a good many of the people who are watching this or who are part of our districts have had the experience of looking at their bank ledgers and finding that, they have been credited for something that they did not think they wrote. A lot of people regularly run into these kinds of very small issues with the banking community and those of us who went to law school can recall the portions of our bar books that summarize the UCC and the various protections, and they have been something of an imponderable maze.

This bill improves that. The expectation recredit provision has a number of very simple but very important features.

The first one is that if it is determined that a bank has falsely credited someone's account, within 1 day of the determination the bank must recredit the account. And there is a very specific window of time that is set to resolve a dispute. If a bank has not determined that a claim is valid within 10 business days, the bank has two options: either reciting the lesser of the amount charged or $25 with interest being reccredited and any remaining amount within 45 calendar days. That is an important act of simplification.
Every day banks assume enormous risks in order to create jobs and build opportunities. They have infused our economy with its lifeblood of capital and credit, while maintaining the health of our global economy’s circulatory arteries. Nevertheless, banks are still mired in antiquated and antiseductive laws and regulations that do not accurately reflect the realities, demands, and opportunities of today’s cyber economy.

Under the current law that governs the check-clearing process, banks must physically transport checks to a recipient bank, unless an electronic exchange agreement is in place with that recipient bank.

This requirement is costly, time-consuming and completely unnecessary in light of the safeguards and security available through digital imaging and electronic transfer.

H.R. 1474 helps bring our banking system into the 21st century by granting full legal standing to substitute checks which can be digital images of the front and back of the original cash that can be read of the information in readable form.

This bill modernizes the check collection process enabling banks to provide customers with faster and less expensive service. Moreover, H.R. 1474 recognizes and enforces the legal protections against fraud and errors that consumers enjoy under the current system while preserving the flexibility of recipient banks to process electronically received checks in the same way they would process the original.

Mr. Chairman, I urge my colleagues to support this long overdue legislation which will play a critical role in preserving the health of our financial system and revitalizing our economy, and I applaud the leadership and the sponsors of this bill.

Mr. FORD. Mr. Chairman, I yield myself the remaining time. I will consume the shortest period of time as I possibly can, Mr. Chairman.

The gentleman from New Jersey (Mr. FUSION), who walked off the floor, deserves a lot of credit for this, and forgive me for not mentioning him more, and obviously the gentleman from Pennsylvania (Ms. HART), it is her bill this go around; but the gentleman from New Jersey, Mr. FUSION, brought my attention to the bill, and I thank him for that.

I think all the merits of the bill have been talked about pretty extensively and maybe the more we talk we may lose what unanimous support we have. So I am not going to talk much longer or other than to thank a few people.

I want to thank Roger Ferguson at the Federal Reserve, the vice chair. I want to thank Ed Hill and Grant Cole at Bank of America. I want to thank Belle Durand of the Consumers Union, as well as the Consumer Federation of America and the United States Public Interest Research Group, for all of their hard work. As the gentleman from Alabama (Mr. DAVIS) said, this is one bill that I think in a lot of ways can be accurately described as pro-business and pro-consumer.

I want to thank Brant Impey and Jon O’Connor and Hannan, and of course, the committee staff on both sides, Erik Swab and Jaime Lizarra, as well as the gentleman from Ohio (Mr. OXLEY) staff, Kevin Atkinson, Dennis Ellis, Jim Clinger, Carter McDowell.

There were a number of groups outside of here, the Independent Community Bankers, America’s Community Bankers, Credit Union National Association and many others, who contributed to making this final product as good as it is.

I ask my colleagues to support the bill.

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

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

Mr. Chairman, present law requires that checks be returned to the bank where they were originally drawn, and that way of doing business has basically been the law and the procedure in this country for over 100 years. We have technology now that makes some things possible, and that is electronic transfer, as opposed to transfer of the paper check.

What we have in our country today is an antiquated process, which is also a cost process, which each day involves as many as 10,000 cars, trucks and airplanes returning checks when none of this is necessary.

The credit unions some 20 years ago went away from this process. They have had zero consumer complaints. The largest banks have made agreements between banks, and they have gone away from this process; but today, two-thirds of the checks still are processed in this outdated manner. Clearly, this House in a bipartisan way is take a bill that has been cosponsored by two of our most able Members, the gentleman from Pennsylvania (Ms. HART) and the gentleman from Tennessee (Mr. FORD), very aware of this issue, very knowledgeable on the issue, they have drafted this bill. The committee has looked at the bill. We have made changes to protect the consumer, slight changes. The bill as it exists today has been endorsed by the Federal Reserve, all the financial institutions involved, all the trade groups, consumer groups. It is a model for what this House can do when it puts aside its differences and works together for the good of the Nation as a whole.

This bill is good for customers. This bill is good for consumers. This bill is good for the economy.

We have talked about little things such as airport congestion, how this technology can address an on the roadway, our energy dependence.

I want to commend, in closing, the gentleman from Ohio (Mr. OXLEY), who
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has made this one of his three goals for this year to move this legislation; the gentleman from Massachusetts (Mr. Frank), the ranking member, who identified this as necessary legislation.

My colleagues may say, well, this ought to have been done for 20 years, and they are right. For 20 years we tried to reform our check-clearing process. We have not been able to do it until this moment. This House today I think will take a historic step in making us more competitive in the world economy by bringing our check-clearing system up to date.

Mr. Chairman, I commend the gentleman from Tennessee (Mr. Ford) and the gentleman from Pennsylvania (Ms. Hart).

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

Mr. BACHUS. I yield to the gentleman from Tennessee.

Mr. Ford. Mr. Chairman, before the gentleman yields back, Jim Worth, I forgot to mention him, the legislative staff member as well.

Mr. BACHUS. That is absolutely true. Our staff worked together very closely and in a very bipartisan spirit.

Mr. HINOJOSA. Mr. Chairman, I rise today in strong support of H.R. 1474, the Check Clearing for the 21st Century Act. I commend Representatives Melissa Hart and Harold Ford for introducing the legislation and for tenaciously working to ensure the legislation came to the House floor today.

I also want to thank Chairman Oxley, Chairman Bush, Ranking Member Frank and Ranking Member Sanders for bringing this legislation to the floor today.

H.R. 1474 will modernize the nation’s check payment system by allowing, but not mandating, banks to exchange checks electronically. Recognizing that not all banks have the ability to accept electronic transmission of a check, H.R. 1474 authorizes the creation of substitute checks for payment.

This substitute check would be used in place of the original paper check, and it would be a durable instrument. Banks that create an electronic check will be able to create a substitute check and use that for presentment to a bank that has not upgraded its system to accept electronic checks.

This legislation capitalizes on existing technology to make the current process faster and more efficient, while increasing customer service, improving access to funds and increasing antifraud measures that ensure our economic security.

H.R. 1474 will decrease our check payment system’s financial dependence on physical checks, thus avoiding any types of delays or paralysis in the U.S. payment system that might be created by another September 11th terrorist attack.

I believe that the Committee successfully crafted very difficult and complicated recodification provisions in the legislation that address the concerns of consumer groups.

This legislation is a well-crafted bill that will provide the structure for an efficient financial payments framework to enable financial institutions to provide better customer service. I encourage my colleagues to support this legislation.

Mr. Oxley. Mr. Chairman, I want to take this opportunity to thank the gentleman from Wisconsin (Mr. Sensenbrenner), the Chairman of the Judiciary Committee, for his assistance in bringing this important measure to the floor. I am inserting for the Record an exchange of correspondence regarding his committee’s jurisdiction over the measure.

HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY

Hon. Michael Oxley, Chairman, Committee on Financial Services, House of Representatives, Washington, D.C. Dear Chairman Oxley: In recognition of the desire to expedite floor consideration of H.R. 1474, the “Check Clearing for the 21st Century Act,” the Committee on the Judiciary hereby waives consideration of the bill. Certain provisions of the bill relating to the litigation of claims relating to check clearing fall within the Committee on the Judiciary’s Rule X jurisdiction. However, given the need to expedite this legislation, I will not seek a sequential referral based on their inclusion.

The Committee on the Judiciary takes this action with the understanding that the Committee’s jurisdiction over these provisions is in no way diminished or altered. I would appreciate your including this letter in your committee report on H.R. 1474 and in the Congressional Record during consideration of H.R. 1474 on the House floor.

Sincerely,

F. James Sensenbrenner, Jr., Chairman.

HOUSE OF REPRESENTATIVES
COMMITTEE ON FINANCIAL SERVICES

Hon. F. James Sensenbrenner, Jr., Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, D.C. Dear Chairman Oxley: Thank you for your letter regarding your Committee’s jurisdictional interest in H.R. 1474, the Check Clearing for the 21st Century Act. I acknowledge your committee’s jurisdictional interest in this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forego further action on the bill will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or similar legislation. I will include a letter and this response in the Committee’s report on the bill and the Congressional Record when the legislation is considered by the House.

Thank you again for your assistance.

Sincerely,

Michael G. Oxley, Chairman.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated journal of the Congressional Record. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This Act may be called the “Check Clearing for the 21st Century Act”.

(b) FINDINGS.—The Congress finds as follows:

(1) In the Expended Funds Availability Act, enacted on August 10, 1987, the Congress directed the Board of Governors of the Federal Reserve System to consider establishing regulations requiring Federal reserve banks and depository institutions to provide for check truncation, in order to improve the check processing system.

(2) In that same Act, the Congress—

(A) provided the Board of Governors of the Federal Reserve System with full authority to regulate all aspects of the payment system, including the receipt, payment, collection, and clearing of checks, and related functions of the payment system pertaining to checks; and

(B) directed that the exercise of such authority by the Board superseded any State law, including the Uniform Commercial Code, as in effect in any State.

(3) Check truncation is no less desirable today for both financial service customers and the financial services industry, to reduce costs, improve efficiency in check collections, and expedite funds availability for customers than it was over 15 years ago when Congress first directed the Board to consider establishing such a process.

(c) PURPOSES.—The purposes of this Act are as follows:

(1) To facilitate check truncation by authorizing substitute checks.

(2) To foster innovation in the check collection system without mandating receipt of checks in electronic form.

(3) To improve the overall efficiency of the Nation’s payments system.

The CHAIRMAN. Are there any amendments to section 1?

AMENDMENT NO. 1 OFFERED BY MS. HART

Ms. HART. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. Hart:

In section 1, insert “or the ‘Check 21 Act’” between the period at the end of

Ms. HART. Mr. Chairman, this amendment is actually very brief. It is one line. It is very simple; and it is, as far as I can tell, completely non-controversial.

The amendment simply adds another name to this legislation to the title of the bill. It will be, by this amendment, also referred to as the Check 21 Act. Everyone who has been familiar with this bill has commonly referred to it as the Check-21, and this amendment simply brings clarity to that issue.

I would urge my colleagues to support the amendment.

Also, I would like to add to the thanks for the cooperation on a bipartisan basis for the bill itself as well. I would like to thank the gentleman from Ohio (Mr. Oxley), the gentleman from Alabama (Mr. Bachus), the ranking member as well, and also my fellow gentlemen from Tennessee (Mr. Ford) and the gentleman from New Jersey (Mr. Ferguson).

Everyone’s cooperated well and explained this issue; but those who have not been mentioned today, those in the private sector who will be affected by this legislation have also been extremely supportive and very cooperative in working out differences that
they had during the process of moving this legislation forward, and I wish to recognize them as well. When we as the sponsors had asked them to sit down and iron some issues out, they did so and they did so very efficiently.

Mr. SIMPSON. I simply offer my amendment and ask for its approval, very simply adding the name Check 21 Act.

The CHAIRMAN. Does any other Member wish to speak on this amendment?

The question is on the amendment offered by the gentlewoman from Pennsylvania (Ms. HART).

The amendment was agreed to.

Mr. BACHUS. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the Record and open to amendment at any point.

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

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. DEFINITIONS.
For purposes of this Act, the following definitions shall apply:

(1) ACCOUNT.—The term "account" means a deposit account at a bank.

(2) BANK.—The term "bank" means any person that is located in a State and engaged in the business of banking and includes—

(A) a bank, as defined in section 19B(1)(A) of the Federal Reserve Act;
(B) any Federal reserve bank;
(C) any Federal home loan bank; or
(D) to the extent it acts as a payor—
(i) the Treasury of the United States;
(ii) the United States Postal Service;
(iii) a State government; or
(iv) a unit of general local government (as defined in section 602(24) of the Expedited Funds Availability Act).

(3) BANKING TERMS.

(A) CLAIMANT BANK.—The term "claimant bank" means a bank that submits a claim for recredit under section 7 to an indemnifying bank.

(B) COLLECTING BANK.—The term "collecting bank" means a bank that has a financial interest in a collection item, including a bank that acts as a payee or presents such substitute check.

(C) DISPUTING BANK.—The term "disputing bank" means—

(i) the first bank to which a check is transferred, even if such bank is also the paying bank or the payee; or
(ii) a bank to which a check is transferred for deposit in an account at such bank, even if the check is physically received and indorsed first by another bank.

(D) PAYING BANK.—The term "paying bank" means—

(i) the bank by which a check is payable, unless the check is payable at or through another bank, and is sent to the other bank for payment or collection; or
(ii) the bank at or through which a check is payable and to which the check is sent for payment or collection.

(E) RETURNING BANK.—The term "returning bank" means—

(i) in general.—The term "returning bank" means a bank (other than the paying or depositary bank) that is engaged in the returning a rejected check or notice in lieu of return.

(ii) TREATMENT AS COLLECTING BANK.—No provision of this Act shall be construed as affecting the treatment of a returning bank as a collecting bank for purposes of section 4-202(b) of the Uniform Commercial Code.

(4) BOARD.—The term "Board" means the Board of Governors of the Federal Reserve System.

(5) BUSINESS DAY.—The term "business day" has the meaning as in section 602(3) of the Expedited Funds Availability Act.

(6) CHECK.—The term "check" means—

(A) a draft, payable on demand and drawn on or endorsed by a bank, whether or not negotiable, that is handled for forward collection or return, including a substitute check and a traveler's check; and
(B) a draft payable at a definite time that is not negotiated to the extent of any loss incurred by any recipient of a substitute check if that loss occurred
due to the receipt of a substitute check instead of the original check.

(b) INDEMNITY AMOUNT.—

(1) AMOUNT IN EVENT OF BREACH OF WARRANTY.—The amount of the indemnity under subsection (a) shall be the amount of any loss (including costs and reasonable attorney’s fees and other expenses of representation) proximately caused by a breach of warranty provided under section 4.

(2) AMOUNT IN ABSENCE OF BREACH OF WARRANTY.—In the absence of a breach of warranty provided under section 4, the amount of the indemnity under subsection (a) shall be the sum of—

(A) the amount of any loss, up to the amount of the substitute check; and

(B) interest and expenses (including costs and reasonable attorney’s fees and other expenses of representation).

(c) COMPARATIVE NEGLIGENCE.—If a loss described in subsection (a) results in whole or in part from the negligence or failure to act in good faith on the part of an indemnified party, then that party’s indemnification under this section shall be reduced in proportion to the amount of negligence or bad faith attributable to that party.

(d) EFFECT OF PRODUCING ORIGINAL CHECK OR COPY.—(1) IN GENERAL.—If the indemnifying bank produces the original check or a copy of the original check (including an image or a substitute check) that accurately represents all of the information on the front and back of the original check (as of the time the original check was truncated) or is otherwise sufficient to determine whether or not a claim is valid, the indemnifying bank shall—

(A) be liable under this section only for losses covered by the indemnity that are incurred up to the time the original check or such copy is provided by the indemnifying party; and

(B) have a right to the return of any funds the bank has paid under the indemnity in excess of those losses.

(2) COORDINATION OF INDEMNITY WITH IMPLIED WARRANTY.—The production of the original check, a substitute check, or a copy under paragraph (1) by an indemnifying bank shall not abrogate the indemnifying bank’s obligations under section 4, but shall provide to the indemnified party the right to determine whether or not a claim is valid, independent of any obligations under section 4.

(e) REVERSAL OF RECREDIT.—A bank may reverse a recredit to a consumer account if the bank determines that a substitute check for which the bank recomputed a consumer account under subsection (c) was in fact properly charged to the consumer account, and notifies the consumer account holder of such determination.

SEC. 6. EXPEDITED RECREDIT FOR CONSUMERS.

(a) RECREDIT CLAIMS.—(1) IN GENERAL.—A consumer may make a claim for expedited recredit from the bank that holds the account of the consumer with respect to a substitute check, if the consumer asserts in good faith that—

(A) the bank charged the consumer’s account for a substitute check that was provided to the consumer account; or

(B) either—

(i) the check was not properly charged to the consumer’s account; or

(ii) the business day on which the substitute check was a warranty claim with respect to such substitute check;

(C) the consumer suffered a resulting loss; and

(D) the production of the original check or a better copy of the original check is necessary to determine the validity of any claim described in subparagraph (B).

(b) 30-DAY PERIOD.—Any claim under paragraph (1) with respect to a consumer account may be submitted by a consumer before the end of the 30-day period beginning on the later of—

(A) the date on which the consumer received the periodic statement of account for such account which contains information concerning the transaction giving rise to the claim; or

(B) the business day on which the substitute check is made available to the consumer.

(c) EXTENSION UNDER EXTENUATING CIRCUMSTANCES.—If the consumer’s ability to submit the claim described in paragraph (2) is delayed due to extenuating circumstances, including extended travel or the illness of the consumer, the 30-day period shall be extended for a total not to exceed 30 additional days.

(d) PROCEDURES FOR CLAIMS.—(1) IN GENERAL.—For a claim for an expedited recredit under subsection (a) with respect to a substitute check, the consumer shall provide to the bank that holds the account of such consumer—

(A) a description of the claim, including an explanation of—

(i) why the substitute check was not properly charged to the consumer’s account; or

(ii) the warranty claim with respect to such check;

(B) a statement that the consumer suffered a loss and an estimate of the amount of the loss; and

(C) the reason why production of the original check or a better copy of the original check is necessary to determine the validity of the charge against the consumer’s account or the warranty claim; and

(D) sufficient information to identify the substitute check and to investigate the claim.

(2) CLAIM IN WRITING.—The bank holding the consumer account that is the subject of a claim described in paragraph (1) may, in the discretion of the bank, require the consumer to submit the information required under paragraph (1) in writing.

(e) REVERSAL OF RECREDIT.—A bank may reverse a recredit to a consumer account if it—

(1) determines that a substitute check for which the bank recomputed a consumer account under subsection (c) was in fact properly charged to the consumer account, and

(2) notifies the consumer account holder of such determination.

(f) NOTICE TO CONSUMER.—(1) NOTICE IF CONSUMER CLAIM NOT VALID.—If a bank determines that a substitute check subject to the consumer’s claim was in fact properly charged to the consumer’s account, the bank shall send to the consumer, no later than the business day following the business day on which the bank makes a determination—

(A) the original check or a copy of the original check (including an image or a substitute check) that—

(i) accurately represents all of the information on the front and back of the original check (as of the time the original check was truncated); or

(ii) is otherwise sufficient to determine whether or not the consumer’s claim is valid; and

(B) an explanation of the basis for the determination.

(2) NOTICE OF RECREDIT.—If a bank recredits a consumer account under subsection (c), the bank shall send to the consumer, no later than the business day following the business day on which the bank makes the recredit, a notice of—

(A) the amount of the recredit; and

(B) the date the recredited funds will be available for withdrawal.

(g) NOTICE OF REVERSAL OF RECREDIT.—In addition to the notice required under paragraph...
(1) if a bank reverses a recorded amount under subsection (e), the bank shall send to the consumer, no later than the business day following the business day on which the bank reverses the amount, a notice described in this section that the bank has reversed—
(A) the amount of the reversal; and
(B) the date the reversal was reversed.
(2) A notice described in this subsection shall be delivered by United States mail or by any other means through which the consumer has agreed to receive account information.
(g) OTHER CLAIMS NOT AFFECTED.—Providing a recredit in accordance with this section shall not affect any liability to a person that is made under any other law, such as a claim for wrongful dishonor under the Uniform Commercial Code, or from liability for additional damages under any other law.
(h) CLARIFICATION CONCERNING CONSUMER POSSESSION.—A consumer who was provided a substitute check may make a claim for an expedited recredit under this section with regard to a transaction involving the substitute check whether or not the consumer is in possession of the substitute check.
(i) SCOPE OF APPLICATION.—This section shall only apply to customers who are consumers.

§ 7. EXPEDITED RECRREDIT PROCEDURES FOR SUFFICIENT COPY.

(a) RECREDIT CLAIMS.—
(1) IN GENERAL.—A bank may make a claim against the claimant bank for any funds the indemnifying bank, in good faith, deems necessary to determine whether the claimant bank is liable to such person in an amount equal to the sum of—
(A) the amount of the loss suffered by the other person as a result of the breach or failure; or
(B) the amount of the substitute check; and
(C) other interest and expenses (including costs and reasonable fees and other expenses of representation) related to the substitute check.
(2) OFFSET OF RECREDIT.—The amount of damages any person receives under paragraph (1), if any, that the claimant receives and retains as a recredit under section 6 or 7.
(b) COMPARATIVE NEGLIGENCE.—If a person incurs damages that resulted in whole or in part from the negligence or failure of that person to act in good faith, then the amount of any liability to which the person may be subject shall be reduced in proportion to the amount of negligence or bad faith attributable to that person.

§ 10. STATUTE OF LIMITATIONS AND NOTICE OF CLAIM.

(a) ACTIONS UNDER THIS ACT.—
(1) IN GENERAL.—An action to enforce a claim arising under this Act may be brought in any United States district court, or in any other court of competent jurisdiction, before the end of the 1-year period beginning on the date the cause of action accrues.
(2) ACCRUAL.—A cause of action accrues as of the date the injured party first learns, or reasonably should have learned, of the facts and circumstances giving rise to the cause of action.
(b) DISCHARGE OF CLAIMS.—Except as provided in subsection (c), unless a person gives notice of a claim to the indemnifying or warranting bank within 30 days after the person has reason to know of the claim and the indemnifying or warranting bank is discharged to the extent of any loss caused by the delay in giving notice of the claim.

§ 11. CONSUMER AWARENESS.

(a) IN GENERAL.—Each bank shall provide, in accordance with subsection (b), a brief notice about substitute checks that describes—
(1) the process of check substitution and how the process may be different than the check clearing process with which the consumer may be familiar; and
(2) a description of the consumer record rights established under section 6 when a consumer believes in good faith that a substitute check was not properly charged to the consumer’s account.
(b) DISTRIBUTION.—With respect to consumers that are customers of a bank on the effective date of this Act, a bank shall provide the notice described in subsection (a) to such consumer no later than the first regularly scheduled communication with the consumer after the effective date of this Act.
(c) MODEL LANGUAGE.—The Board shall prepare model forms or clauses that are not required by this Act.

§ 12. EFFECT ON OTHER LAW.

(a) PREEMPTION.—This Act shall supersede any provision of Federal or State law, including the Uniform Commercial Code, that is inconsistent with this Act, but only to the extent of the inconsistency.
SEC. 13. VARIATION BY AGREEMENT.
(a) SECTION 7.—Any provision of section 7 may be varied by agreement of the banks involved.
(b) NO OTHER PROVISIONS MAY BE VARYED.—Except as provided in subsection (a), no provision of this Act may be varied by agreement of any person or persons.

SEC. 15. EFFECTIVE DATE.
This Act shall take effect at the end of the 18-month period beginning on the date of the enactment of this Act, except as otherwise specifically provided in this Act.

The CHAIRMAN. Are there any further amendments?

The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation’s payments system, and for other purposes, pursuant to House Resolution 256, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

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

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

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

ESTABLISHING JOINT COMMITTEE TO REVIEW HOUSE AND SENATE MATTERS ASSURING CONGRESSIONAL OPERATIONS FOR THE AMERICAN PEOPLE

Mr. DREIER. Mr. Speaker, pursuant to the order of the House yesterday, I call up the concurrent resolution (H. Con. Res. 190) to establish a joint committee to review House and Senate rules, and other matters assuring continuing representation and congressional operations for the American people, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The text of H. Con. Res. 190 is as follows:

H. Con. Res. 190

Whereas the Government must be able to function during emergencies in a manner that gives the American people and security to the American people; and

Whereas the Government must ensure the continuation of congressional operations, including procedures for replacing Members, in the aftermath of a catastrophic attack; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That: (a) there is hereby established a joint committee composed of 20 members as follows:

(1) 10 Members of the House of Representatives, to be appointed by the Speaker of the House, including the chairman of the Committee on Rules, who shall serve as co-chairman, and the minority party to be appointed by the Speaker of the House (after consultation with the Majority Leader); and

(2) 10 Members of the Senate as follows: 5 from the majority party, including the chairman of the Committee on Rules and Administration, who shall serve as co-chairman, and 5 from the minority party, to be appointed by the Majority Leader of the Senate (after consultation with the Minority Leader).

A vacancy in the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original selection.

(b)(1) The joint committee shall make a full study and review of the procedures which should be adopted by the House of Representatives, the Senate, and the Congress for the purposes of continuity and authority of Congress during times of crisis, (B) improving congressional procedures necessary for the enactment of measures in times of crisis, and (C) enhancing the ability of each chamber to cooperate effectively with the other body on major and consequential issues related to homeland security.

(2) No recommendation shall be made by the joint committee except upon the majority vote of the members from each House, respectively.

(3) Notwithstanding any other provision of this resolution, any recommendation with respect to the rules and procedures of one House that only affects matters related solely to that House may only be made and voted on by members of the joint committee from that House and, upon its adoption by a majority of such members, shall be considered to have been adopted by the full committee as a recommendation of the joint committee.

(4) The joint committee shall submit to the Speaker of the House of Representatives and to the Majority Leader of the Senate an interim report not later than March 31, 2004, and a final report not later than May 31, 2004, of the results of such study and review.

(c) The joint committee shall cease to exist no later than May 31, 2004.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the order of the House of Wednesday, June 4, 2003, the gentleman from California (Mr. DREIER) and the gentleman from Texas (Mr. FROST) each will control 30 minutes.

The Speaker recognizes the gentleman from California (Mr. DREIER).

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

Mr. Speaker, let me begin by expressing my appreciation to the Chairman, Mr. HASTERT, for his leadership on this very important issue of the continuity of the Congress.

H. Con. Res. 190 creates a joint committee of the House and Senate for systematic review of the internal operations of the Congress for the purpose of assuring continuing representation and congressional operations in the face of any catastrophe.

For a number of months, I have been considering the continuity of Congress, homeland security, and what measures we need to have in place to make sure that this institution survives in a time of crisis. I am pleased today to bring before the House a measure which has been sponsored by all 13 members of the Committee on Rules, Democrats and Republicans.
what was called the 1993 Joint Committee on the Organization of Congress.

Now, since the terrorist attacks of September 11, 2001, our perception of national priorities clearly has gone through some changes. Congress’s initial response to the act of terrorism included establishing the Department of Homeland Security, our Select Committee on Homeland Security; H. Con. Res. 1, which established the opportunity to have an alternative place and designation for us to meet; the task force that was put into place, led by the ranking minority member of the Committee on Rules, the gentleman from Texas (Mr. FROST); and, obviously, within the Committee on Appropriations, the Subcommittee on Homeland Security.

Let me take a moment, Mr. Speaker, to praise the work of my friends, the gentleman from California (Mr. COX); and, obviously, within the Committee on Appropriations, the Subcommittee on Homeland Security.

Mr. Speaker, H. Con. Res. 190 would inaugurate a special joint committee study of the ways we can ensure that the structures, procedures and lines of communication between the two Chambers are effectively organized and coordinated. The brave legislation under discussion is necessary if we are to deal with the issues that are growing in importance to our nation.

The Presidency has been transferred to an interim president. This is the greatest deliberative body, and it is important that we hear from our friends, the Members of this body, about their ideas, including what are we going to have in place to deal with this crisis, what do we need to have in place procedurally to deal with this, do we have the proper funding mechanisms in place? Are there Members elected to special committees in order to assure a quorum?

Mr. Speaker, I am not wedded to any particular issue. If I am selected to serve on the joint committee, I want to hear from our colleagues. The needs of the Members and the Members of the joint committee, I want to hear from our colleagues and our Members about their ideas. I know that what we are going to have in place has been proposed from a wide range of different sources.

The Presidency has been transferred in critical situations on numerous occasions: war, assassination, and impeachment. But only two or three times in our Nation’s history have emergencies tested the ability of the United States Congress to conduct its business under extreme circumstances.

Mr. Speaker, Congress should undertake a thorough review of its own procedures, rules, joint and other related matters to ensure the functioning of Congress in the event of any catastrophe.

Mr. Speaker, the two Chambers, of course, do have formal and informal devices to bring Representatives and Senators together. We, of course, have conference committees, we have bicameral leadership meetings, but these mechanisms for bicameral organization are typically on an ad hoc basis and they address the legislative and political dynamics of questions that are out there. We have no formal structure in place to jointly address how we would deal with things in the case of an emergency.

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eventualities by statute or other means.

We have to understand the simple fact that the framers intended for this body to be the arm of the Federal Government closest to the people. For that reason, the Constitution established a body that requires direct election of all its Members. As we all know, it takes a number of months to conduct elections; and if this body has lost large numbers of Members, I believe it is essential that the American public be confident that every part of its government is up to the task of responding to a national emergency.

Let me state this in the strongest possible terms. It would be a colossal waste of the time of the Congress if Members of this new joint committee go into this process with a closed mind on the issue of a constitutional amendment authorizing appointment or replacement of Members in time of crisis. We must have every option on the table, to be well aware of anyone standing on the joint committee and in this body, to explore the issues, pose the questions, and find the answers. For the sake of the country and for the sake of the stability of the people's House, we must be willing to undertake this task. Our work last year was a positive first step; but we have a solemn responsibility to make sure that every option is considered, and it is important that the House work with the Senate to ensure that the entire Congress have a plan to respond to a national emergency.

I want to commend Chairman Cox for his work on this issue in the 107th Congress and thank my friend, the gentleman from California (Mr. Dreier), for bringing the issue to the fore this year. This is a matter of such importance and such gravity that we must all devote considerable energies to it. We must be open, we must be non-partisan, we must always keep in mind that this democracy is resilient, responsible, and ready to meet every challenge. So must we be.

I want to read from the resolution one section which underscores the bipartisan nature of this undertaking. This is section (b)(2), appearing on page 3: “No recommendation shall be made by the joint committee except upon the majority vote of the members from each House, respectively.”

Mr. Speaker, what does that mean? Well, there are five Republicans from the House and five Democrats from the House on this joint committee; five Republicans from the Senate and five Democrats from the Senate. So that the five Republicans, acting on their own, cannot make any recommendations in the House; and the five Democrats, acting on their own, cannot make any recommendations. Each party has a veto. And, quite frankly, we must always keep in mind that this body should be, that only upon agreement of a majority of the 10 Members from the House and a majority of the 10 Members from the Senate will we be able to recommend anything back to this body.

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

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

Mr. Dreier. Mr. Speaker, I thank my friend for yielding, and I would just like to say that again we looked at this modeling it after the joint Committee on the Organization of Congress from 1993, and I want to congratulate the new minority, then majority, for setting the new structure whereby we would in fact ensure that in moving ahead it must be done in a bipartisan way.

These issues that we are going to be addressing, Mr. Speaker, are of such gravity that it is important that just as we are here to get total agreement today with the establishment of this joint committee, that as we come forward with our recommendations that in the same way have the kind of bipartisan agreement that will be necessary.

Mr. Frost. Reclaiming my time, Mr. Speaker, this is different from the way we normally operate in the House of Representatives. Normally, a simple majority, which can be constituted entirely on the majority's side, on the Republican side, could prevail on any issue. We are choosing to adopt a different set of rules for this proceeding, and that is exactly the way we should be handling this matter to guarantee that one party will not be able to dictate the outcome on matters of this magnitude.

I want to thank the majority party for agreeing to that and for moving forward with this very important resolution. This is a matter that I personally have spent a lot of my time on over the last year, but it would not be possible to move forward at this point had the majority party not been willing to do so. And I thank them on behalf of the minority and I thank them on behalf of the country for their willingness to do this.

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

Mr. Dreier. Mr. Speaker, I yield myself such time as I may consume to express my appreciation to my friend, the gentleman from Texas (Mr. Frost), for his very kind and supportive words on this important issue as we proceed with this very weighty matter. As I mentioned in my opening remarks, we yesterday held a hearing of the Subcommittee on Technology and the House, chaired very ably by our friend, the gentleman from Atlanta, Georgia (Mr. Linder).

Mr. Speaker, I am happy to yield 4 minutes to the gentleman from Georgia (Mr. Linder).

Mr. Linder. Mr. Speaker, I rise in strong support of House Concurrent Resolution 190 to establish a joint committee to review House and Senate rules, joint rules, and any additional issues of importance pertaining to the continuity and security of congressional operations. The Rules Subcommittee held a hearing yesterday to hear testimony from the chairman of the Committee on Rules and our ranking minority member of this proposed joint committee. It is a serious proposal. It is timely, and the gentleman from California (Mr. Dreier) and the gentleman from Texas (Mr. Frost) deserve great credit for their leadership on this issue.

As a result, it is imperative that the Federal Government be in the most effective position to protect the American public, and the most visible sign of our Nation meeting this obligation has revealed itself in our efforts to find and eliminate enemies at home and abroad. It is also our obligation to ensure that the continuity of our representative government continues.

The House took action on the opening day of this Congress to implement some appropriate institutional mechanisms in case of an emergency. In light of the critical nature of the considerable responsibilities of the United States Congress, the time is right to reevaluate procedural requirements that affect the manner in which our legislative duties will be conducted in the House and Senate in an emergency.

Mr. Speaker, the mission of this joint committee will be to undertake a comprehensive review of House and Senate procedures, one, to ensure the continuity and authority of Congress during times of crisis; two, to improve congressional procedures necessary for the enactment of measures affecting homeland security during times of crisis; and three, to enhance the ability of each Chamber to cooperate effectively with the other body on major and consequential issues related to homeland security.

By passing this concurrent resolution today, we put the wheels in motion for an internal assessment to help ensure the continuity and security of congressional operations. This represents a significant step in our efforts for modifying congressional procedures, elevating parliamentary preparedness, and having the House and Senate think about what needs to be done to ensure
the legislative’s branch continued viability in the face of any emergency situation.

I thank the House leadership for recognizing the importance of these security and continuity of operations matters and for swiftly advancing this proposal to the House floor. I urge unanimous support for this bipartisan proposal.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, people viewing this may be curious as to why it is necessary that we consider this matter, other than the obvious that the gentleman from California (Mr. DREIER) and I have stated.

Under the current precedents and under the current judicial interpretation of the precedents of the House, a quorum is a majority of those sworn and living. If we only have five Members survive, three Members would be a quorum. The difficulty of that would be whether the country would have any confidence in legislation enacted by only five Members.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentleman from Texas for his leadership on this issue and also the leadership of the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

What we are about here is about as serious as it gets. We are contemplating the possibility that everyone in this building and most of the Federal Government officials in this city would be killed. It is not pleasant to contemplate, but I view it as a sign of the strength of this great democratic Republic that we are able to contemplate it because what we are saying is this: We are proud to have been elected and serve in this great body, but there is a need to have a voice in the Federal Government as it deliberates the most weighty matters that come before this Nation.

Should we all be killed and not have a mechanism to replace this institution, we would leave this great Nation and the world, without the system that has served us so well, the system of checks and balances to ensure that a self-appointed executive would not emerge with no checks and balances, to ensure that an unaccounted Cabinet member could not exercise extra constitutional powers without the checks of a representative body. That is what we are about.

The gentleman from California (Mr. Cox) has done an outstanding job, along with the gentleman from Texas (Mr. FROST) on the working group. Norm Ornstein is certainly to be credited, as is Tom Mann for the gift they gave this body yesterday with the Commission on Continuity. But we have important work to do. It is now almost 2 years since September 11 happened. We just lack a few months from that tragic date. In this time, we have the opportunity to ensure the continuity of this great body. I hope we will act on that.

The entire Constitution was written over the course of a few months by very wise individuals who got together and, as this select committee will do, set aside partisan differences. There were no parties at the time. They simply said: What is good for this country? What will help preserve our liberties? How can we establish a system that will learn from the mistakes of the past and persevere through the challenges of the future?

We have met new challenges, and we understand now we must adapt the ways we do business. This committee will help us learn to do that and will establish the procedures we need to move forward. I commend the two leaders for setting this up.

Mr. DREIER. Mr. Speaker, I yield 4½ minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Speaker, I rise to express a few concerns that I have regarding both the commission and the rapid trend toward a constitutional amendment that might solve some of the problems that people anticipate.

I certainly agree with the gentleman from Washington (Mr. BAIRD) that this is a very serious issue; and this is to me not just a casual appointment of a commission, but we are dealing with something that is, in a constitutional sense, rather profound because we are talking about amendments that are suggesting that our governors will appoint moc in a time of crisis and we will have other Members of Congress for the first time in our history. That should be done with a great deal of caution and clear understanding of what we are doing.

My concern, of course, with the commission is that we are moving rather rapidly in that direction. Hopefully, that is not the case. We had the commission report of the Continuity of Government Commission yesterday, and that was released, and then we had unprecedented consent agreement to bring this up, like we are trying to do this in a hurry.

Ordinarily, if we deal with constitutional amendments, quite frequently we will have a constitutional amendment proposed, and then there will be hearings on that particular amendment. I think we could handle it that way.

But I have another concern about the urgent need and the assumption that this will end all the discussion for a few days. There are times when we are not here like in August and a few months we take off at Christmas. Of course, we can be recalled, but the world does not end because we’re not here. In a way this need for a constitutional amendment to appoint congressmen is assuming that life cannot go on without our writing laws.

I would suggest that maybe the urgent need is not quite as one thinks. I want to quote Michael Barone who was trying to justify a constitutional amendment that allows governors to appoint congressmen in a time of crisis. He said, “think of all the emergency legislation that Congress passed after September 11th.” Now, this is none of this could have happened”. But now as we look back at those emergency conditions, a lot of questions are being asked about the PATRIOT Act and the attack on our fourth amendment and civil liberties. I suggest there could be a slower approach no harm will come of it.

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

Mr. PAUL. Mr. Speaker, I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding.

I appreciate the concerns that the gentleman has raised. Let me first say that I was very pleased with my colleagues on the Committee on Rules will recall this, as we proceeded with implementation of the PATRIOT Act I insisted that we have a sunset clause in that this institution would be required to take another look at the ramifications of the PATRIOT Act, and I know that there are wide-ranging concerns that have been raised.

Second, on the issue of the constitutional amendment, I have stated that I am very concerned about the prospect of moving ahead with a constitutional amendment which would take this institution from being the body of the people to becoming, as the other body was designed in the Constitution, to be the representative body of the States and make the body of the States again which I believe would make it the case if we were to have governors appoint Members of the House of Representatives.

I think this joint committee is designed to look at these concerns, look at the issues out there. We have all talked about the gravity of it. We know it is a very, very serious matter. I will assure my friend there is no way this committee, if we were to come forward with a proposed constitutional amendment, would act without going through the process of having the Committee on the Judiciary look at the prospect of amending the Constitution, and we in the Committee on Rules should not do it again, and of course it would have to go through the confirmation process.

Mr. PAUL. Mr. Speaker, I would like to say I am pleased to hear what the gentleman has said, because there are some who think this just to the outside, saying what we are doing here today as nothing more than a continuity of what was done yesterday. The gentleman from California (Mr.
Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to make it clear to people who may be watching or listening to this again why we are discussing this. There is a historical aberration in our Constitution that provides that senators, when they die or are killed, may be appointed, replacement Senators, but there is no comparable provision for replacement of House Members. That historical aberration arises from the fact that when our Constitution was first passed all Senators were appointed. They were appointed by their State legislatures. It was only much later in our history that we went to the direct election of Senators.

When we did that, we retained the appointment power for the governors of States to replace Senators who die or are killed, may be appointed, replacement Senators. And if there is no comparable provision for being able to replace House Members in the event of a mass tragedy.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. Frost), the gentleman from California (Mr. Cox), who very ably led, along with the gentleman from Texas (Mr. Frost), the effort to deal with the continuity of Congress in the 107th Congress.

Mr. Speaker, when in May 2002 the Speaker asked us, the gentleman from California (Mr. Cox), who very ably led, along with the gentleman from Texas (Mr. Frost), the effort to deal with the continuity of Congress in the 107th Congress.

Mr. Speaker, when in May 2002 the Speaker asked us, the gentleman from Texas (Mr. Frost) and me, to cochair a working group, there was not a Department of Homeland Security, there was not a Senate committee to oversee the Department of Homeland Security; but now that I have assumed that responsibility, I can say that I feel there is no issue more integral to homeland security than the preservation and proper functioning of our democratic institutions in time of national emergency. I am very pleased that the next step that this body, and indeed the other body, is taking this process is to institutionalize through a bicameral group that will be chaired on this side by the leaders of our Committee on Rules to take a further look at these seemingly, in some cases, intractable problems that lack any immediate solution and that therefore must be handed off to this more permanent body that we are establishing by this resolution.

I want to commend the other members of the working group for their yeardlong effort. They include, of course, cochairman Martin Frost; chairman of the House Committee on Rules, Mr. Dreier; David Dreier, leading us on the floor today and will lead this effort henceforth; chairman of the House Subcommittee on the Constitution, Steve Chabot; ranking member on the House Subcommittee on the Constitution, Jerrold Nadler, chair of the Committee on House Administration, Bob Ney; chair of the House Democratic Caucus, Steny Hoyer; chair of the House Republican Policy Sub-committee on Redesigning Government, David Vitter; representative Brian Baird from whom we have just heard; Representative Sheila Jackson-Lee; Representative James Langevin, who is also with us here today on the floor.

Ex officio members of the working group who were enormously important to our efforts included the House Parliamentarian, Charles Johnson; the Deputy House Parliamentarian, John Shriver; former Speaker, Dennis Hastert; Donn Anderson; House legislative counsel Pope Barrow; House general counsel Michael Stern; and Congressional Research Service senior specialist Walter Oleszek. From May to October of 2002, the working group held eight very long meetings, hearing testimony from law professors, constitutional scholars, members of the academic community, think tank scholars and other experts. The working group was instructed, in order to carry out its charge, to look at the House rules, because they are the least intrusive, most efficient means of solving these problems; next, statutory solutions; and only lastly constitutional amendments.

I want to say with respect to this question of a constitutional amendment because already during this debate we have heard concerns raised about willy-nilly amending the Constitution or about overstating the problems when Congress is, for example, out of town during the August recess with regularity, it was unfortunately necessary for us in this working...
group to imagine some circumstances that we hope never arise when not only the whole House but the President and the Vice President also were lost. In that circumstance, there are significant questions of legitimacy of both the institutions of the executive and the legislative, but also even more trenchant concerns about the withdrawal of the checks and balances that undergird our system and protect our civil liberties.

If we try to imagine what America would be like after such a horrible attack that killed the President, killed the Vice President, killed the Speaker of the House, killed hundreds of Members of this Congress, first we would have as President, this much would be certain, someone who perhaps no one had ever heard of before, and someone who might or might not be fit for the job. That person would be vested with the immediate responsibility of presumably determining whether to declare war and the responsibility under article 1 of this body which would not be able to function. That person also would be asked to seek emergency appropriations to deal with this problem. Yet there would be no Congress that perhaps hundreds of Members of this Congress might be killed by a terrorist event, and perhaps hundreds of Members of the Senate killed by a terrorist event. Congress might be killed by a terrorist event, and perhaps hundreds of Members of the Senate killed by a terrorist event.

Congress might be killed by a terrorist event, and perhaps hundreds of Members of the Senate killed by a terrorist event.

Unfortunately, that have died or are unable to fulfill their duties. That line should be as solid as the concrete barriers that protect our Capitol grounds. Unfortunately, that line is not. However, with a mere change in statute, not a constitutional amendment, Congress can ensure the certainty in the line of succession as well as the continuity of the Federal policies of the executive branch.

Article 2, section 1 of the Constitution allows Congress to determine the line of succession to the Presidency, following the Vice President. Congress last seriously addressed this issue when it passed the Presidential Succession Act of 1947. Unfortunately, the 1947 act is ambiguous and we cannot afford ambiguity in the legitimacy of the legitimacy of the President of the United States, particularly at a time of crisis. The 1947 act is further flawed because it allows the Presidency to be shifted from one political party to the other during a 4-year term. This means that if the Vice Presidency is vacant, our stock markets and our foreign enemies will wonder whether some unfortunate event will cause a radical shift of our policies. A terrorist might see an opportunity to radically shift our policies by killing just one individual. And a partially or temporarily impaired President would be highly unlikely to either take a leave of absence under the 25th amendment or to resign permanently if the opposition would vest control of the executive branch in the opposite political party.

Current law provides that if the office of Vice President is vacant, the next in line is the Speaker of the House, followed by the President pro tempore of the Senate. In the recent season finale of the “West Wing,” the President was under extreme personal stress. There was no Vice President serving. That President invoked the 25th amendment and temporarily transferred control of the executive branch to the Speaker of the House who happened to be of the opposite political party. Would that happen in real life? I would hope so, because I would hope that a President under extreme stress would act differently if they were provided in the 25th amendment. But in real life, a President arguably suffering from temporary impairment would hang on to the Presidency with the same tenacity that my friend Strom Thurmond held on to his Senate seat when he knew that if he resigned from the Senate he would be replaced by the appointee of a Democratic Governor.

Speaking of my friend Strom Thurmond, we should remember that just a few years ago, while Strom was in his late 90s, he was third in line to succeed to the Presidency. Does this make sense in an era of suicide assassinations? In a document that I will append in the Record, my colleagues and I argue that a President under extreme stress would act differently if they were provided in the 25th amendment. But in real life, a President arguably suffering from temporary impairment would hang on to the Presidency with the same tenacity that my friend Strom Thurmond held on to his Senate seat when he knew that if he resigned from the Senate he would be replaced by the appointee of a Democratic Governor.

The line of presidential succession determines who becomes President if both the President and Vice President have died or are unable to fulfill their duties. That line should be as solid as the concrete barriers that protect our Capitol grounds. Unfortunately, that line is not. However, with a mere change in statute, not a constitutional amendment, Congress can ensure the certainty in the line of succession as well as the continuity of the Federal policies of the executive branch.

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tunity" to shift our policies. A partially or temporarily impaired president would think twice about taking a leave of absence under the 25th Amendment, or re-
signing, if it would put another party in control of all executive depart-
ments. Finally, third in the current line of succes-
sions is the President Pro Tem, a cer-
monial title held by the longest-

serving member of the Senate majority.

Current law provides that if the office of the vice president is vacant, the next in line is the Speaker, followed by the President Pro Tem. The recent "West Wing" season final demonstrated how a president, under ex-
treme duress could, at a time when there was no vice president, invoke the 25th Amend-
ment and temporarily transfer control of the White House to a Speaker of the opposite poli-

tical party. In real life, it is more likely that a president suffering from temporary impairment would hang on to the presidency with the same tenacity that former Sen. Strom Thurmond (R-S.C.) held on to the Senate when his residence would have handed his seat to an appointee of a Democratic governor.

Speaking of Thurmond, we should remem-
ber that just a few years ago, while in his late 90s, he was third in line for the presi-
dency. Does this make sense in an era of sui-
cide-assassination?

Here is a hypothetical designed to illus-
trate all the ambiguities of the 1947 act. The office of vice president, Speaker and Presi-
dent Pro Tem are all vacant. The president has nomi-
inated Ms. Smith to the new vice

president, and he awaits her confirmation
hearings under the 25th Amendment. The House and the Senate have adjourned for the
year, though Mr. Jones is serving as "tem-
porary House Speaker" pursuant to House rule 1, clause 3(3)(A). Now, imagine that the presidency dies.

Does Mr. Jones, the temporary Speaker, be-
come president? Probably not, but we're not sure. Furthermore, if the 25th Amend-
ment is triggered, it is likely that both the Speaker and the secretary of State would be

considered ineligible; not only because of the 22nd Amendment, but also because of the stamped and signed orders of the president.

The current opposition to the 25th Amendment and establishment of a commission is being led by Mr. Jones, the temporary Speaker. He is joined by Mr. Smith, the Secretary of State, Mr. Cox, the House Minority Leader, and Mr. Ford, the House Majority Leader.

If the president became incapacitated, the Speaker would take over. If the Speaker resigns, the President Pro Tem would become Speaker and would appoint a new Speaker. The President of the Senate would then become Speaker, followed by the President Pro Tem. The recent "West Wing" season final demonstrated how a president, under ex-
treme duress could, at a time when there was no vice president, invoke the 25th Amend-
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ber that just a few years ago, while in his late 90s, he was third in line for the presi-
dency. Does this make sense in an era of sui-
cide-assassination?

This raises a question which I believe must be tack-
ed more adequately is the possibility of mass deaths among House Members and how our democratic institution of the House, our most democratic insti-
tution, would continue to function in this circumstance of national emergency. So that is why I think this resolution and the new joint work be-
tween the House and the Senate led by

the gentleman from California (Chair-
man Dreier) and others is so very im-
portant.

I also want to join in the concerns that the gentleman from Texas (Mr. Paul) raised. They are very legitimate concerns that I and many other people hold, but clearly there are ways to ad-
dress those concerns. Clearly, this new group is not headed in any specific di-
rection that the rules addressing those concerns adequately deal with. It is a group that I look forward to continuing to work on this issue with others.

Mr. Frost. Mr. Speaker, I yield my-
self such time as I may consume.

Mr. Speaker, I want to respond to one of the issues raised on the other side, and that is the question of the adequacy of replacing Members of the House through special elections.

For example, in my home State of Texas, our former colleague, Mr. Com-
best, shortly after the convening of this Congress, announced that he was resigning, was leaving, and his suc-
cessor, who was chosen in a special election under Texas law which in-
cluded a runoff, was sworn in today, 6 months into the Congress. So there is a difficulty in citing the remedy of spe-
cial elections as a way of replacing Members in a proper time.

I am very sympathetic to the histori-
cal precedent that Members of the House up until this point can only serve by election, but there are ex-
traordinary circumstances. We hope the extraordinary circumstances never occur, but we do need to be ready, should anything like that ever happen.

Mr. Speaker, in closing, this resolu-
tion is a very significant development. And the Congress wants to give this priority for the way this is structured, for hav-
ing the sides evenly divided, for requir-
ing a majority vote in each House of the members on this joint committee, and I would urge that the Congress, that the House, promptly pass this res-
olution. I would hate that the Senate, the other body, would do the same thing, so the work of this joint com-
mittee could begin as soon as possible.

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

Mr. Dreier. Mr. Speaker, I yield my-
self the balance of my time.

Mr. Speaker, I think that we have seen from today's debate that this is an ex-
pertly important matter.

But just as clearly as we have met and gained consensus on some issues and made important progress, big ques-
tions remain. On one of the biggest ques-
tions which I believe must be tack-
ed more adequately is the possibility of mass deaths among House Members and how our democratic institution of the House, our most democratic insti-
tution, would continue to function in this circumstance of national emergency. So that is why I think this resolution and the new joint work be-
tween the House and the Senate led by
For that reason, after this nearly 2-year window of time when we have taken a lot of action in response to September 11, it is important for us now step back and, in a deliberative manner, to very thoughtfully look at the ways in which we can assure that we proceed with fair and balanced representation to maintain a continuity of our Nation’s governance. I believe that we have in this resolution which will establish this joint committee an opportunity to, in a bicameral way, look at this very important question.

As I said earlier, exactly 10 years ago, in 1993, I was privileged to be a co-chairman of the Joint Committee on the Organization of Congress, which looked at a lot of the institutional questions that both bodies face. Now we will, in the wake of this very, very serious challenge that we face, have the opportunity to look at those questions which continue.

Obviously, it is important for us to recognize the disparity that exists between the two bodies. The other body is one which has different constituencies than ours, obviously different terms, as the gentleman from Texas (Mr. Frost) has pointed out, different ways for succession.

This institution is known as the People’s House. We are the only federally elected officials who must be elected to have the opportunity to serve in our positions. I feel it is very important for us to maintain that status, as James Madison envisaged it over two centuries ago; and I believe that, at the same time, we can, in working with our colleagues in the other body, proceed with a very fair, bipartisan process, which will allow us to address this.

It is obvious, Mr. Speaker, from having listened to the debate which will simply put into place this joint committee, that there is disagreement. But I believe that as we take the input that has been provided by a wide range of individuals, academics, former colleagues, people who spent a lot of time thinking about this, who will be providing us with recommendations, I am convinced that the work of this joint committee will be among the most important things that this 108th Congress will be able to address.

Mr. Speaker, with that, I urge adoption of this resolution.

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

The SPEAKER pro tempore (Mr. LaHood). Pursuant to the order of the House of which we can assure that the concurrent resolution is considered read for amendment and the previous question is ordered.

The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. Speaker, both of the bills covered by this rule were considered by the House under suspension of the rules on June 3. Neither bill was adopted, having failed to receive two-thirds of the votes cast, but each bill was supported by a clear majority in the House.

The Zuni Indian Tribe Water Rights Settlement Act approves a settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona. The bill resolves all of the claims of the Zuni Tribe to water rights in the Little Colorado River basin and elsewhere in Arizona. The bill also provides resources to restore riparian wetlands to the Zuni Reservation that are of great religious and cultural significance to the tribe and its members.

The Grand Teton National Park Land Exchange Act provides for the acquisition of land owned by the State of Wyoming within the boundaries of the Grand Teton National Park. These lands, rich in wildlife habitat, will be exchanged for other Federal lands or assets of equal value. In turn, the State will be able to acquire lands that have open potential to generate revenue for public schools, ensuring that the State of Wyoming meets its constitutional mandate to maximize revenues from its school trust lands.

Mr. Speaker, it is unfortunate that we are forced to take up the valuable time of the House to consider for a second time this week two measures that have been previously approved by a solid majority in this House. The measures have been fully debated. Accordingly, Mr. Speaker, I urge my colleagues to support this rule and pass the underlying bills without further delay.

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

Mr. McGovern. Mr. Speaker, I yield myself 6 minutes. I thank the gentleman from Washington for yielding me the time.

Mr. Speaker, this morning during the debate on the Check 21 open rule, I warned this body that open rules are a rarity, an endangered species, if you will. Well, here we are about to consider not an open rule but a closed rule on two noncontroversial bills. But what do you expect? This is the norm. This is business as usual in this body.

I also want this Chamber and the American people to remember this moment, because it is historic. This also is a rarity here. We finally have seen a tax cut that the Republicans do not like, in the dead of night, faced with the decision of either providing tax relief for 12 million working families or giving a tax cut to Donald Trump, the Republicans chose Donald Trump and left the children out in the cold.

Who exactly is being deprived by this government decision? Nearly one in five children of our active duty military. These families are only making around $27,000 a year. They did not
have the good fortune to be born with the last name of "Gates" or "Buffett" or "Cheny." But they are trying to make a living, and they are doing so by serving their country. These are children of people who are fighting in Afghanistan and Iraq, but the Republicans in Congress, in an act of malice and tax cuts for their rich friends, decided these families do not need any tax relief. 

Now, of course, Republicans claim that they provide tax relief only for people who pay income tax, but we all know people pay more than just income tax. There is a payroll tax. There is property tax. There is a sales tax. But the Republicans in their warped thought process consider payroll tax relief and child tax credit a new form of welfare. We heard this argument earlier this morning, and it is outrageous, and quite frankly, it is insulting to these hardworking Americans.

As we all know, this could not be farther from the truth. It is the Republicans who encourage welfare in the Tax Code by giving tax breaks to corporations and tax havens in other countries. Their disingenuous argument does not fly with the American people.

Mr. Speaker, the legislative process in this body is broken. There is no excuse for the Republicans' actions. We are here today to reconsider two bills that should have been passed under suspension of the rules. The bills are not controversial, but the majority's actions are.

As we all know, on Tuesday three bills were defeated under suspension of the rules. House Democrats using one of the few procedural tools at our disposal, voted against these bills, not on their merits but to express our frustration that the House leadership refuses to allow for consideration of a bill that would give our working families the tax relief that they deserve.

So today is also payback day. I think it is shameful and spiteful; and it is, unfortunately, very typical around here. They will not say it on the other side of the aisle, so I am going to say it right here now.

What is the payback? Among other things, showing disrespect for one of the finest individuals ever to grace the halls of this body. A bill that was defeated on Tuesday that is not on today's schedule is the bill to name a Federal building in Indianapolis for the late Senator Birch Bayh. We should be naming multiple courthouses in this country for Birch Bayh.

Their tactics will not work. We are not going to be intimidated. We are going to keep talking about the issues that matter to working Americans, and issues like tax fairness are high among them. If the Republicans were serious about the people if they were serious about their support for working families, they would schedule a vote to reinstate this provision. That is what we are fighting for. That is what we are asking for. But they will not, because they are not serious about this. They are merely providing lip service, telling Americans what they want to hear while padding the pockets of their wealthy friends.

Mr. Speaker, at the end of this debate on the rule I will ask my colleagues to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment to provide for the consideration of the bill to rescind the E5 and below provisions of the tax bill to help the people the Republicans would rather leave behind.

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

Mr. MCGOVERN. Mr. Speaker, I am happy to yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mr. Speaker, the two bills that are being considered here today were great suspension bills that were on the January calendar. However, Democrats, in an effort to voice our concern about leaving behind millions of Americans who are low-income families, voted against those suspension bills.

In fact, Mr. Speaker, to borrow a recent popular phrase, I am shocked and awed by the consummate arrogance, fiscal irresponsibility, and candid lack of compassion of the Republican lawmakers of this body.

I have been on the floor many times in the past several months expressing my outrage at the unfairness and untimeliness of the various GOP tax plans, and once again I find myself at the podium in a state of disbelief about the self-proclaimed "compassionate conservative party" to exclude some of the neediest families in our Nation from tax relief in the tax bill that was signed into law last week.

In an administration that has claimed to want to leave no child behind, we are now realizing that, indeed, 12 million of them were left behind, and $51,000 in my State.

In a time where special attention is being given to our brave men and women of the Armed Forces who served so well in Iraq, I think it is inappropriate to see how this last-minute shenanigans have actually left many of them out. The majority of our military members are in the pay grades of E–5 and below. These are the sergeants, the petty officers, the lance corporals, specialists, and airmen whose round-the-clock efforts made the military victory in Iraq swift and decisive. But an E–5 with 6 years in service makes just $24,900 in base pay per year. An E–2 just new to the military makes just $15,840 in base pay. And these are just some of the millions of families who will suffer, and their children will suffer, their spouses will suffer, because of the back door wrangling by Republicans to give even more money to the wealthiest of American taxpayers.

Mr. RANGEL has introduced a fair and responsible alternative to address this injustice, but I am afraid it will be too little, too late. Rather than focus on the important issues facing our Nation, the Republican leadership seems intent to focus on solutions in search of problems—such as this week's constitutional amendment to flag desecration. I haven't been made aware that flag desecration is a problem in this country—but even if the Army returns to my congressional district, I am made keenly aware that the economic health of our country is a problem. Unfortunately, it seems to be a problem some Members of this body choose to ignore.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. SHERMAN).

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

Mr. SHERMAN. Mr. Speaker, I rise to oppose a rule that does not allow the House to consider providing working families with the child care credit. The current situation imposes the injury of denying these working families $400 that they need and then adds the insult of taking these families that they are not taxpayers, so they do not deserve any tax relief. Of course, looking at their paycheck stubs, they see the taxes they are paying.

Allowing child care provisions to avoid American taxes just by renting a hotel in the Bahamas, $8 billion; allowing millionaires to pay virtually nothing on their dividend income, $80 billion;
eliminating the estate tax even on the largest estates, $138 billion; telling working families that they do not deserve relief and that they are not taxpayers, that is priceless.

There are some things campaign contributors want but not big. For everything else, there is RepublicCard, accepted at the finest country clubs in the Bahamas. Members will want to get the Deficit Express card, now that the Republican Congress has increased the credit limit to $20 trillion. The Deficit Express card: Do not leave the House without it.

Mr. McGovern. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. Rangel), the distinguished ranking member on the Committee on Ways and Means.

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

Mr. Rangel. Mr. Speaker, I rise to oppose the motion for the previous question so that we might have the opportunity to amend a rule and to bring to the House legislation that would bring some equity to the recently passed tax bill.

I do not think many Members of the House knew that those that were making the decision would deliberately exclude the benefit of the child tax credit for people making less than $26,000. I refuse to believe that people can be so callous that they would deliberately try to make adjustments to a tax bill that was geared to, as the leadership would say, those who pay the taxes, and deny the privilege and the opportunity for people to get credit that are in low income merely because they do not pay “the taxes.”

We have 6.5 million working families that do pay taxes, albeit those taxes may be perceived by the majority not to be important. But they do pay taxes, and they have lost the benefits of receiving tax credits for their children.

But Mr. Speaker, even worse than that, is that they passed the resolution paying honor to those brave men and women that were placed in harm’s way as a result of the so-called “victory” in Iraq. As I said yesterday, parades are important, saluting the flag is important, having a bumper sticker is important; but how we treat these veterans is even far more important.

I know that Republicans do not know, and Democrats are learning, that that is not the kind of credit given to those people that were in combat, that over 200,000 that served in Iraq will be denied the tax credit for their children. Why? Because the language of the tax law is that they have to have taxable income. Out of the language of the tax law is that they have to have taxable income.

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

Mr. Speaker, I quote for the Record an article that appeared in USA Today on this day that says, “Military Kids Get Slighted on Tax Credit.”

The article referred to is as follows:

[From USA Today, JUNE 5, 2003]

STUDY: MILITARY KIDS SLIGHTED ON TAX CREDIT

PARENTS EARN TOO LITTLE TO QUALIFY FOR THE PROVISION

(By William M. Welch)

WASHINGTON, D.C.—Five children of active-duty U.S. military families won’t benefit from the increased tax credit signed last week by President Bush because their parents earn too little to qualify, a study being released today concludes.

The finding by the Children’s Defense Fund, a liberal advocacy group, comes as Bush and Republican congressional leaders are under increasing fire for agreeing to omit working poor families from the increased child credit included in the $350 billion, 10-year tax cut plan and aid for states.

Those military families would have received a check of up to $400 per child under a provision that the Senate added to the bill last week. But that “refundable” credit to families who pay little or no federal income tax, but do pay payroll taxes, was deleted in final negotiations between Bush and Republican leader of Congress.

Families who have children and earn more than about $27,000 a year are due to receive checks next month of up to $400 per child, as previously scheduled. But tax credits also are not available to families whose parents make more than about $27,000 a year. Families that serve in combat, they do not qualify for the increased credit and another, whose parents make more money, who receives it. “President Bush chose the most fortunate to get the most,” an announcer says.

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to this rule because working families should be our priority today. Families like Cori’s. Cori came to a local Head Start in my district at a low point in her life. She was a single parent, without any support system and very little money and very little self-esteem. She had just completed a recovery program and was seeking to put her life back together.

Cori went on to volunteer for Head Start, completed an AA degree in early childhood development, and now Cori is a Head Start employee for the past 3 years and wants to get her bachelor’s degree. Mr. Speaker, Cori and her two daughters will be denied the child tax credit, while those making more than $1 million a year receive overall tax cuts totaling $93,500.

Our priority today should be, must be, the Rangel-Davis-Delauro bill, which will expand the child tax credit and marriage penalty relief for lower-income working families. Passing it can be the first step to reversing the war done to these hard workers.

Mr. McGovern. Mr. Speaker, I yield 1½ minutes to the gentleman from Alabama (Mr. Davis).

Mr. Davis of Alabama. Mr. Speaker, we have heard a lot of heated debate about this issue all morning, but I think there is a basic undisputed fact that frankly should rise above the fray: there was no effort to limit this tax break until the end game of the conference report process, when the administration and those who were shaping the tax cut needed to find $3 billion.

When they needed to do that, they did not search the high end of the bracket; they did not search the off-shore loopholes. They went into the pockets of people who need tax relief more than anyone else. That was a choice of priorities. It was a statement that the people who do the hardest work in this country are, frankly, the ones who would be asked to sacrifice first.

I wonder what the people of this country will think, what our constituents will think, when they hear that...
under the rules of this House they do not even deserve a vote. I wonder what the people who work every single day will think when they hear that a child tax break for them will be welfare. I wonder what these individuals who bear the brunt of payroll taxes will think when they hear that they do not need a tax credit because they really are not taxpayers. I wonder what the parents in my district, who begin paying taxes in the State of Alabama at $4,000, will think when they hear that they are not to receive our tax relief.

This plan, as we knew from the beginning, strikes the wrong priorities. It leaves out people who are most in need of help, Mr. Speaker. I think that it is incumbent on us as a matter of conscience that we correct this imbalance.

This is the work that we ought to do for the people, that of correcting imbalances where they exist and that of correcting inequities where they exist, and not looking into the pockets of our weakest and providing for our balance.

Mr. McGovern. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from New York (Mr. Crowley).

Mr. CROWLEY. Mr. Speaker, I thank my colleague from Massachusetts for yielding time.

Mr. Speaker, I just want to point out for my friends on the other side of the aisle that I was prepared, as were my colleagues earlier this week, to vote in favor of an amendment that would protect lands around the Grand Teton area in Wyoming. In fact, my in-laws are homesteaded around the Grand Tetons in Wyoming and I know they were very much in favor of seeing this land preserved for ages to come, including my children and their grandchildren.

We voted to strike it down to make a point, that there are 12 million children who would not be served by the recent tax cut that you imposed upon this country. In fact, in USA Today today there is an article that says one out of five of those 12 million children who will not be getting a benefit, the families that will get a benefit of the child tax credit, are serving in our military today. Their parents are serving in the military, the same military that brought us the victory and did so at the cost of these same children.

We voted to strike it down to make a point, that there are 12 million children who will not be served by the recent tax cut that you imposed upon this country. In fact, in USA Today today there is an article that says one out of five of those 12 million children who will not be getting a benefit, the families that will get a benefit of the child tax credit, are serving in our military today. Their parents are serving in the military, the same military that brought us the victory and did so much to preserve what this country stands for in the conflict in Iraq.

I have news for my colleagues on the other side of the aisle. Working people, including it not working people have children. Working people have children. Working people make and make this country what it is today. Do not forget the working people of this country.

Do not forget the working people of this country. They deserve and need a child tax credit just as much as the wealthiest people in this country. They are the men and women who, day in and day out, provide for this country, for the backbone of this country.

It is interesting that there was a move on earlier this week as well and a bill that was supposed to come before us today that would have eliminated the comp time as well. This week has been an attack upon the working families of this Nation, and the Republican party should be ashamed of themselves.

Mr. McGovern. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DeLauro).

Ms. DelAuro. Mr. Speaker, I rise to discuss the very recent concerns of the Zuni tribe and its children.

This bill would provide critical access to the Little Colorado River Basin to allow the Zuni Indian tribe acquisition of surface water rights and development of groundwater. The acquisition of water rights and associated lands are vital to the Zuni Indian tribe's future economic development; and those same child tax credit is critical in helping low-income families, including Zunis, achieve some level of economic security.

Bill secures tribal rights to assure water supplies for present and future generations, while at the same time allowing for the sound management of an increasingly scarce resource. Because of the importance and sacredness all forms and sources of water, all prayers and songs of the three major components of the Zuni religion contain language asking for rain and snow to ensure that all crops have enough water to finish their life path to provide sustenance for their Zuni children. Likewise, enduring access to the child tax credit will help Zuni families achieve economic sustenance to their children.

By now, the whole Nation knows what happened 2 weeks ago. They know that a tax cut which would have helped nearly 12 million children from 6 million low-income families, including Zuni families, was secretly eliminated by the administration and the gentleman from Texas' (Mr. Delay) Republican majority.

These families, these Zuni families earn between $3,000 to $6,625 per year, families who really need this tax cut and, yes, do pay taxes and they are important.

The gentleman from Texas (Mr. Delay) said we have more important matters. These Zuni children are important. In Arizona, 138,000 families with children, 21 percent of the families in the State, are not helped by the child tax credit increase because of the Republicans' last-minute actions. In Arizona 40,000 Arizona children would be eligible if the child tax credit were made fully refundable, with an additional $259,000 million in credit going to families in the State.

This House ought to be about the working families in this country, those who are Zunis and those who are not. We promised them a child tax credit, and this majority removed it to provide the opportunity for $93,000 in tax cuts to the richest 184,000 millionaires in the country.

Mr. McGovern. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. Strickland).

Mr. STRICKLAND. Mr. Speaker, I have a question for my Republican colleagues in this House. Why would you, in a fit of anger because you were not able to get the size of the tax cut you wanted, hold poor little children hostage in order to extract a larger tax cut for those who were already wealthy?

It is a fair question.

In the middle of the night, over one-half million Ohio children were excluded from this benefit. Those are
Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON).

(Mr. KINGSTON asked and was given permission to revise and extend his remarks, and include extraneous material.)

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

I wanted to say to my colleagues in the House, I certainly intend to stay on the subject matter of this rule equally as much as all the Democrats who have been speaking at least.

I want to talk to my colleagues on the other side of the aisle about this child tax refundable credit which they are so indignant about. Because I want to remind them, you all had nothing to do with putting it on the books, nothing. We were glad that you like it because it was a Republican idea, but every single one of you, every single one of your speakers has voted against it.

Mr. Speaker, I want to help you a little bit out here and just kind of remind you so far we have heard from the gentleman from New York (Mr. CROWLEY), the gentlewoman from Connecticut (Ms. DELAURA), the gentlewoman from Ohio (Mrs. JONES), the gentlemen from California (Mr. SHERMAN), the gentleman from New York (Mr. RANGEL), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from California (Ms. WOOLSEY), and the gentlemen from Massachusetts (Mr. MCGOVERN), all good folks. However, they have all voted against this refundable tax credit, May 16, 2001, when the Republicans put it on the books. I do not know what you were thinking.

This thing that you were pretending to champion, you voted against. It was a Republican idea. Where were you when the battle was being fought? I am going to review a little bit of history, and let me say to this, you all are looking around stunned which I understand.

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

Mr. KINGSTON. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, if it was such a good idea, number one, why did you remove it? Number two, I do not recall us ever having voted on this. Now enter President Bush and the

Mr. Speaker, I yield to the gentleman from Massachusetts. Mr. MCGOVERN. That was prior to 2001, the child tax credit was $500. The credit was not refundable for most families. However, for a family with three kids or more, the credit was refundable; and it was not offset by the earned income tax credit. That was prior to President Bush and the 2001 tax cut. Under that, the proposal was to increase the child tax credit from $500 to $1,000. The credit was $500 for the year 2003, and it was scheduled to reach $1,000 per child in 2010. That made the child tax credit partially refundable for all families with children, not just those who had three kids or more.

Now, we had the vote on that May 16, 2001, and I have got the Roll Call from that, and at that time every one of you all voted against it. As a matter of fact, 197 Democrats voted against this.

Mr. Speaker, when the Democrats came out here looking for some rhetoric, and the big rhetoric of the Democratic Party this year really has been led by the gentlewoman from California (Ms. PELOSI) is, we could have torn that statue down a lot cheaper.

I know a lot of folks are against the war. And then it was, well, the plan is not working when we were going up the Euphrates. And then as soon as they tore down the statue, I know a lot of folks on the left, and I want to say not all the members of the Democrat party, but a lot of folks on the left were disturbed that a 23-year-old Marine corporal who was in theater had the audacity of hanging an American flag on a Saddam Hussein statue. Of course, he was denounced in the liberal, left-wing community for doing that.

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

Mr. KINGSTON. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Speaker, that is a little bit unfair. I do not recall we objected to flags being flown and so forth. You make a good point on some of the other things, but that is a little unfair on the flag.

Mr. KINGSTON. Let me say to my friend from Tennessee, that is why I said not all the Democrats but a lot of folks on the left denounced the fact that that flag was hung.

Mr. FORD. That is unfair.

Mr. KINGSTON. I would also point out that you were not one of them.

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

Mr. KINGSTON. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, this is outrageous. Mr. KINGSTON. Reclaiming my time, I will yield further to you in just one second.

I am very pleased that you all are listening. Let me do this, because I am being generous here, but my ranking member from the Committee on Rules says that maybe we should do this a little bit more on your time.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MCGOVERN).
Mr. MCGOVERN. Let me say for the record what I am outraged at is what is in the paper today, that nearly one in five children of U.S. military families will not benefit from the increased tax credit signed by President Bush.

Mr. King. Am I glad that not only does the gentleman listen to fine speeches like mine, but he also reads the paper, which is very good.

Mr. FORD. . . .

Mr. KINGSTON. . . .

Mr. FORD. . . .

Mr. KINGSTON. Mr. Speaker, here is the situation with welfare reform, Mr. Speaker. We passed welfare reform at a time when there were 14 million people on welfare. At that time, we were called all kinds of names, and they were saying it was heartless and we were mean-spirited and everything else and that these folks were unable to help themselves. What is interesting is in 1996 when we passed welfare reform, we had 14 million people on welfare. Today, that number is down to 5 million people, too high; but we need to continue working on that. The 9 million people are now tax paying, working, enjoying the opportunity of gaining in the American Dream. They are glad that we passed welfare reform.

There is a component in this that the Democrats are proposing which is simply welfare, and I think there may be some merit in that. I have no trouble at all in a healthy discussion on tinkering with welfare reform. This is good for everybody, but what our tax package was about was creating jobs, and we are going to continue to be the party of welfare reform, jobs and opportunity.

COMMITTEE ON WAYS AND MEANS
CHILD CREDIT REFUNDABILITY FACT SHEET

What was the child credit prior to 2003? Prior to 2001, the child credit was $500 per eligible child. The credit was not refundable for most families. However, for families with 3 or more eligible children, the credit was refundable to the extent the family had payroll tax liability that was not offset by the Earned Income Credit (EIC).

How was the child credit expanded in 2001? The Economic Growth and Tax Relief Reconciliation Act of 2001 significantly expanded the child credit in two important ways:

1. The law gradually increased the credit from $500 to $1,000. The credit was $600 for 2003 and was scheduled to reach $1,000 in 2008.

2. The law made the child credit partially refundable for all families with children—not just those with 3 or more children. The credit is now refundable by an amount equal to 10 percent of the family’s earned income in excess of $10,000. The $10,000 threshold is indexed annually for inflation (it is $10,500 for 2003), and the 10 percent refundability rate will increase to 15 percent in 2005.
Mr. MCGOVERN. Mr. Speaker, I would say to the gentleman from Georgia his tax package is about welfare for the rich. I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, what incredible nonsense we have heard here on the floor of the House this afternoon, this attempt to raise the flag and besmirch Members of this House over their stance on the American flag practically on the eve of Flag Day.

Let me tell the gentleman (Mr. KINGSTON), there are two kinds of people today that have the American flag wrapped around them. Some of them are young men and women who come back in coffins with the flag draped around it, who gave their all in the ultimate sacrifice for this country; and all of us honor them, when we look at our views about the President’s policy. But the other kind of people we do not honor, and it is those who choose to wrap their own bad policies that they cannot defend by stretching the flag around themselves.

What are the merits of the argument about the child tax credit? Who came up with it in the first place? I think the names are AI Gore and Tom Downey, who both served in this body who long ago presented a child tax credit proposal. How did it become law? It eventually became law with the signature of a Democratic President in 1997 when we passed the Balanced Budget Act with the support of a large number of Members on both sides of this aisle, balancing the budget, not busting it as this Republican tax bill would do.

The child tax credit has had strong Democratic support within our caucus and within the Senate and House of Representatives. Means on which I serve, and the only reason any Democrat has voted against that child tax credit on this floor was when it was used, much as the flag has been misused this afternoon, as the reason for voting for a bill that gave middle-class people the right to wrap their own bad policies that they do not like, in the American flag.

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I yield 2½ minutes to the gentleman from Georgia.
Mr. DELAY. Mr. Speaker, what has happened here is also they do not want to mention that in the bill signed by the President last week we raised by 10 percent and added more people to the rolls that do not pay income taxes. So this bill will not help those who need it most. The working families of this country are completely false; and, most importantly, they voted against it. We passed it without their votes, moved forward, gave tax relief to poor working families in this country; and we won. This is exactly what we do.

When the Senate does something, we always take it into consideration and we will move forward. I would just remind the Members of this House that we have now almost a trillion dollars left in the budget to do more tax relief for the American people, and we are coming back. We are going to have at least two if not three more tax relief packages for the American people. Because we feel very strongly that we need to accelerate economic growth in this country, and American families need to keep more of their hard-earned money.

Mr. RANGEL. Mr. Speaker, will the gentleman yield? Will the gentleman yield to me?

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

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I hope that the distinguished majority leader would extend the courtesy to his Members and not leave the floor. It is so important when Members have something to say to correct their position that they stay on the floor, not for Democrats but for Republicans as well.

This is a very edifying thing that he said in the well of the House. He is trying to rebut the allegations that we have made that in the last tax bill that the very rich, those of us who make $25,000 a year or less make up a good portion of America. Frankly, those of us on this side, we need economic growth in this country, and American families need to keep more of their hard-earned money.

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Mr. Speaker, if they do not want to help millions of working families, they should at least have the guts to go on record as voting no instead of hiding behind procedures. So let this House work its will. Let us have a little democracy in this Chamber. Vote on the previous question and let the Rangel bill and literally help millions of children in this country.

WORKING FAMILIES TAX CREDIT ACT OF 2003—SUMMARY OF H.R. 2290, JUNE 4, 2003

Republicans have left moderate-income families behind in their zeal to cut taxes on millionaires, contrary to their "leave no child behind" rhetoric.

H.R. 2290 helps moderate-income working families and is revenue neutral.

PROVISIONS

Provides Child Credit to More Working Families: Lower to $7,500 (from $10,500) the amount of the wages a family must have before refundability of the child credit begins. This is identical to a provision that was included in the house Democratic alternative on the economic stimulus legislation. The credit would be allowed for approximately 10 million additional children by reason of this change. Increases Benefit for Working Families: Increases partial refundability from 10 percent of wages to 15 percent of wages. Again, this would result in an average credit increase of over $300 per child.

Helps Families of Soldiers in Combat: Allows refundability for families of soldiers in combat zones even though combat wages are not taxed.

Speeds up Marriage Penalty Relief for Lower Income Working Couples: Makes effective immediately the marriage penalty relief in the Earned Income Tax Credit that was provided in the 2001 tax cut. This is the only marriage penalty relief not accelerated in the recently enacted tax bill.

Does Not Increase the Deficit: Closes corporate loopholes; prohibits tax shelters, and taxes corporations that move headquarters offshore (expatriates).

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question. The SPEAKER pro tempore (Mr. LaHood). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

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

Mr. Speaker, as I mentioned earlier, this is a rule on two suspension bills that were, unfortunately, not passed earlier this week. They are very important bills to those areas that are affected.

Mr. Speaker, I include for the RECORD the chart that the distinguished majority leader discussed earlier today.

EXAMPLES: REFUNDABILITY OF CHILD CREDIT FOR 2003—Continued

<table>
<thead>
<tr>
<th>Pre-2001 law</th>
<th>2001 law</th>
<th>2003 law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard deduction</td>
<td>$7,950</td>
<td>$9,500</td>
</tr>
<tr>
<td>Personal exemptions</td>
<td>$15,250</td>
<td>$15,250</td>
</tr>
<tr>
<td>Taxable income</td>
<td>$6,800</td>
<td>$6,800</td>
</tr>
<tr>
<td>Marginal tax rate</td>
<td>15%</td>
<td>10%</td>
</tr>
<tr>
<td>Income tax liability</td>
<td>$1,050</td>
<td>$680</td>
</tr>
<tr>
<td>Payroll tax liability</td>
<td>$580</td>
<td>$2,150</td>
</tr>
<tr>
<td>Child credit</td>
<td>$1,500</td>
<td>$1,800</td>
</tr>
<tr>
<td>Earned income credit</td>
<td>$700</td>
<td>$970</td>
</tr>
<tr>
<td>Tax liability after EIC and child credit</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Income tax liability</td>
<td>$918</td>
<td>$48</td>
</tr>
<tr>
<td>Payroll tax liability</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Payroll from government</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

Example 2: Single mother earning $30,000 with 2 children

Tax liability before credits: $2,888
Earnings: $20,000
Standard deduction: $14,400
Personal exemptions: $7,000
Taxable income: $6,800
Income tax liability: $680
Payroll tax liability: $580
Earned income credit: $2,888
Tax liability after EIC and child credit: $0
Payroll tax liability: $0
Payment from government: $1,748

The material previously referred to by Mr. McGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES.—RULE ON S. 222 & S. 273

At the end of the resolution add the following new section:

"SEC. 3. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House of Representatives the bill (H.R. 2290) the Working Families Tax Credit Act of 2003. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 40 minutes of debate equally divided and controlled by the chairman and ranking minority member of this Committee on Agriculture; (2) one motion to recommit."
**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

**The Speaker pro tempore (Mr. LaHood) (during the vote). Members are advised that there are 2 minutes remaining to vote.**

**Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MEEKS of New York changed their vote from "yea" to "nay."**

So the previous question was ordered. The result of the vote was announced as above recorded.

**The SPEAKER pro tempore. The question is on the resolution.**

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

**RECORDED VOTE**

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

A recorded vote was ordered.**

**The SPEAKER pro tempore. This will be a 5-minute vote.**

The vote was taken by electronic device, and there were—ayes 229, noes 194, not voting 30, as follows:

[Roll No. 245]

**AYES—229**

**NAYS—194**
Mr. Speaker, if I may, pursuant to the unanimous consent agreement, I am asking that the provision of General Leave be considered today.

Mr. Speaker, I ask unanimous consent that the House resolve to meet on Monday, May 26, 2003, at 10 a.m., pursuant to the Resolution of the 108th Congress, H. Res. 118.

Mr. Speaker, pursuant to an agreement arrived at this morning, I ask unanimous consent to hold General Leaves of the Conference Committee on May 26, 2003, at 10 a.m.

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ZUNI INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 2003

Mr. RENZI. Mr. Speaker, pursuant to House Resolution 258, I call up the Senate bill (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of S. 222 is as follows:

SEC. 1. SHORT TITLE.
This Act may be cited as the "Zuni Indian Tribe Water Rights Settlement Act of 2003".

SEC. 2. FINDINGS AND PURPOSES.
(a) FINDINGS.—Congress makes the following findings:

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

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

(3) On August 28, 1984, and by actions subsequent thereto, the United States established Tribal Water Rights Settlement Agreement for the Zuni Indian Tribe, and made substantial additional contributions to carry out the Settlement Agreement's provisions.

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

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

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

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

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

(3) to authorize and direct the United States to take legal title and hold such title subject to certain liens in favor of the benefit of the Zuni Indian Tribe; and

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

SEC. 3. DEFINITIONS.
In this Act:

(EASTERN LCR BASIN.—The term "Eastern LCR basin" means the portion of the Little Colorado River basin in Arizona upstream from the confluence of the Little Colorado River and Zuni Rivers for long-standing religious and subsistence activities.

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

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

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

(5) RESERVATION; ZUNI HEAVEN RESERVATION.—The term "Reservation" or "Zuni Heaven Reservation", also referred to as "Kolhu:wala:wa", means the following property:

(a) Within the Zuni Heaven Reservation;

(b) Held in trust by the United States for the benefit of the Tribe or any member of the Tribe;

(c) Held in fee within the Little Colorado River basin by or for the Tribe.

SEC. 4. AUTHORIZATION, RATIFICATIONS, AND CONFIRMATIONS.
(a) SETTLEMENT AGREEMENT.—To the extent the Settlement Agreement does not conflict with the provisions of this Act, such Settlement Agreement is hereby approved, ratified, confirmed, and declared to be valid.

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

(1) $3,500,000 for fiscal year 2004, to be used for the acquisition of at least 2,350 acre-feet per year of water rights before the deadline described in section 9(b);

(2) $15,750,000, of which $5,250,000 shall be made available for each of fiscal years 2005, 2006, and 2007, to be used for acquisition of 2,180 acre-feet per year of water rights before the deadline described in section 9(b).

SEC. 5. AUTHORIZATION AND IMPLEMENTATION.

(1) AGREE — The term "Agreement" means all the following lands, in the State of Arizona, declared to be valid:

(a) The property in Apache County, Arizona: Sections 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, Township 15 North, Range 26 East, Gila and Salt River Base and Meridian; and Sections 9, 10, 11, 12, 13, 14, 15, 16, 23, 24, 25, 26, and 27, Township 14 North, Range 26 East, Gila and Salt River Base and Meridian.

(b) The term "Secretary" means the Secretary of the Interior.

(c) The term "Settlement Agreement" means that agreement dated June 7, 2002, together with all exhibits thereto. The parties to the Settlement Agreement include the Zuni Indian Tribe and its members, the United States on behalf of its members, the State of Arizona, the Arizona Game and Fish Commission, the Arizona State Land Department, the Arizona State Parks Board, the St. Johns Water Project, the Lyman to enter into an Intergovernmental Agreement that addresses the parties' governmental concerns.

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

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

(f) To authorize the actions, agreements, and appropriations as provided in the Settlement Agreement and this Act.

(g) The term "pumping protection agreement" means an agreement, described in article 5 of the Settlement Agreement, between the Zuni Tribe, the United States on behalf of the Tribe, and a local landowner under which the landowner agrees to provide a supply of groundwater to the Tribe in exchange for a waiver of certain claims by the Zuni Tribe.

(h) The term "Zuni Indian Tribe Water Rights Development Fund" means the fund established by section 6(a).

(i) The term "tribal water supply" means all water that may be used by the Tribe and its members for religious, subsistence, and other purposes described in the Settlement Agreement.

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

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(l) The term "tribal water supply" means all water that may be used by the Tribe and its members for religious, subsistence, and other purposes described in the Settlement Agreement.

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

(n) To authorize the actions, agreements, and appropriations as provided in the Settlement Agreement and this Act.

SEC. 6. APPROPRIATIONS.

(1) To authorize the actions, agreements, and appropriations as provided in the Settlement Agreement and this Act.
SEC. 5. TRUST LANDS.

(a) New Trust Lands.—Upon satisfaction of the conditions in paragraph 6.2 of the Settlement Agreement, and after the requirements in paragraph 7.6 have been met, the Secretary shall take the legal title of the following lands into trust for the benefit of the Zuni Tribe:

1) In T. 14 N., R. 28 E., Gila and Salt River Base and Meridian: Section 13: SW 1/4, S 1/2 NE 1/4 SE 1/4, W 1/2 SE 1/4 SE 1/4 NE 1/4; Section 25: N 1/2 SW 1/4, N 1/2 SE 1/4 SW 1/4, S 1/2 SW 1/4, S 1/2 NE 1/4 SW 1/4, N 1/2 NE 1/4 SW 1/4; and Section 24: NW 1/4, SW 1/4, S 1/2 SW 1/4, S 1/2 NE 1/4 SW 1/4, S 1/2 NE 1/4 SW 1/4.

(b)urity shall invest amounts in the Fund in accordance with—

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

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

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

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

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

(1) the Intergovernmental Agreement between the Zuni Tribe, Apache County, Arizona, and the United States; and

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

(f) FEDERAL ACKNOWLEDGEMENT OF INTERGOVERNMENTAL AGREEMENTS.—

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

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

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

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

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

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

(v) the intergovernmental agreement is inconsistent with a Federal law protecting civil rights, public health, or welfare.

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

(n) DISCLAIMER.—Nothing in this section repeals, modifies, amends, changes, or otherwise affects the Secretary’s obligations to the Zuni Tribe pursuant to the Act entitled “An Act to convey certain lands to the Zuni Indian Tribe for religious purposes” approved August 28, 1984 (Public Law 98-408; 98 Stat. 1533) (as amended by the Zuni Land Conservation Act of 1990 (Public Law 101–46; 104 Stat. 1741)).
(2) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any monies withdrawn under the plan are used in accordance with this Act.

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

(4) EXPENDITURE PLAN.—

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

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

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

(5) FUNDS FOR ACQUISITION OF WATER RIGHTS.—

(1) WATER RIGHTS ACQUISITIONS.—Notwithstanding any other provision of law, the funds authorized to be appropriated pursuant to section 4(b)(1) (A) shall be available upon appropriation for use in accordance with section 4(b)(1); and

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

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

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

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

SEC. 7. CLAIMS EXTINGUISHMENT; WAIVERS AND RELEASES.

(a) FULL SATISFACTION OF MEMBERS' CLAIMS.—

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

(A) water rights under Federal, State, and other laws (including claims for water rights in groundwater, surface water, and effluent) for Zuni Lands from time immemorial through the effective date described in section 9(a); and

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

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

(3) INJURY OR THREAT OF INJURY TO WATER QUALITY.—The Tribe, on behalf of itself and its members, is authorized, as part of the performance of its obligations under the Settlement Agreement, to waive and release, subject to paragraphs 11.4, 11.6, and 11.7 of the Settlement Agreement, all claims against the State of Arizona, or any other person, entity, corporation, or municipal corporation under Federal, State, or other law, for claims of interference with the trust responsibility of the United States to protect, acquire, or develop water rights of, or failure to protect, the Zuni Tribe within the Little Colorado River basin in Arizona from time immemorial through the effective date described in section 9(a).

(b) TRIBAL WATER QUALITY and EFFLUENT Waivers and RELEASES.—

(1) CLAIMS AGAINST THE STATE and OTHERS.—

(A) INTERFERENCE WITH TRUST RESPONSIBILITY.—The Tribe, on behalf of itself and its members, is authorized, as part of the performance of its obligations under the Settlement Agreement, to waive and release, subject to paragraphs 11.4, 11.6, and 11.7 of the Settlement Agreement, all claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation under Federal, State, or other law, for—

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

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

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

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

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

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

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

(B) CLAIMS OF THE UNITED STATES.—The Tribe, on behalf of itself and its members, is authorized, as part of the performance of its obligations under the Settlement Agreement, to execute a waiver and release, subject to paragraphs 11.4, 11.6, and 11.7 of the Settlement Agreement, all claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation under Federal, State, or other law, for—

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

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

(II) the unlawful withdrawal or use of underground water, except within the Zuni Protection Area, as provided in article 5 of the Settlement Agreement;
(A) all past and present common law water rights claims accruing after the effective date described in section 9(a) arising from or relating to water quality in which the claim is based on injury to natural resources or threat to natural resources in the Little Colorado River basin in Arizona; and

(B) all past and present natural resource damage claims accruing after the effective date described in section 9(a) arising from or relating to water quality in which the claim is based on injury to natural resources or threat to natural resources in the Little Colorado River basin in Arizona, only for those cases in which the United States, through the Secretary, in consultation with the State of Arizona, to take any actions, including enforcement actions, under any laws (including regulations) relating to human health, safety and the environment.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) WAIVER OF SOVEREIGN IMMUNITY.—If any party to the Settlement Agreement or a Pumping Protection Agreement files a lawsuit only relating directly to the interpretation or enforcement of Article 11, the rights of de minimis users in subparagraph 4.2.D or the rights of underground water entities or the Zuni Tribe under the Intergovernmental Agreement, naming the United States or the Tribe as a party—

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

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

(b) TRIBAL USE OF WATER.—

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

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

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

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

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

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

(2) it shall not be subject to forfeiture or abandonment;

(F) it shall not be subject to forfeiture or abandonment;

(G) if it changes in clause (i) through (v).

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

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

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

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

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

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

(F) if it changes in clause (i) through (v).

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

SEC. 9. LIMITATION.

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

(B) EXCEPTION.—Water made available to the Zuni Tribe or the United States for use on the Zuni Heaven Reservation may be transferred from any lands held
The Zuni Indian Tribe Water Rights Settlement Act of 2003 would codify the settlement of the Zuni Tribe's water rights for its religious lands in northeastern Arizona. Congress first recognized the importance of these lands in 1984 when it created the Zuni Heaven Reservation. While land issues were addressed in 1994, the resolution of water resources and the related process of the severance and restoration of the Zuni Indian Tribe's water rights for its religious lands upstream from the newly-created Zuni Heaven Reservation are described in 1984, water rights remained in dispute. In return, the Zuni Tribe will grandfather existing use rights and use rights it has acquired the right to purchase at least 2,350 acre-feet per annum of surface water rights of any Indian tribe, or the United States will also avoid costly litigation. Parties included the Zuni Tribe, the United States on behalf of the Zuni Tribe, the State of Arizona, including the Arizona Game and Fish Commission, the Arizona State Land Department, and the Arizona State Parks Board, as well as the major water users in this area; negotiations were conducted for many years to produce an acceptable agreement for all parties.

This legislation provides much needed assurance to all settlement participants and is the result of four years of good faith negotiations.

I would like to identify and commend the work of the parties to the Zuni Settlement. The parties consist of rural communities in the First District of Arizona, including the City of St. Johns, the Town of Eagar and the Town of Portal, specifically, the Arizona Game and Fish Department, the State Land Department and the Arizona State Parks Board, Salt River Project, Tucson Electric Power Company, St. Johns Irrigation and Ditch Company, the Lyman Water Compromiser, and the Round Valley Water Users' Association.

It is now up to this body to take the final step in making this settlement a reality. I ask...
Mr. Speaker, I thank the gentleman from New Mexico, and I yield back the balance of my time.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.

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

Mr. Speaker, I thank the gentleman from New Mexico, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 258, the Senate bill is considered read for amendment and the previous question is ordered.

The question is on third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

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

Mr. UDALL of New Mexico. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mrs. CUBIN. Mr. Speaker, pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

Mr. Speaker, I rise in support of S. 273, and ask that this bill be passed.

The SPEAKER pro tempore. Pursuant to House Resolution 258, I call up the Senate bill (S. 222), considered read for amendment, and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

Mr. Speaker, I yield back the balance of my time.
The measure passed the Senate on April 3, 2003, under unanimous consent.

This bill presents a very unique opportunity with regards to federal land management in our National Parks that will greatly benefit the American public as well as Wyoming school children.

The Jackson Valley has a history as colorful and amazing as the Grand Tetons that rise nearly 14,000 feet above the glacial lakes at their base.

The first visitors to the Grand Tetons and the Jackson Valley were the Shoshone, Crow, Blackfoot, and Gros Ventre Indian tribes who treated the area as a summer hunting ground and sacred area.

Later, in the 1800’s, many fur trappers visited this consecrated ground, and were stunned by its raw beauty and diverse ecosystem. In 1807 even John Colter, who had separated from the Lewis and Clark expedition, explored the area and returned with far fetched tales of geysers, hot springs, and mountains that touched the sky.

It was years before his supposed hallucinations were indeed found to be true. From 1824–1840 the Grand Tetons were the central rendezvous site for mountain men all across the west, swapping tall tales and pelts. The Green River Rendezvous continues to this very day.

After the area was settled at the turn of the century, the town of Jackson elected a Town Mayor and City Council entirely comprised of women... showing just how intelligent the people of Wyoming were, and are, to this very day. This was the first All-Female town government in our Nation’s history. This, of course, occurred in my home state of Wyoming, the Equality State.

Grand Teton National Park was later established by Congress on February 29, 1929, to protect the natural resources of the Teton range and the Jackson area’s unique beauty. Later, in the 1800’s, many fur trappers visited the Grand Tetons and the Jackson area’s unique beauty.

For the first time, national parks were indeed found to be true. From 1824–1840 the Grand Tetons were the central rendezvous site for mountain men all across the west, swapping tall tales and pelts. The Green River Rendezvous continues to this very day.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a good bill. I support the Senate bill.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 258, the Senate bill is considered read for amendment and the previous question is ordered.

The question is on third reading of the Senate bill.

The Senate bill was ordered to read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

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

Mr. UDALL of New Mexico. 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, further proceedings on this question will be postponed.

ZUNI INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 2003

The SPEAKER pro tempore. The question is on the passage of the Senate bill, on which further proceedings were postponed earlier today.

The Clerk read the title of the Senate bill.
Announce the Speaker pro tempore

The Speaker pro tempore (Mr. LaHood) (during the vote). There are 2 minutes remaining to vote.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. Bur ton of Indiana. Mr. Speaker, due to an uncomfortable condition in my schedule, I was unable to be present during roll call votes 236–247. Had I voted, I would have voted “yea” in roll call votes 236–239, “no” on roll call votes 240–241, and “yea” on roll call votes 242–247.

So the Senate bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. Davis of Tennessee. Mr. Speaker, on the motion of Mr. Burton of Indiana, I would like to state for the record that I voted “yea” in roll call votes 236–239, “no” on roll call votes 240–241, and “yea” on roll call votes 242–247.

So the Senate bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.
Mr. WALSH. Mr. Speaker, on rollover No. 248 I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT REGARDING PROCEDURES FOR FILING OF AMENDMENTS ON H.R. 2115, FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of June 9 to grant a rule which could limit the amendment process for floor consideration of H.R. 2115, Flight 100—Century of Aviation Reauthorization Act. The Committee on Transportation and Infrastructure ordered the bill reported on May 21, 2003, and is expected to file its report with the House tomorrow, June 6, 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 10 a.m. on Tuesday, June 10th.

Members should draft their amendments to the text of the bill as reported on Transportation and Infrastructure and will be available tomorrow for their review on the websites of both the Committee on Transportation and Infrastructure and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

ANNOUNCEMENT REGARDING PROCEDURES FOR FILING OF AMENDMENTS ON H.R. 1115, CLASS ACTION FAIRNESS ACT OF 2003

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of June 9 to grant a rule which could limit the amendment process for floor consideration of H.R. 1115, the Class Action Fairness Act of 2003. The Committee on the Judiciary ordered the bill reported May 21, 2003, and is expected to file its report with the House on June 9, 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 10 a.m. on Wednesday, June 11.

Members should draft their amendments to the text of the bill, as reported by the Committee on the Judiciary which will be available early next week for their review on the websites of both the Committee on the Judiciary and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I yield to my friend, and I am glad to see him on the floor, the gentleman from Texas (Mr. DELAY), the leader, for the purpose of inquiring about the schedule for next week.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for yielding to me.

Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour debates and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to the Members' offices by the end of the week. Any votes called on those measures will be rolled until 6:30 p.m.

On Tuesday and Wednesday we expect to consider several bills under suspension of the rules. We also plan to consider several bills under a rule: H.R. 2115, the Flight 100—Century of Aviation Reauthorization Act, to reauthorize programs for the Federal Aviation Administration; H.R. 1115, the Class Action Fairness Act; and H.R. 2143, the Unlawful Internet Gambling Funding Prohibition Act.

In addition to those bills, we may also consider H.R. 1528, the Taxpayer Protection and IRS Accountability Act.

And, finally, I would like to note for all Members that we are making a change in the schedule that was sent to offices at the beginning of the year. We do not plan to have votes next Friday, June 13.

Mr. HOYER. I thank the leader for his informing us of the schedule that is contemplated for next week.

Mr. Leader, I do not see Child Tax Credit legislation listed on next week's schedule. I did not hear you talk about that.

We have a bill, as I think you probably know, the Rangel/DeLauro/Davis bill, that will make sure working families and our service members left out of the recently enacted tax bill get the child tax credit they should have. We have sought unanimous consent to bring this bill up, but we have been denied and not successful. There is apparently agreement in the Senate, as we understand it, to take this matter up perhaps today.

When do you expect that we might be able to consider child tax credit legislation on the floor, Mr. Leader?

Mr. DELAY. The gentleman knows that we think we have already done child tax credit in a very meaningful way. Whatever the Senate does, certainly we will take it under consideration, but our schedule and our agenda that has been announced from the first of the year is that we will have several tax relief bills. Of those bills, maybe this provision that the gentleman is talking about could be included. I do not know, but the Committee on Ways and Means would certainly take it under advisement.

We have scheduled certainly an international tax bill for this summer. We have already announced that we would like to see the total repeal of death tax made permanent. There will probably be another tax bill, but there is plenty of opportunity for the gentleman to talk about that provision that the Senate may have left out of the bill signed by the President a week ago.

Mr. HOYER. I thank the gentleman. He and I may disagree as to the fact that the Senate left it out. It was left out. We agree on that. The Senate, of course, had it in its bill. We did not.

Mr. HOYER. I just cannot tell the gentleman.

Mr. HOYER. I thank the gentleman for his observation. I take it then that if the Senate does not pass something over here, that we would have no thought that that would be on the schedule for next week?

Mr. DELAY. If the minority on the Committee on Ways and Means wants to participate in the process, certainly in those tax provisions that are being worked on as we speak by the Committee on Ways and Means, they could certainly participate in that process, try to get their provision in, gather the votes to pass it, and bring it out here, and hopefully they would support a tax relief bill.

Mr. HOYER. Reclaiming my time, without taking this further, than perhaps we need to go in a colloquy of this type on the schedule, Mr. Leader. In a serious vein, the minority on the Committee on Ways and Means would love to participate in the process. I would tell the leader, with all due respect and very sincerely, the minority in the Committee on Ways and Means does not believe it is under advisement and that is of concern to us.

If perhaps you could talk with the chairman, with your persuasive powers, perhaps, in fact, we could participate in the process and perhaps we could use this to offer such an amendment; and, clearly, if that would happen, we would offer such an amendment, I assure the leader. So if he could help us with the chairman of the
Mr. DELAY. As previously announced, we have tried to get Medicare modernization onto the floor before the Memorial Day break. Obviously, there was a tremendous amount of work that needed to be done, and we had to postpone that goal. We have set a new goal, and we hope that we can have Medicare modernization to the floor before the July 4 break. The Committee on Ways and Means and the Committee on Energy and Commerce are working hard to develop a proposal that would modernize and preserve the Medicare program and provide needy citizens with life-saving drugs. But while the complexity of this issue means that our staffs and committees need to be working and they are working very hard, we still hope to have a bill for the House to consider before the end of the month.

Mr. HOYER. I thank the gentleman for that information.

Lastly, I would ask the gentleman, I have served on the Committee on Appropriations for many years. We have not marked up yet, as the gentleman knows, any bills in subcommittee nor, obviously, in full committee at this point in time. In fact, we have not been given 302(b) allocations, as the leader knows. Would the gentleman tell us what schedule he now foresees for appropriations bills and when we might do the 302(b) allocations?

Mr. DELAY. The gentleman is absolutely correct. We are way behind in our process. I am very early to tell.

Mr. HOYER. I thank the gentleman for his comments.

Reclaiming my time, obviously, last year the discussion was the failure to pass a budget, the appropriations process. Of course, we have passed a budget, I would say somewhat facetiously. That probably undermines the appropriations process as well, but, nevertheless, we are behind, as the gentleman indicates. We are concerned that we get so far behind that we are unable to pass appropriations bills by the end of the fiscal year, and I am pleased to hear that perhaps we are moving ahead to start giving the allocations to the subcommittees and having mark-ups perhaps as soon as next week. I thank the gentleman for the information.

Ms. JACKSON-LEE of Texas, Mr. Speaker, I would argue that after today’s work it is imperative that we put on the calendar of the House a relief to many of the children of America, millions in fact.

We did not do our job. This House, the majority, did not do its job. The Senate, the majority, did not do its job. Eliminating the education tax credit benefit from 6.5 million families, 12 million children. We need to restore the $400 tax credit that will be given to those families.

Right now we have a study that says military kids are slighted on tax credits. That means the young men and women, the young families in the United States military, their income does not allow them to get a tax credit for the children that they have. Blessed are the poor, they do not get tax cuts. They do pay taxes. They pay sales tax, payroll taxes. They pay property taxes. It is imperative to pass H.R. 2286, and Mr. Speaker, as an original cosponsor I would ask that the Rangel-Delauro bill be put on the floor of the House next week to match the Senate bill so we can restore the $400 to these families 6.5 million, 12 million children, what a shame.

We do not need to wait for months for tax bills to come. We need to fix our error now and help the working families of America.

VETERANS HEALTHCARE ACCESS STANDARDS ACT OF 2003

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida, Mr. Speaker, today I am introducing the Veterans Health Care Access Standards Act of 2003. This bill would establish standards of access to care for veterans who utilize the VA health care system. If enacted the bill would codify the Department’s current standard of access to care for veterans who utilize the VA health care system. If enacted the bill would codify the Department’s current standard of access to care and would actually require the VA to use alternative community health care resources if the VA is unable to meet their own standard.

In my home State of Florida, there is a backlog of more than 24,000 veterans seeking VA medical care. In my District alone, there are 2,727 veterans waiting for an appointment, and another 2,000 who have an appointment but the schedule time is more than 6 months away.

The Department’s established access standard for outpatient care is to provide veterans with an appointment within 30 days of making the request for such an appointment. However, it is clear to any Member of Congress that has toured...
VA outpatient clinics recently in their District that these goals have not been met.

My bill will actually codify the veterans self-imposed standard. I think that it is important because if a VA medical center is unable to see a patient then that patient should be able to seek care elsewhere in the community.

I urge my fellow Members to join me with this bill.

**SENIOR CITIZENS NEED OUR HELP**

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

Mr. FILNER. Mr. Speaker, I rise today to urge support for two bills to provide financial relief to our Nation's senior citizens. For many older women who will receive assistance with this legislation, but because older women are often with less financial resources, they will particularly benefit.

My first bill, H.R. 1922, the Fair Taxes for Seniors Act, allows the fact that the current capital gains tax exemption on the sale of a home is not working for seniors who live in areas with higher housing prices. The bill provides a one-time increase in the capital gains exemption for sales of homes for citizens who are 50 years and older.

My second bill, the Social Security Survivors Fairness Act, provides Social Security widows' benefits for women under the age of 60. Mr. Speaker, I have stories about various seniors in my District talking about the need for this exemption for the capital gains of the sale of their home and also for the lowering of income taxes which they can become eligible for Social Security.

I will include my full statement at this point.

Mr. Speaker, I rise today to urge support for two bills to provide financial relief to our Nation's senior citizens. For many older women who will receive assistance with this legislation, but because older women are often with less financial resources, they will particularly benefit.

My first bill is H.R. 1922, the Fair Taxes for Seniors Act. The current capital gains tax exemption on the sale of a home is not working for seniors who live in areas with higher housing prices. The bill provides a one-time increase in the capital gains tax exemption on the sale of a home for citizens who are 50 years and older.

Eleanor, a 78-year-old citizen, lives in Glen Ellyn, Illinois and bought her home 45 years ago with her husband, who has passed away. The combined Federal and State taxes on her home after the current capital gains exemption are $68,000. She needs this money from the sale of her house in order to move into a nursing home. Eleanor wants to stay in the Chicago area because her friends are there, but the price of nursing care there is high. Should a 78-year-old woman have to move from the city she has lived all her life because, as a widow, she is considered single and has to pay higher taxes?

Marilyn is a single, professional woman who lives in Mission Hills, California—near my congressional district. She chose to become involved in her community and has stayed in the same house throughout her lifetime. Marilyn is now 60 years old and wants to sell her home and move to a smaller condo in the same area. Her combined Federal and State taxes are $10,000.

Mr. Speaker, there are a number of other situations where a single person may be paying too much in taxes. Should singles who remain in one house for many years be tax-exempt and essentially for being single?

Sally, a divorced, single mother in Seattle, Washington is 57 years old. She chose to stay in one home for 35 years, but her children could stay in the same school system and she could live near her work and her church. One of her adult children has developed severe health problems and has to pay medical bills not covered by insurance. Sally is selling her home to pay for medical costs for her children. Her combined Federal and State taxes are $64,000. This tax money is money that Sally should be able to use to pay off medical bills as well as to get ready for her own retirement.

My bill would provide a one-time increase of $500,000 for a single person and $1 million for a couple in the amount excludable from the sale of a principal residence for taxpayers who have reached the age of 50. Let us help our citizens over age 50 who have lived in the same home for many years, who keep the proceeds from the sale of their homes for retirement and health care costs. An added benefit is that family members and perhaps the government will be relieved of the burden of caring for these individuals as they grow older.

My second bill is H.R. 1923, the Social Security Survivors Fairness Act, to provide Social Security widows' benefits for women under the age of 60. Maria is a 58-year-old widow who lives in San Ysidro, California in my congressional district. Throughout her lifetime, she worked in the home, raising her children and supporting her husband. Now her husband, who received Social Security benefits, has passed away. There currently is a provision for Maria to receive Social Security widows' benefits, but to qualify she must be 60 years old.

Social Security is telling Maria that she must find a way to support herself for 2 years. It will be difficult for her to find a job at her age, when she has never worked outside of her home. Women who are dependent on their husband's Social Security are left with no means of support if their spouse dies. My bill would amend the Social Security Act to reduce from 60 to 55 the age at which an individual who is otherwise eligible may be paid widows' or widowers' insurance benefits.

I encourage my colleagues to support H.R. 1922 and H.R. 1923 to provide financial assistance to our country's most vulnerable citizens.

**GREATEST BOOTLEG IN HISTORY**

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

Mr. RYAN of Ohio. Mr. Speaker, we witnessed one of the greatest bootlegs in the history of the tax code. We were told that every single person would be able to get something back in this tax code, but there are people making less than $27,000 a year who will not be getting a $400 check, but worse than that are these families that have worked.
Mr. KILDEE. Mr. Speaker, I thank the gentleman from Illinois for yielding to me, and I want to say to all of you it is great to be here with you on this day. This is something of a bittersweet day, I know, for you as you leave an experience that is going to be an experience of a lifetime. I can tell you that from having been through it myself many years ago as a page, but it is also you are going to be returning home to your friends and your families, and that is always good, and you are not going to have to be roused out of bed in the morning for early duty over here and you are not going to have to have late nights on the floor of the House for a while. So you can sit back at home and watch it on television for a little bit and enjoy it that way instead of having to participate in it every day.

Over the years, you will come to understand just how important an experience this is, or at least I hope you will, and I think all of you will do that.

First, I just want to say the job that you do for us is very important. I liken it to being the grease that helps to make the institution run properly. You perform it quietly and in a very quiet and silent way, kind of behind the scenes, but you make the House of Representatives run. You make the House of Representatives work. It is the concept of the institution that makes this country different from other countries. It is the concept of the rule of law. It is the concept of the history. It is the concept of the institution that makes our government work.

In my capacity as chair of the Subcommittee on Foreign Operations, Export Financing and Related Programs, I have a responsibility and an opportunity to travel to a lot of countries and sometimes I see countries that have great wealth, great natural resources, have everything going for them except they do not have the institutions. They do not have the rule of law. That is what makes the United States different.

We should never just assume it is always there. It is something that has to be protected. It is something that has to be worked for every day. That is why I think this that you now have a responsibility to go back to your communities, to become active citizens in your communities, to help to participate in your community, to participate in the political process.

You will do it in different ways. Most of you will never run for any office; but you will get involved, perhaps in a school community, in the school board, in other different things; and someday, yes, one of you will be in Congress. Maybe one of you will be President of the United States. I can look out here and see many that I think might fill that role.

So for this last year, you have really come to understand and I am perhaps that you do not see the same experience. I think some of the same things that you have had an opportunity for a year not just to study but to live, to actually be a part of.

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The most important thing that I hope you will take away from this is that the people who serve here are good. The people who work in this place are good. The staff that work behind this desk, the staff that work in all of the buildings, that work in all of the offices, the staff that help you to go through this year, the Members who serve in the House of Representatives and the Members who serve in the United States Senate, sure there are bad eggs. There are always bad eggs somewhere, but they are by and large good people.

The most important thing is not that. It is the institution itself. The institution is much larger than the people who serve in this body. This morning we swore in a new Member. I think I heard the figure, the 9,883rd person in the history of the United States to serve in the House of Representatives.

It is a great privilege for me to serve in the House, and I can guarantee that as I look out to faces here there are one or two, maybe more, of you who will someday be back here as Members of the House of Representatives.

It is not the people that serve here. It is the institution itself that makes this country different from other countries. It is the concept of the rule of law. It is the concept of the history. It is the concept of the institution that makes our government work.

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Mr. Speaker, I yield to the gentleman from Michigan (Mr. Kildee).

Mr. KILDEE. Mr. Speaker, I thank the gentleman very much. Mr. Speaker, this has been a great year. It has been a great 20 years. Indeed, Mr. Speaker, I have served now 20 years on the Page Board, having been appointed by Speaker Tip O'Neill. I would like to express my personal gratitude to all the pages who have served so diligently in the Chamber during the 103rd Congress. It is the 14th Congress that I have served in, and I love every day of it.

We Members of Congress, we all recognize the important role that you pages have in making this House really work, work efficiently, and work with some inspiration from you because we all get inspired by those who are younger than us, have those ideals and remind us of those ideals. I have had some friends; and some of you, with that very much, and had a chance to talk to you on the floor. This has been a very, very good group.

This group of young people, you come from all across our Nation, and you represent what is so good in our country. You give us so much hope for our future. Indeed, I think all of us can say, those of us especially who are so close to the page program, that we are better for having had contact with you because you give us such inspiration and so much hope.

To become a page you have proven yourself first of all to be academically qualified. It is not easy to become a page and that will assure away from the security of your homes and families to spend time in, for most all of you, a very, very unfamiliar city. And through this experience as a page you have witnessed a new culture, made new friends; and some of you, with that very much, and had a chance to talk to you on the floor. This has been a very, very good group.

Your job is not an easy one. First of all, you have to possess the maturity to balance the very competing demands for your time and your energy. I always think of three different arenas down here: you have the floor and the buildings around the Capitol, where you have assignments; you have the school and the demands in the school; and you have the dorm. There are three different arenas. And let me tell you, you have done a very, very good job in every one of those arenas, and I am personally very, very proud of you.

And you have to work long hours, really long hours, and interact with people at every level. We have some people who are humble in this body and some may not as humble, but you interact with all of them and you do it well. You face a challenge in the school itself. If you recall, Congressman William Whitehurst, Republican, who went on the Page Board with me, he and I worked together to get that school accredited. And, Bill, if you are listening, thanks a lot. He lives in Virginia, it was a great honor to have him as a Page Member; and we were determined to get the school accredited. And it is a tough school.

You are away, and you have to go back for your senior year to another school. That alone presents a challenge to you. But you will meet that challenge because you are special people. I am sure that you will consider the time spent here in Washington, D.C. to be one of the most valuable experiences of your life. Lead you on to very successful and productive lives.

My two sons were pages in this body, and they went on to serve their country as captains in the Army. One is leaving, my youngest one, leaving for the service shortly. He has been in Afghanistan, Uzbekistan. But there are so many ways of serving one's country; and you have grown in your love for this country, and you have seen the Congress at its best and some-times at its worst. We are human beings, but this is the best system in the world.

We are going to miss all of you very, very much; and may God bestow his richest blessings upon you. Thank you very much.

Mr. SHIMKUS. Mr. Speaker, I thank my colleague from Michigan for all the work he has done, and I also want to recognize and thank some other folks for their important work. Donn Anderson, who is very special to the program, and you know many of them. Donn Anderson, former Clerk of the House and former Page himself, serves on the Page Board as a member emeritus. Of course, he has a 20-year record. Donn, thank you.

Barbara Bowen, who has ushered countless students through the confusing worlds of algebra and pre-calculus as the House page school history teacher. Thank you, Donn, Barbara, and Ron for your dedication and commitment to the page program.

Mr. Speaker, I yield to my friend and colleague, the gentleman from the great State of California (Mr. Lewis), to say a few words. Mr. Chairman.

Mr. LEWIS of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Ladies and gentlemen, this is a totally unexpected circumstance, for it has not been my privilege to serve on the Page Board. My name is Jerry Lewis, from California. I have the privilege of chairing the subcommittee that deals with national defense. Our Secretary of Defense and General Meyers are briefing the Members, as you may know, over in the Rayburn Building; and may have had those discussions this time. But I came here to the floor for other reasons and found this going on and thought it might be an opportunity to express my appreciation and say a few words to this class as you are leaving, for a time at any rate, the Nation's capital.

I wanted to share a couple of thoughts with you. When I was young, not really thinking about public affairs, I grew up in a household where my father was a Democrat and my father was a Republican. So I grew up pretty confused, and over those early years spent a lot of time trying to figure out what are the Democrats all about and what are the Republicans all about, and is there really a lot of difference between these huge gray donkeys and elephants.

I came to Washington for the first time in 1955 as a student at UCLA, along with 11 other students, on our way to India in a program that existed before the Peace Corps, called Project 49, for short. Our job was to travel to Southeast Asia, go from community to community in India and try to communicate with our friends, Indian college students. On the way, we stopped in the Nation's capital. I had not been far out of San Bernardino before that. We spent a couple of days talking to USIA and the State Department people, and then we took a half day off to look at the monuments of this wonderful place. That is the story I kind of want to begin to share with you.

On that trip together we walked up the steps of the Lincoln Memorial for the first time, saw that wonderful statue seated in that temple. It is a magnificent first experience, chills up your spine. We had an appointment shortly thereafter on the edge of the Potomac, and in those days you could take a chain of boats and ride in a chain of boats along the Potomac and look at the Capitol and monuments from a different perspective.

We found ourselves waiting for a half hour, 45 minutes, and finally an hour went by only to learn that the reason for our wait was because two of our sightseeing spots were being held; would have to ride in a boat to be attached to the back because they happened to be black. The summer of 1955, 12 young idealistic kids from UCLA going to India to talk about freedom and hope and opportunity, and that scene at the Lincoln Memorial, and then that experience on the Potomac is something you just cannot wipe out of your memory.

But the point was not at all that our country had not made significant progress between the days of Lincoln and that summer of 1955. Clearly we had made much progress in our country. Clearly, also, we have made a lot
of progress since then and today. But the real point is, as I visit Lincoln, the real point is that this is our government, our government. If we are not happy with pieces of it, clearly we have a responsibility to try to impact it, to push it, to shove it down a pathway that makes a lot more sense from our perspective.

Mr. Speaker, I went to India that summer thinking that maybe I might actually go into politics some time. I thought then I would probably run for office as a Democrat. I came back from India convinced, as I went through the summer trying to figure out the differences between the two great parties, that for me, Jerry Lewis, I probably absolutely would run for public office one day, but if I did so, I had made the decision that the place where I could have the biggest impact was on the Republican side of the aisle instead.

I draw the painting regarding the Potomac for one reason, and the quest for the difference between one or the other, I would love to hear from some of you in the months and years ahead, hear your thoughts about what you decide to do in terms of your pathway in life, and what you decided to do if you involved yourself in partisan politics. Because it is people like you who make the two great parties great. But, more importantly, you can continue to make sure that our country is by far the best and the most important force for freedom in the world.

Thank you for what you have done, and it is a pleasure to have been with you.

Mr. SHIMKUS. Mr. Speaker, I want to thank, obviously, the chairman for sharing some time with us. I have a few last things to mention that are more serious, and then we will have a few lighthearted comments.

I would challenge you to find out what motivates yourself. What you have learned as a page going through this program is what is going to serve you well. You have learned a good work ethic and how to work hard. That is going to be important throughout the rest of your life. You have learned the importance of a good education. That will tide you over as you continue to pursue that.

You have learned how to respect one another, how to see what our world needs more of is people learning how to respect one another, and I think the program does a great job in doing that.

Also, do not give up. Whatever happens, do not give up. At West Point, my alma mater, we say much of the history we teach was made by the individuals we taught; and I think that is true, what can be said of the page program and the page school, because much of the history that we know now has been made by former pages.

You are in essence now a great tradition to follow, and I want to encourage you to make us proud. And you already have made us proud. You all in this group have completed more than 1,400 hours of community service. We need to tell that story. You know it, but this helps us get the message out. That breaks down to an average of 21 hours per page.

Some examples of the things that you have done are Horton's Kids Tutoring Program. That was covered in one of the local papers. The Multiple Sclerosis Walk, Calvary Women's Shelter, Martha's Table, Ronald McDonald House and work at the Congressional Cemetery.

As a class, you have also proven to have the most terrible luck with weather. From the misty Sunday morning you moved in until in the misty night of your prom, you have slugged through countless seminars and resi- dence hall trips in the rain. In fact, the sun just came up today after many, many days of overcast skies. You did not even get a reprieve on the day that you were led through the Shenandoahs in the rain. So the projects recently on a trip to Six Flags and when you rode the roller coasters despite the rain.

You have proven that rain cannot dampen your enthusiasm and goodwill, nor can it do any good; but in fact, you are an inspiration and I think what our world needs is people like you. You have proven that you can go through the toughest things and in the end you come out on top.

Also, we have discovered that the future President of the United States, Bryce Chitwood, who was in charge of the page auction which raised a record-breaking amount of money for the page prom, $8,000. It looks like his fund-raising skills are well-organized for future goals and aspirations.

Our future Major League baseball player, Ben Hanna, who, it has been said, has great baseball player's hair. I have no idea what that means. All I know is where he is.

One future NASCAR driver, Katie Murray, just has to learn to keep all four wheels on the track.

We have one future tycoon, John Malcovitch, who was born to wear a tuxedo and will be in the same league as Bill Gates, who was also a page. And I have also been told that at least three of our pages are going directly to college, skipping their senior year, and congratulations, I think. They are Sam Malcovitch, Lauren Conn, and Michael Tanner. This is just one example of all the great successes.

But as exciting as Democratic pages last week participated in the annual "How many pages can you fit into a cloakroom phone booth?" That is not a tradition on the other side, and I hesitate to mention it because it might become one. The answer is 11, and congratulations. I do not know if that is a record or not. I will have to talk to your folks and see where the record might be. I cannot imagine getting 11 in one of those phone booths.

You also have discovered the nook between the page desk and the storage cabinet. You all call it the reading corner. Mrs. Ivester calls it the sleeping corner, and Democratic pages rush to work each day in hopes that they will find the secret candy drawer filled. When the drawer is empty, they can always count on the Democratic cloakroom managers' supply of Georgia peanuts throughout the day. Democratic pages often say they work for peanuts.

I know that Helen and Pat back in the Republican cloakroom want to return the favor and that special thanks to Matt Buckham for all his work carrying groceries for them.

We have talked through the aspects of this point in time in history and you all being involved in that. I think Members have been able to relay our thanks to you for your commitment to the institution. As chairman of the page board, I can speak for my colleague from Michigan and the gentlewoman from New Mexico (Mrs. Wilson) to say we thank you for upholding the honor and the integrity of the program. It makes it a lot easier for us.

Not only that, but the good work that you have done in volunteering, I think you have set a new standard for future page classes. We are definitely going to miss you, but life goes on. You have great challenges ahead. Always remember this important time in your life will not only be in your memory, but it will be in ours. We look forward to seeing you when you come back to visit.

God bless you all, and may God bless the United States of America.


APPOINTMENT OF MEMBERS TO THE MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore (Mr. PORTER). Pursuant to 22 U.S.C. 276b and the order of the House on January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group, in
addition to Mr. KOLBE of Arizona, Chairman, appointed on March 13, 2003:
Mr. BALLENGER of North Carolina, Vice Chairman,
Mr. DREIER of California,
Mr. BARTON of Texas,
Mr. MANZUOLO of Illinois,
Ms. HARRIS of Florida,
Mr. STENHOLM of Texas,
Mr. FALEOMAVAEGA of American Samoa,
Mr. PASTOR of Arizona,
Mr. FILNER of California, and
Mr. REYES of Texas.

CELEBRATING NATIONAL TRAILS DAY

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

Mr. BEREUTER. Mr. Speaker, this Saturday, June 7, marks the 11th National Trails Day. This important event, held the first Saturday of every June, is coordinated nationally by the American Hiking Society and locally by trail clubs, parks, agencies and businesses.

National Trails Day provides an outstanding opportunity to enjoy trails and thank the countless volunteers who build, maintain and protect them.

As cochairman of the House Trails Caucus, this Member encourages his colleagues to show their support for trails on June 7 and throughout the year.

The theme for National Trails Day 2003 is "Healthy Trails, Healthy People." It will emphasize the many health benefits associated with trail use.

The existing network of trails throughout the U.S. would not be possible without the assistance provided by grassroots trails groups and individuals who are determined to make a positive difference in their communities. The tireless efforts on behalf of trails by countless volunteers across the nation help to ensure that future generations will be able to discover the wonders of our country's rich diversity and history.

In closing, Mr. Speaker, trails play an important role in communities throughout the country and this Member urges his colleagues to join in the celebration of National Trails Day on Saturday, June 7th.

This effort fits well with President Bush's "Healthier U.S. Initiative" to encourage physical activity. In addition to promoting healthier and more active lifestyles, trails provide opportunities for family-oriented recreational opportunities to all Americans. They also offer important economic development benefits to nearby communities.

IN RECOGNITION OF ELAINE PATTERSON

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

Mr. SHAW. Mr. Speaker, today I rise to acknowledge the contributions to the academic excellence of St. Anthony's Catholic School in Fort Lauderdale, Florida, through the efforts of its principal, Elaine Patterson, who is retiring. St. Anthony's School is the oldest Catholic school in Broward County, Florida, and Elaine has guided thousands of students throughout her 22-year tenure.

Elaine received a Bachelor of Science Degree at Southern Connecticut State University and a Master's Degree in Guidance at Florida Atlantic University. Her experience includes elementary classroom teaching, guidance counseling, and serving as a vice-principal before becoming a principal.

Elaine has served as St. Anthony's principal from 1986 to 2003. In that time, she introduced the school's pre-kindergarten program, forwarded technology by way of computers, and promoted innovative programs which helped in the total development of the children in her care.

Mr. Speaker, through the years, Elaine has earned the respect of fellow principals in the Archdiocese of Miami, as well as many of the teachers who have worked with her.

As a grandfather whose grandchildren have benefited from Elaine's professionalism, I can say that her retirement will be a loss to the school and the families she has guided during her career.

Mr. Speaker, congratulations to Elaine Patterson on a distinguished career educating South Florida's youth; and on behalf of the entire Shaw family, I want to thank Elaine for her great service.

Mr. Speaker, I rise today to acknowledge the contributions made to the academic excellence of St. Anthony's Catholic School in Fort Lauderdale, Florida through the efforts of its principal, Elaine Patterson, who is retiring. St. Anthony's School is the oldest Catholic school in Broward County, Florida, and Elaine has guided thousands of students throughout her 22-year tenure.

Elaine received a Bachelor of Science Degree at Southern Connecticut State University and a Master's Degree in Guidance at Florida Atlantic University. Her experience includes elementary classroom teaching, guidance counseling, and serving as a vice-principal before becoming a principal.

Elaine has served as St. Anthony's principal from 1986 to 2003. In that time, she introduced the school's pre-kindergarten program, forwarded technology by way of computers, and promoted innovative programs which helped in the total development of the children in her care. She worked very closely with St. Anthony's Pastor, Father Timothy Hannon, in achieving these goals and was very active in fund raising activities which made attaining these goals possible.

Elaine has served as St. Anthony's principal from 1986 to 2003. In that time, she introduced the school's pre-kindergarten program, forwarded technology by way of computers, and promoted innovative programs which helped in the total development of the children in her care. She worked very closely with St. Anthony's Pastor, Father Timothy Hannon, in achieving these goals and was very active in fund raising activities which made attaining these goals possible.

In addition to her administrative activities, Elaine has served with distinction on numerous committees for the Archdiocese of Miami and has headed two very successful Self Study Committees. She served as a member of the St. Anthony's Advisory Board, the Parish Council, St. Anthony's Foundation for Education, the Home and School Association and the Victoria Park Civic Association of Homeowners.

Mr. Speaker, through the years Elaine has earned the respect of fellow principals in the Archdiocese of Miami, as well as the many teachers who have worked with her. Elaine's leadership, and the example she has set, has made her a mentor to many. She believes in an open and open-door policy for everyone and will be remembered as a kind and compassionate administrator.

As a grandfather whose grandchildren have benefited from Elaine's professionalism, I can say that her retirement will be a loss to the school and the families she has guided during her career.

Mr. Speaker, congratulations to Elaine Patterson on a distinguished career educating South Florida's youth; and on behalf of the entire Shaw family, I thank Elaine for her service. God bless Elaine Patterson and the entire St. Anthony's family.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO GENERAL ERIC K. SHINSEKI

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

Mr. LEWIS of California. Mr. Speaker, I have before me an outline of information regarding General Eric Shinseki, Chief of the United States Army, who is on the verge of his retirement. Mr. Shinseki is stepping down as Chief of Staff of the Army next week.

Mr. Speaker, there is many a thing that I would say, but most of us in the House have come to know and be spellbound by the story of General Shinseki's life. Indeed, Hollywood could not have written a better story that would reflect an Horatio Alger kind of hero during our very age.

Mr. Speaker, when I first met General Shinseki, I was a newly elected chairman of the Subcommittee on National Security of the Committee on Appropriations. Shortly after assuming this responsibility, I was asked to go to the swearing-in of the new Army Chief, meeting a general whom I had hardly known at all for the first time, the beginning of a very deep and growing friendship.

Eric Shinseki, upon being sworn in, was introduced; and in that introduction, I learned for the first time when he was born, Rick Shinseki was born a foreign alien, for he was of Japanese descent, born in Hawaii, and World War II rageering so a foreign alien. Think of that and think of the reflection and what that says about our country that some years later that same individual rises to be the Chief of the United
States Army. It is a fantastic reflection of this country’s strength and what it means in terms of service and opportunity for those who will but serve.

Another piece of that introduction and the chief speech was an awfully lot about this guy Rick Shinseki. I will never forget his words. Turning to the audience, he said, I want all of you who are here present to know I would not be here today if it were not for the Shinseki women, and he pointed out some of those women who were in the audience, his grandmother, his mother, wife, daughters, et cetera. With that, he went on to outline his vision for the future of the Army relatively near term, and for the first time I heard in a meaningful way an outline by a military leader that involved the term transformation. He was about transforming the American Army and making sure we found ourselves on a path that would allow the Army to lead this free country as the only remaining superpower for the decades ahead.

As he discussed the fact that the Army needed to be lighter and quicker and stronger, I heard a fellow just behind me who also had this stake on his shoulders, I heard him gasp, what does this guy think the Marine Corps is for, although the terms he used in expressing that sentiment were a little stronger than I have used here. But, nonetheless, a clear illustration that there continues to be competition between our branches, which is good, but there also continues to be a great need for transformation throughout the Department of Defense. And the first guy out on the point regarding that transformation is this great Chief who is now retiring, Eric Shinseki.

The gentleman from Pennsylvania (Mr. MURTHA) and I have had a chance to work very closely with the Chief. We have had a chance to play a role in developing ideas such as the future combat system, to talk out loud about what that future battlefield might look like and to talk about the fact that we are responsible for, for far the largest budget in the Congress, those moneys that flow on behalf of our national defense and allowing America to be the voice for freedom. Indeed, in those conversations time and time again, the General and I back to this thought:  

That is the thought that the reason we spend these moneys is not because we are about to wage war but because America is a force for peace and we appropriate these dollars and work with the Army and the rest of our forces on behalf of peace in the world.

So as General Eric K. Shinseki goes on to a new part of his life, we thank him for his great and wonderful service, and we all stand in his debt.

Mr. Speaker, I rise today to pay tribute to a genuine American hero—our retiring Chief of Staff of the United States Army, General Eric K. Shinseki. After leading the Army during successful campaigns against terrorism in Afghanistan and Iraq and putting the Army on an irreversible track towards transformation, General Shinseki is stepping down as chief of staff next week.

Many of us in the Congress have come to know, and be spellbound by, the story of General Shinseki’s life. Indeed, Hollywood couldn’t have written a better Horatio Alger story. General Shinseki, as we’ve all come to know, was born during World War II to Japanese-Ameri- can parents. When the fears of war and the creation of a regrettable episode in our history—the internment of American citizens and loyal immigrants. Between then and now, much has changed in the world and in this country. General Shinseki has been a positive force for some of that change, even as his incredible professional accomplishments are a symbol of that change.

Indeed, I remember so well the first time I heard the Shinseki story. It was during the introduction at his swearing-in ceremony as the Army’s Chief of Staff. That story moved me, and I was struck by how clear he was that transformational ideas were, and how resolute and determined he seemed in bringing this about. Also I remember what he said about his family—just how important they were to him. He singled out, as he called them, the dozen or so “Shinseki women,” in the audience—his grandmother, mother, sisters, wife, and daugh-
ters—saying he wouldn’t be where he was today without them. His sincere humility and gratitude on this his big day, was inspiring. It was a moving set of remarks on a propitious occasion, and portentous day, an event that remains fresh in my memory even now.

With the guiding hand of loving parents, Rick Shinseki matured into an extraordinary young American with rock-solid values and with a calling to serve—“Duty, Honor, Country.” This calling is validated by his decorated combat veteran and an accomplished peacemaker. He is a fierce warrior-leader with a Master’s degree in Literature—a true Renaissance man.

His story is an inspiration for us all. He has lived the “American Dream” rising to become the 34th Army Chief of Staff.

As a young junior officer, Ric Shinseki served valiantly and selflessly in Vietnam, where he was wounded twice—once so severely his troopers were convinced he would not survive. His valor and courage under fire won him three Bronze Star Medals for valor and two Purple Heart awards.

A “soldier’s soldier” who has commanded at every level, General Shinseki is also a reflective and intellectually gifted leader. In addition to West Point, General Shinseki has attended the National War College and Duke University. Those of us in the Congress involved extensively with defense issues have come to know him as an insightful thinker and inspirational speaker and writer. He is someone we all trust and respect.

Many of the pinnacle of his Army career, General Shinseki spent 15 months as the commander of the NATO Stabilization Force in Bosnia in 1997. He led this force with remarkable skill, helping that land begin to heal the wounds of years of war. His abilities as a warrior-diplomat subsequently helped the Army prepare for and execute its peacekeeping responsibilities in Kosovo.

General Eric Shinseki became Army Chief of Staff in June 1999—just six months after I took the helm of the House Defense Appropriations Subcommittee. Over the past four years, we have spent a lot of the time together, professionally and socially, and I have always come away from those meetings inspired and thoughtful about the general’s visionary ideas.

In many ways his early performance in Vietnam revealed the true measure and character of this man. This is a tough man who sticks to what he believes is right, even when it is unpopular, controversial, and sometimes even when it is against his own interests. True courage. And we have seen more of this during his tour as Army Chief of Staff.

After only a few months into his tenure as Army Chief, General Shinseki unveiled his comprehensive plan for transformation, the vision for which, as I mentioned, was introduced at his swearing-in ceremony. This town is indebted to him for bringing our collective attention to this important mandate. Transformation is now a very popular phrase in defense circles, with many proclaimed authors, but in this Body in these chambers, we know better than all stated transformation—indeed, with the humble and understated Ric Shinseki. Think about how difficult it was for this career Armor officer, a Tanker himself, to lead the Army in a direction away from 70-ton tanks towards a lighter, more strategically responsive force. Indeed, other generals faced considerable skepticism within the natural conservative institution that is the U.S. Army. An Army, after all, that had been tremendously successful over the past decade during major combat operations in Panama, the Persian Gulf, and in several other lesser contingencies and peacekeeping operations around the globe. Yet, General Shinseki knew that more than incremental changes were needed to get the Army ready for future requirements—it wasn’t enough to look backwards and validate work well done.

After 9–11, and after devastating attacks only yards away from his office, General Shinseki quickly moved the Army onto a “war-time footing.” Like all Americans, I watched with pride and wonderment as our armed forces quickly accomplished their objectives time and again in Afghanistan and most recently now in Iraq. This is the legacy that General Shinseki leaves behind—a fabulously well-trained and disciplined force that is helping win the Global War on Terror, while at the same time it is transforming itself to meet the threats of the 21st Century.

Throughout our time together, I have greatly valued this man’s opinion and judgment that is always carefully arrived at and based upon over three and a half decades of experience and committed service to the nation. We have not always agreed, in fact, we’ve had some major differences over the years, but there is not one in this town I respect more than our outgoing Army Chief of Staff. We will miss him sorely. And we will miss his lovely wife, Patti, too. She has steadfastly and selflessly stood by her husband and the Army for over 38 years and today on behalf of my colleagues of the United States Congress, we say “thank you” for a job well done, and may
God bless you with health and happiness in all future endeavors. Although we now end our time together as Chairman and Chief, we will always remain friends.

Mr. Speaker, I greatly appreciate this very special opportunity to honor my friend, General Eric Shinseki—a model citizen and soldier.

MEDICARE REFORM

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from Puerto Rico (Mr. ACEVEDO-VILA) is recognized for 5 minutes.

Mr. ACEVEDO-VILA. Mr. Speaker, the Commonwealth of Puerto Rico like the majority of States is confronting a number of challenges as it strives to provide quality health care to its 4 million citizens. Our local government is committed to strengthening the health care system. In fact, the Commonwealth finances approximately 25 percent of the costs of Medicaid in Puerto Rico, a burden no other jurisdiction has and one that is becoming unbearable. For us to move forward, it is essential that the Federal Government be an active and strong partner in this endeavor. As Congress considers creating a prescription drug benefit as well as enacting fundamental Medicare reform, I urge my colleagues to ensure that any Medicare legislation approved by Congress addresses the needs of the U.S. citizens living in Puerto Rico.

Since its inception, Medicare has provided health care for seniors living in Puerto Rico. Mr. Speaker, we must not exclude now our 525,000 seniors from any new basic health care coverage. Therefore, it is essential that beneficiaries living in the island have access to the same level of prescription drug coverage under the same terms and conditions as is offered to all others throughout the country. In addition, any prescription drug program must provide appropriate subsidies for low-income beneficiaries in Puerto Rico as in other all jurisdictions.

Puerto Rico's workers and employers pay their full share of Social Security and Medicare payroll taxes to the Federal Government. Beneficiaries who live in the island are as much a part of Medicare as those living in Florida, California, or Nebraska. Limitations on the subsidies they have no foundation in health care policy but based on geographic location would undermine the social insurance nature of this vital programs and would fail the fundamental goal of providing uniform Medicare benefits to all.

The second issue that I expect Congress to address in the Medicare reform bill is the payment to hospitals in Puerto Rico. While all U.S. hospitals receive 100 percent Federal reimbursement, hospitals in Puerto Rico only receive about 80 percent of a special formula. No other jurisdiction receives this type of treatment under the Medicare system. As a result of this disparity, our hospitals operate under extreme financial constraints and some have even decided to withdraw from the program.

Again, U.S. citizens in Puerto Rico pay the same Federal payroll taxes as any other citizen. They deserve equity. Therefore, Medicare reimbursement to Puerto Rico hospitals should be equitable with all other U.S. jurisdictions' hospitals.

Finally, I urge Congress to enact legislation like the one that currently assists in Medicare payments to physicians in Puerto Rico. This is the same disparity that rural physicians across the country experience today. In fact, our physicians currently have the lowest geographic cost-of-practice index value in the entire United States despite the fact that the city of San Juan has the eighth highest cost of living in the United States. As a result, not only are our rural areas suffering; physicians in metropolitan areas such as San Juan are carrying a great burden when they treat Medicare patients.

Mr. Speaker, doctors in Puerto Rico provide the same time and skill to patients, and they must be paid appropriately for their work. I would like to finish by thanking my colleagues in the House and Senate who have continuously supported us on resolving these critical issues to ensure that Medicare beneficiaries in Puerto Rico are afforded quality health care. They all realize that fairness is essential to quality health care, and that is as true in Puerto Rico as it is elsewhere in the United States.

THE HIGH COST OF PRESCRIPTION DRUGS

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

Mr. GUTKNECHT. Mr. Speaker, I rise again to speak to the House today about the cost of prescription drugs here in the United States, particularly relative to the rest of the world. Mark Twain once was talking about facts, and he said you can ignore the facts, you can deny the facts, you can even distort the facts, but in the end there they are.

I would like to talk today about the facts because there are people in this town who are attempting to both deny and distort the facts, but I think the facts more and more are indisputable. For example, we have been doing much more of our own research. We purchased a number of the top-selling drugs in Munich, Germany, about a month ago. For example, we bought this package of Glucophage. Glucophage is a marvelous drug, particularly for those suffering from diabetes. We bought this drug in Munich, Germany, at a pharmacy for $53.20 per pound. Glucophage sells here in the United States for $29.95. We bought another drug, a very commonly prescribed drug that is a blood thinner. It's called Coumadin. Coumadin here in the United States, this package of Coumadin sells for roughly $84. We bought this drug in Munich, Germany, for $59.05 American. It sells here in the United States, the same box, same milligrams, it sells for $360; $60 in Germany, $360 here.

The question we have to ask is why? Why the big disparities? And some people say it is price controls, but that is not exactly true in Germany. The Germans do not have what some people do in terms of price controls. What they do allow is for their pharmacists to be able to shop around to get the best price. Unfortunately, Americans are held hostage. If one goes to Tokyo, Japan, and buys a steak, one can buy that same steak here in Washington even at inflated Washington, D.C., prices, for probably $25. Back in my home district one can buy the best steak in town in many of the towns I represent for $10. It costs $32 in Canada. But I think the answer is the pharmacists are held captive. They do not allow American beef into their markets; so those captive Japanese are forced to pay those higher prices.

What we are saying in the legislation which I hope to introduce next week is let our people go. Allow the markets to work, open up markets. And that is why I have sponsored the Pharmaceutical Market Access bill. Facts are stubborn things, as John Adams said. I also invite Members who may be watching to get a copy of this book: The title is "The Big Fix, How the Pharmaceutical Industry Rips American Consumers Off." It is by Katharine Greider. I do not know that much about Katharine Greider, but she has got some very interesting things to say about what has been happening in the pharmaceutical industry.

Finally, let me say the big argument is safety, safety, safety, we cannot forget that if their drugs from Munich, Germany, or Geneva, Switzerland, that those drugs will be safe. But I would invite the Members to look at some of the counterfeit-proof technology that is available today. There are companies that make this technology so that we can guarantee that this is in fact Coumadin and not something else. We can do this safely. Americans deserve world-class drugs at world market prices. Americans are willing to subsidize such advances. We are doing it in Africa. We are doing it in other places. Let us continue to subsidize the starving Swiss. I hope Members will get the facts. I hope Members will look at this bill. I hope
Members will cosponsor it with me. And I hope finally we will do something to stop these huge disparities between what Americans pay and what consumers around the rest of the industrialized world pay for the same drugs.

Mr. BELL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

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

Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

Mr. WOLF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

Mr. MCGOVERN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

Mr. ACEVEDO-VILA addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.

Mr. DAVIS of Alabama addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

Mr. BELL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

Mr. RYAN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

Mr. ACEVEDO-VILA addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.

Mr. RYAN of Wisconsin addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

Mr. DELAY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

Mr. DEFAZIO (at the request of Ms. PELOSI) for today 3:00 p.m. on account of official business.

Ms. LOFGREN (at the request of Ms. PELOSI) for June 4 after 7:00 p.m. and the balance of the week on account of family school graduation.

Mr. ORTIZ (at the request of Ms. PELOSI) for today after 2:30 p.m. on account of official business.

Mr. HERGER (at the request of Mr. DELAY) for June 2 and 3 on account of attending his daughter’s high school graduation.

Mr. RYAN of Wisconsin (at the request of Mr. DELAY) for today on account of personal reasons.

By unanimous consent, leave of absence was granted to:

Mr. DEFAZIO (at the request of Ms. PELOSI) for today 3:00 p.m. on account of official business.

Mr. RYAN (at the request of Mr. STRICKLAND) for 5 minutes.

Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

Mr. FILNER (at the request of Ms. PELOSI) for June 4 after 7:00 p.m. and the balance of the week on account of family school graduation.

Mr. RYAN of Wisconsin (at the request of Mr. DELAY) for today on account of personal reasons.

By unanimous consent, permission to enter the following Members (at the request of Mr. DEFAZIO) to revise extraneous material: Mr. DEFAZIO, for 5 minutes, today.

Mr. DEFAZIO (at the request of Ms. PELOSI) for June 4 after 7:00 p.m. and the balance of the week on account of family school graduation.

Mr. RYAN of Wisconsin (at the request of Mr. DELAY) for today on account of personal reasons.

EXPANSION OF THE CHILD TAX CREDIT

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

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

Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

Mr. WOLF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

Mr. MCGOVERN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

Mr. ACEVEDO-VILA addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.

Mr. DAVIS of Alabama addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

Mr. BELL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

Mr. RYAN of Ohio, for 5 minutes, today.

Mr. DAVIS of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. ACEVEDO-VILA, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. CHRISTENSEN, for 5 minutes, today.

Mr. DAVIS of Alabama, for 5 minutes, today.

Mr. BELL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Mr. CHRISTENSEN, for 5 minutes, today.

Mr. DAVIS of Alabama, for 5 minutes, today.
Mr. BELL, for 5 minutes, today.

Mrs. DAVIS of California, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material):

Mr. CULBERSON, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 180. An act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise programs under those Acts, and for other purposes.

ADJOURNMENT

Mrs. DAVIS of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p.m.) under its previous order, the House adjourned until Monday, June 9, 2003, at 12:30 p.m., for morning hour debates.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DEL EGATE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 108th Congress, pursuant to the provisions of 2 U.S.C. 25:

RANDY NEUGEBAUER, Texas 19.

OATH FOR ACCESS TO CLASSIFIED INFORMATION


EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2531. A letter from the Congressional Re-
view Coordinator, Department of Agri-
culture, transmitting the Department's final
rule—Hot Water Dip Treatment for Mangoes
[Docket No. 02–026–5] received May 27, 2003,
pursuant to 5 U.S.C. 801(a)(1)(A); to the Com-
mittee on Agriculture.

2532. A letter from the Congressional Re-
view Coordinator, Department of Agri-
culture, transmitting the Department's final
rule—Imported Article—Papaya Fruit Fly
[Docket No. 01–617–1] received May 27, 2003,
pursuant to 5 U.S.C. 801(a)(1)(A); to the Com-
mittee on Agriculture.

2533. A letter from the Congressional Re-
view Coordinator, Department of Agri-
culture, transmitting the Department's final
rule—Asian Longhorned Beetle; Quarantined
Area and Regulated Articles [Docket No. 02–
117–7] received May 27, 2003, pursuant to 5
U.S.C. 801(a)(1)(A); to the Committee on Ag-
culture.

2534. A letter from the Congressional Re-
view Coordinator, Department of Agri-
culture, transmitting the Department's final
rule—Exotic Newcastle Disease; Additions to
the Committee on Agricul-
ture, transmitting the Department's final
rule—Special Local Regula-
tion; Des Plains River, Joliet, Illinois
[Docket No. FAA–2003–1459; Airspace Docket
No. ACE–2003–0145] received May 27, 2003,
pursuant to 5 U.S.C. 801(a)(1)(A); to the Com-
mittee on Transportation and Infrastructure.

2535. A letter from the Assistant Secretary
for Food Safety, transmitting a report in compliance with the
Government Reform, and Ways and Means.

2536. A letter from the Assistant Secretary
for Food Safety, transmitting a report entitled, "21st
Century Department of Justice Appropriations Authorization Act''; to the Committee on the Judiciary.

2537. A letter from the Deputy Chief of
Naval Operations, Department of Defense,
transmitting notification of the decision to convert to civilian personnel in the De-
partment of the Navy for possible perform-
ance by private contractors, pursuant to 10
U.S.C. 2661; to the Committee on Armed Services.

2538. A letter from the Chairman, Federal
Deposit Insurance Corporation, transmitting a
report entitled, "Financial Description,
Analysis Report—Inappropriately Silver-Lined
Bank; Waukegan, IL, 60085-1197"; to the Com-
mittee on Financial Services.

2539. A letter from the Assistant Legal Ad-
dvisor, Department of State, transmitting:
(a) multilateral agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C.
112(b)(a); to the Committee on International Relations.

2540. A letter from the Chairman, Council
of the District of Columbia, transmitting a
report entitled, "Council of the District of Columbia—Qualifications Amendment Act of 2003'' re-
ceived June 3, 2003, pursuant to D.C. Code
section 1–233(c)(1); to the Committee on Government Reform.

2541. A letter from the Chairman, U.S. Pa-
role Commission, Department of Justice,
transmitting a report in compliance with the
Government in the Sunshine Act, pursuant to 5 U.S.C. 552(b)(j); to the Committee on Gov-
ernment Reform.

2542. A letter from the Chair, Railroad Re-
tirement Board, transmitting the semi-
annual report on activities of the Office of the
Inspector General for the period October 1,
2002, through March 31, 2003, pursuant to 5
U.S.C. app. (Inspector General Act) section 5(d); to the Committee on Government Reform.

2543. A letter from the Assistant Secretary
for FWP, Department of the Interior, trans-
mitting the Department's final rule—Endan-
gered and Threatened Wildlife and Plants;
Final Designation of Critical Habitat for Three Plant Species from the Island of
Lanai, Hawaii (RIN: 1018-AH10) received May
29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2544. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Adminis-
tration's final rule—Fisheries of the North-
eastern United States; Northeast Multispec-
cies Fishery; Framework Adjustment 37 to the Northeast Multispecies Fisheries Manage-
ment Plan [Docket No. 03920027–3007–02; I.D.
0212103] (RIN: 0648-A035) received May 27,
2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2545. A letter from the Acting Director, Of-
fice of Sustainable Fisheries, NMFS, Na-
tional Oceanic and Atmospheric Administra-
tion, transmitting the Administration's final
rule—Fisheries of the North-eastern United States; Northeast Multispec-
cies Fishery; Framework Adjustment 37 to the Northeast Multispecies Fishery Manage-

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself
and Mr. BERMAN):

H.R. 2944. A bill to restore Federal rem-
diums for infringements of intellectual prop-
erty by States, and for other purposes; to the Committee on the Judiciary.

By Mr. MANZULLO (for himself, Mr. RUIZ, Mr. PENVE, and Mr. TERRY):

H.R. 2945. A bill to amend chapter 6 of title
5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure that governmental small entities of rules, and for other pur-
purposes; to the Committee on the Judiciary.
H.R. 2346. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits and tier I railroad retirement benefits; to the Committee on Ways and Means.

By Mr. FRANKS of Arizona:

H.R. 2347. A bill to amend the Internal Revenue Code of 1986 to provide for a credit which is dependent on enactment of the qualified scholarship tax credits and which is allowed against the Federal income tax for charitable contributions to education investment organizations that provide assistance to paraprofessionals hired before the date of enactment of the No Child Left Behind Act of 1965 regarding the rigorous standard of quality applicable to paraprofessionals hired before the date of enactment of the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Education and the Workforce.

By Mr. THOMAS (for himself, Mr. LIEU, Mr. REDECKE, Mr. JONES of North Carolina, Mr. TIBERI, Mr. GUTKNechT, Mr. VITTER, Mr. HOEKSTRA, Mr. DEMINT, Mr. COUDER, Mr. GARRETT of New Jersey, Mr. BARRETT of South Carolina, Mr. BERTLETT of Maryland, Mr. BEAUPRE, Mr. PAUL, Mr. PITTS, Mr. RENZI, Mr. HAYWORTH, and Mrs. MYRICK):

H.R. 2348. A bill to amend the Elementary and Secondary Education Act of 1965 regarding the rigorous standard of quality applicable to paraprofessionals hired before the date of enactment of the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Education and the Workforce.

By Mr. EVANS (for himself, Mr. SIMMONS, Mr. GUTIERREZ, Mr. FENG, and Mr. WAMP):

H.R. 2349. A bill to authorize certain major medical facility projects for the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. HERGER:

H.R. 2350. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through fiscal year 2003, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS (for himself, Mr. SIMMONS, Mr. GUTIERREZ, Mr. FENG, and Mr. WAMP):

H.R. 2351. A bill to amend the Internal Revenue Code of 1986 to provide a deduction to individuals for amounts contributed to health savings accounts and to provide for the disposition of unused health benefits in cafe- teria plans and to add spending authorities to the Committee on Ways and Means.

By Mr. SIMMONS (for himself, Mr. FINDER, Mr. RODRIGUEZ, Mr. EVANS, Mr. CUNNINGHAM, Mr. ABERCROMBIE, Mr. ROHRABACHER, Mrs. DAVIS of California, Mr. ISSA, and Mr. SMITH of New Jersey):

H.R. 2352. A bill to amend title 38, United States Code, to provide eligibility for Department of Veterans Affairs health care for certain Filipino World War II veterans residing in the United States; to the Committee on Veterans' Affairs.

By Ms. KOWSKY (for herself, Ms. SLAUGHTER, Ms. LEE, Ms. WOOLSEY, Mr. FARR, and Ms. KILPATRICK):

H.R. 2353. A bill to require all newly constructed, federally assisted, single-family houses and town houses to meet minimum standards of availability for persons with disabilities; to authorize financial assistance for construction of facilities, and in addition to the Committee on Veterans' Affairs, 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. CASE (for himself, Mr. ABERCROMBIE, and Mr. GIBBONS):

H.R. 2354. A bill to amend title 38, United States Code, to increase the allowance for education in the States Code, to establish standards of access for veterans seeking health care from the Department of Veterans Affairs, 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. ALLEN (for himself, Mrs. EMERSON, Mr. BERRY, Mr. BERGER, Mr. WAXMAN, Mr. BURTON of Indiana, Mr. DAVIS of Florida, Mr. GUTKNechT, Mr. SNYDER, Mrs. BONO, Mr. COOPER, and Mr. TORRES):

H.R. 2355. A bill to amend the Reclamation Wastewater and Water Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the water resources study; to the Committee on Resources.

By Mr. ALLEN (for himself, Mrs. EMERSON, Mr. BERRY, Mr. BERGER, Mr. WAXMAN, Mr. BURTON of Indiana, Mr. DAVIS of Florida, Mr. GUTKNechT, Mr. SNYDER, Mrs. BONO, Mr. COOPER, and Mr. TORRES):

H.R. 2356. A bill to require the National Institutes of Health to conduct research, and the Agency for Healthcare Research and Quality to conduct studies, on the comparative effectiveness and cost-effectiveness of prescription drugs that account for high levels of expenditures or use by individuals in federally funded health programs, and for other purposes; to the Committee on Energy and Commerce.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. SMITH of New Jersey, and Mr. MILLER of Florida):

H.R. 2357. A bill to amend title 38, United States Code, to establish standards of access to health care from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CALVERT (for himself, Mr. ORTIZ, Mr. SENSENBRENNER, Mr. CUNNINGHAM, Mr. SANDLIN, Mr. BARTLETT of Maryland, Mrs. CAPPs, Mr. WELDON of Florida, Mr. PAUL, Mr. FOLEY, Mr. HINOJOSA, Mr. LUCAS of Oklahoma, Mr. BARTON of Texas, Mr. BURR of Arizona, and Mr. BURGESS):

H.R. 2358. A bill to amend the Internal Revenue Code of 1986 to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes; to the Committee on Ways and Means.

By Mr. CALVERT (for himself, Mr. ORTIZ, Mr. SENSENBRENNER, Mr. CUNNINGHAM, Mr. SANDLIN, Mr. BARTLETT of Maryland, Mrs. CAPPs, Mr. WELDON of Florida, Mr. PAUL, Mr. FOLEY, Mr. HINOJOSA, Mr. LUCAS of Oklahoma, Mr. BARTON of Texas, Mr. BURR of Arizona, and Mr. BURGESS):

H.R. 2359. A bill to extend the basic pilot program for employment eligibility verification, and for other purposes; to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself, Mr. DEVIN, Mr. HORTON, and Mrs. CAPPs (for herself, Mr. THOMPSON of California, Mr. BLUMENAUER, Mr. WU, Mr. FARR, Mr. GEORGE MILLER of California, and Mr. FJORDEN):

H.R. 2360. A bill to provide for qualified withdrawals from the Capital Construction Fund for fishermen leaving the industry and for the reintroduction of funds to individual retirement plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN (for himself, Ms. DUNN, Mr. FOLEY, Mr. MCNULTY, Mr. ANDREWS, Mr. SMITH of New Jersey, Mr. FROST, Mr. SANDLIN, Mr. GILLMOR, Mrs. CAPITO, Mr. FRANK of Massachusetts, Mr. EDWARDS, Mr. HOLDEN, Mr. PAUL, Mr. KANJ ORSKI, Ms. LOFgren, Mr. MORAN of Virginia, and Mr. GOODE):

H.R. 2361. A bill to amend title XVIII of the Social Security Act to waive the part B late enrollment penalty for military retirees who enroll by December 31, 2004, and to provide a special part B enrollment period for such retirees; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASE (for himself, Mr. ABERCROMBIE, and Mr. YOUNG of Alaska):

H.R. 2362. A bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes; to the Committee on Education and the Workforce.

By Ms. DELAURO (for herself, Mr. CUMMINGS, Mrs. JONES of Ohio, Ms. WOOLSEY, Mr. MCNULTY, Mr. OWENS, Mr. SANDERS, Ms. SOLIS, Ms. KAPTUR, Mr. PALLONE, Mr. SERRANO, Mr. WAXMAN, Ms. JACKSON-LEE of Texas, Mr. RODRIGUEZ, Mr. FROST, Ms. LOFgren, Mr. CONEYERS, Mr. ALLEN, and Mr. BROWN of Ohio):

H.R. 2363. A bill to improve early learning opportunities and promote preparedness by providing the availability of Start Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate enrollment, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, Ways and Means, House Administration, Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 2364. A bill to amend the Immigration and Nationality Act in regard to Caribbean-born immigrants; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself, Mr. LEVIN, and Mr. HOUGHTON):

H.R. 2365. A bill to amend United States trade laws to address more effectively import crises, and for other purposes; to the Committees on Ways and Means.

By Mr. ETHERIDGE:

H.R. 2366. A bill to suspend certain amendments made by the No Child Left Behind Act of 2001 that fail to provide funds to make, for Federal programs that fail to fund such amendments; to the Committee on Education and the Workforce.

By Mrs. CAPPs (for herself, Mr. THOMPSON of California, Mr. BLUMENAUER, Mr. WU, Mr. FARR, Mr. GEORGE MILLER of California, and Mr. FJORDEN):
By Mr. GIBBONS:
H. R. 2367. A bill to provide for the conveyance of certain public lands in and around historic mining townsites in Nevada, and for other purposes; to the Committee on Resources.

By Mr. GREEN of Texas (for himself, Mr. EDWARDS, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. STENHOLM, Mr. ORTIZ, Mr. SANDLIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEE, Mr. TUNIERS of Texas, Mr. FROST, Mr. BELL, Ms. JACKSON-Lee of Texas, Mr. HINOJOSA, Mr. DOGGETT, and Mr. HALL):
H. R. 2368. A bill to amend the Internal Revenue Code of 1986 to tax the campaign committees of candidates for Congress; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. ROTHMAN, Mr. MATSU, Mr. KENNEDY of Rhode Island, Mr. LEWIS of Georgia, Ms. LOGFREN, Mr. FARR, Mr. KIRK, Mr. REYES, Mr. LYNCH, Mr. JACKSON of Illinois, Mr. ANDREWS, Ms. MAJETTE, Mr. SCOTT of Georgia, Mr. MEES of New York, Mr. SMITH of New Jersey, Ms. KAPTUR, Mr. ROSE, Mr. MEEHAN, Mr. MENENDEZ, Mr. LAMPSOM, Mr. FILER, Mr. LARSEN of Washington, Mr. JEFFERSON of Illinois, Mr. GONZALEZ, Ms. WATERS, Mr. MICHAUD, Ms. HOOLEY of Oregon, Ms. DEGETTE, Ms. LORETTA SANCHEZ of California, Mr. MOBLEY of Illinois, Mr. BOEHLERT, Mr. GREENWOOD, Mr. SHAYS, Mr. LEACH, Mrs. JOHNSON of Connecticut, Mr. GEORGE MILLER of California, Mr. HINCHY, Mr. WU, Mr. RAHALL, Mr. DOYLE, Mr. WEAVER, Mr. HOEFFEL, Mr. FRANK of Massachusetts, Mr. KILDEE, Ms. J ONES of Massachusetts, Mr. MORA of Vermont, Mr. WOLFF, Mr. BROWN of Ohio, Ms. MALONEY, Ms. LEE, Mr. KULISH, Mr. STARK, Mr. HONDA, Mr. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mr. DELAHUNT, Mrs. NAPOLITANO, Mr. PASTOR, Mr. LEVIN, Mr. FORD, Mr. PAYNE, Mr. MARKY, Mrs. WOOSLEY, Ms. JACKSON-Lee of Texas, Mr. PASCARELL, Mr. BLUMENAUER, Ms. DELAUR, Mr. LITKIN, Mr. LUNNINGS, Mr. WYN, Mr. VAN HOLLEN, Mr. KIND, Mr. DEUTSCH, Mr. SERRANO, Mr. ENGEL, Mr. UDALL of Colorado, Mr. MCLNUTY, Mr. GOMES, Mr. BERMAN, Mr. ACKERMAN, Mr. BOUCHER, Mr. HILL, Mr. SABO, Mr. OLVER, Mr. WEXLER, Mr. RANDEL, Mr. ACEVEDO-VICINO, Ms. HARMAN of Maryland, Ms. SOUTHWICK, Mr. EDDIE BERNICE JOHNSON of Texas, Mr. MOORE, Ms. KILPATRICK, Mrs. MCCARTHY of New York, Mr. WATT, Mr. GILCHREST, Ms. SOWELL, Ms. DAVIS of California, Ms. CAPP, Mr. CLAY, Ms. MCCOLLUM, Mr. GUTIERREZ, Mr. FATTAN, Mr. DINGELL, Mr. CROWLEY, Mr. POLIY, Mr. TURNER of Texas, Mr. EVANS, Mr. PALLONE, Mr. MCGOVEN, Mr. SCHIFF, Ms. SLAUGHTER, Ms. MCCARTHY of Missouri, Mr. SHERMAN, Mr. KENNEDY of California, Mr. GRJALVA, Mr. NADLER, Mr. GREEN of Texas, Mr. LOWEY, Ms. ESHOO, Mr. ALLEN, Mr. COOPER, Mr. TRUETT, Mr. CONVES, Mr. BURN, Mr. PRICE of North Carolina, Mr. KUCINICH, Mr. CAPUANO, Mr. CARLSON of North Carolina, Mr. COSTELLO, Mr. LANTOS, Ms. BERKLEY, Mr. HASTINGS of Florida, Mr. TIERNY, Ms. MILLER-MCDONALD, and Mr. LARSON of Connecticut):
H. R. 2369. A bill to protect inventoried roadless areas in the National Forest System, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island:
H. R. 2370. A bill to improve homeland security by providing for national resilience in preparation for, and in the event of, a terrorist attack, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MAJETTE:
H. R. 2371. A bill to establish the Child Care Provider Scholarship Program, and a program of child care provider health benefits coverage, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBSTON (for himself, Mr. COLE of North Carolina, Mr. TAYLOR, Mr. MCKINNIS, Mr. LEWIS of Georgia, Mr. DOOLEY, Mr. PAYNE, Mr. BROWN of Florida, and Mr. FILER):
H. R. 2372. A bill to reform the safety practices of the railroad industry, to prevent railroad accidents, for the development of safety and materials releases, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RYAN of Ohio, Mr. CONYERS, Mr. CLYDE of South Carolina, Mr. MILLER of California, Mr. STARK, Ms. MCCORMACK, Mr. KILDEE, and Mr. SANDERS):
H. R. 2373. A bill to permanently extend the temporary authority provided for in section 131 of the Internal Revenue Code of 1986 to provide an increased low-income housing credit for property located in the States Code, to authorize additional contributions; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. RANGEL, Ms. CARSON of Indiana, Ms. OWENS of Georgia, Mr. JACKSON-Lee of Texas, Mr. TOWNS, Mr. KLECKZA, Mr. SCOTT of Georgia, Mr. PAUL, Mr. FROST, Mr. PAYNE, and Mr. KILDEE):
H. R. 2374. A bill to improve the Internal Revenue Code of 1986 to provide for the development of open space on the Interstate System weight limitations for vehicles; to the Committee on Ways and Means.

By Mr. MILLER-MCDONALD:
H. R. 2375. A bill to provide for the conveyance of certain public lands in and around historic mining townsites in Nevada, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and 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. GEORGE MILLER of California (for himself, Mr. PLATS, Mr. KENNER of Rhode Island, Mr. ANDREWS, Mr. SERRANO, Ms. DELAUR, Mr. BROWN of Illinois, Ms. SOLIS, Mr. WALLIS of California, Ms. HINOJOSA, Mr. MCCARTHY of New York, Mr. KILDEE, and Mr. SANDERS):
H. R. 2376. A bill to establish the Child Care Provider Scholarship Program, and a program of child care provider health benefits coverage, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota:
H. R. 2378. A bill to amend title 38, United States Code, to improve access to health care for rural veterans, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. RAUL RUIZ (for himself, Mr. MOLLOHAN, and Mr. STRICKLAND):
H. R. 2381. A bill to complete construction of the 13-state Appalachian development region, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RAHALL (for himself, Mr. HOLT, Mr. FROST, Mr. GEORGE MILLER of California, Mr. STARK, Ms. MCCOLLUM, Mr. MARKY, Ms. JACKSON-Lee of Texas, and Ms. BORRADO):
H. R. 2382. A bill to amend title 49, United States Code, relating to improving transportation in the national parks; to the Committee on Transportation and Infrastructure.

By Ms. MILLER-MCDONALD:
H. R. 2383. A bill to amend title 49, United States Code, to provide an exemption from the Federal aid highway program for projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RAMSTAD:
H. R. 2384. A bill to amend the Internal Revenue Code of 1986 to clarify the tax treatment of smoking cessation costs; to the Committee on Ways and Means.

By Mr. SIMMONS (for himself, Mr. JOHNSON of Connecticut, Mr. SHAYS, Ms. DELAUR, and Mr. LARSON of Connecticut):
H. R. 2385. A bill to amend title 23, United States Code, to provide an exemption from Interstate System weight limitations for...
milk hauling vehicles in the State of Connecticut; to the Committee on International Relations.

By Mr. SIMPSON (for himself and Mr. SANCHEZ): H.R. 2385: A bill to amend the Rehabilitation Act of 1973 to provide for more equitable allotments of Federal funds for centers for independent living; to the Committee on Education and the Workforce.

By Mr. SIMPSON (for himself, Mr. GIGER, Mr. DUNCAN, Mr. WALDEN of Oregon, Mr. GOS, Mr. PETTerson of Pennsylvania, Mr. HUNTER, Mr. CANNON, Mr. DOLITTLE, Mr. TURNER of Texas, Mr. RADANOVICH, Mr. PEARCE, Mr. GIBBONS, and Mr. SOUDER): H.R. 2386: A bill to amend the Antiquities Act regarding the establishment by the President of certain national monuments and to provide for public participation in the proclamation of national monuments; to the Committee on Resources.

By Mr. STRICKLAND: H.R. 2387: A bill to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems; to the Committee on the Judiciary.

By Mr. VISCOLSKY: H.R. 2388: A bill to authorizing leases for hospitals with at least 100 licensed beds; to the Committee on Energy and Commerce.

By Mr. WU: H.R. 2389: A bill to assure that the services of a nonemergency department physician are available to hospital patients 24-hours-a-day, seven days a week in all non-Federal hospitals with at least 100 licensed beds; to the Committee on Resources.

By Mr. VISCLOSKY: H.R. 2390: A bill to establish a state province of Ilocos Norte in the Philippines; to the Committee on Resources.

By Mr. WATTS: H.R. 2391: A bill to amend the Higher Education Act of 1965 to require institutions of higher education to enter into agreements with private-for-profit organizations for the provision of work-study employment; to the Committee on Education and the Workforce.

By Mr. CUMMINGS: H.R. 2392: A concurrent resolution supporting National Men's Health Week; to the Committee on Government Reform.

By Mr. ENGEL (for himself, Mr. BERCOTTER, Mr. KIRK, Mrs. KELLY, Mr. FALEOMAVAEGA, Mrs. NAPOLITANO, and Mr. SHIMkus): H. Con. Res. 209. Concurrent resolution commemorating the signing of the Treaty of Versailles on June 28, 1919, which officially marked the end of World War I; to the Committee on International Relations.

By Mr. RANGEL (for himself, Mr. BISHOP of Georgia, Mr. BALLANCE, Mr. MURREN of Florida, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. Davis of California, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. FORD, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERS, Mr. BERNICE JOHNSON of New York, Ms. MILLER of Mississippi, Mr. MURTHY, Mr. OWENS, Mr. PAYNE, Mr. RUSH, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. Wynn, and Mr. CLAY): H. Con. Res. 210. Concurrent resolution honoring the Delaware State Constabulary Board and the Delaware State Constabulary Service in the Republic of the Philippines; to the Committee on Armed Services.
The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. This morning, we will be led in prayer by our guest Chaplain, Dr. K. Randel Everett, president of the John Leland Center for Theological Studies.

PRAYER
The guest Chaplain offered the following prayer:

Let us bow together in prayer.

Dear Father, we thank You for surrounding these Senators with such a great cloud of witnesses who have served in the seats of honor before them. We thank You for those who stood with courage during difficult days. We thank You for those whose wisdom guided our Nation through times of darkness. We thank You for the times when the Senate stood in unity in pursuit of justice when the world was threatened by the forces of evil.

Dear Lord, we pray that You will give these Senators freedom from the encumbrances of business, of pettiness, and worry. Loosen them from any of the sins of prejudice or bitterness or anger that might entangle them. Give them the discipline to run with endurance the race You have set before them. Fix their eyes on You, the author and perceiver of sight. And fill them with Your spirit so that they will not grow weary or lose heart.

Endow them with Your gifts of faith, hope, and love: Faith that You are the sovereign God, hope that righteousness will prevail, and love for You, for Your creation, and for each individual as a person of worth and value.

In Thy name we pray. Amen.

The PRESIDENT pro tempore. I ask the Democratic assistant leader if he will lead us in the Pledge of Allegiance to the flag.

PLEDGE OF ALLEGIANCE
The Honorable HARRY REID, a Senator from the State of Nevada, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER
The PRESIDENT pro tempore. The Chair recognizes the assistant Republican leader.

SCHEDULE
Mr. McCONNELL. Mr. President, for the information of all Senators, this morning Senator DOLE will give her maiden speech in the Senate.

When the Senate resumes consideration of the Energy bill, Senator BOXER will offer the first of her two amendments. The votes in relation to those amendments, as well as the pending Schumer amendment, will be stacked to occur later in the day. There are a number of scheduling conflicts, and we will be looking for the most appropriate time this afternoon for those votes to occur.

In addition to the ethanol amendments, a LIHEAP amendment is pending. Members may want to speak on that issue as well. Therefore, the vote on first- and second-degree LIHEAP amendments may be stacked to occur later today as well.

It is hoped that Senators who have additional amendments will make themselves available to offer those amendments so that further progress can be made on this important legislation.

I also add that it is possible we could reach an agreement for the filing deadline for all first-degree amendments. Having said that, votes will occur on amendments throughout the day on the Energy bill, with the goal of making substantial progress towards its completion.

RECOGNITION OF THE ACTING MAJORITY LEADER
The PRESIDENT pro tempore. The Senator from Nevada.

SENATOR DOLE'S MAIDEN SPEECH
Mr. REID. Mr. President, I am aware that the distinguished Senator from North Carolina is going to make her maiden speech today. I haven’t had the opportunity to say to her privately what I will say publicly, and that is my fault. But I simply say that we have this big horserace coming up this Saturday—the Belmont Stakes—and we talked about the pedigree of the horses that are going to be running that race. Rarely in the history of the Senate has there been anyone come with a pedigree of the Senator from North Carolina. She not only has a distinguished husband with whom we all served here in the Senate who was so direct and so full of humor and so full of wisdom, and a person we still miss today, but being a Senator in her own right, she has a pedigree that is basically unsurpassed: A person who served as a Cabinet officer on at least two separate occasions, who served in other capacities in the White House, and who was so good in her capacity as head of the International Red Cross, doing work all over the world that is still being done as a result of her leadership.

The Senate is certainly favored with her presence, and I look forward, as does all of the Senate, to hearing her maiden speech today.

Mr. McCONNELL. Mr. President, let me also say that had Senator DOLE not recruited my wife to come into government, I never would have met her. So in addition to all of her substantial accomplishments, she also has made extraordinarily good hiring decisions over the years and brought outstanding...
NATIONAL HUNGER AWARENESS DAY

Mrs. DOLE. Mr. President, I first thank the majority whip, Senator MCCONNELL, and the Democrat whip, Senator REID, for their very kind comments this morning. Then I thank you, Mr. President, and other members of the leadership, for your unwavering support of this freshman class.

I also recognize Senator FIRST for the traditional courtesies of a maiden speech to be extended to the new Senator and express my appreciation for his commitment to the rich history of this great tradition.

Tradition is held that, by waiting a respectful length of time, senior colleagues would appreciate the humility shown by a new Member of the Senate who would use the occasion to address an issue of concern.

I come in that sense today to share my thoughts on a matter that weighs heavily on my mind. Hunger is the silent enemy lurking within too many American homes. It is a tragedy I have seen firsthand and far too many times throughout my life in public service. This is not a new issue.

In 1969, while I was serving as Deputy Assistant to the President for Consumer Affairs, I was privileged to assist in planning the White House Conference on Food, Nutrition, and Health. In opening the conference, President Nixon said:

Malnutrition is a national concern because we are a nation that cares about its people, how they feel, how they live. We care whether they are well and whether they are happy.

This still rings true today.

On National Hunger Awareness Day, I want to highlight what has become a serious problem for too many families, particularly in North Carolina.

My home State is going through a painful economic transition. Once thriving textile mills have been shuttered. Family farms are going out of business. Tens of thousands of workers have been laid off from their jobs. Entire areas of textile and furniture manufacturing are slowly phasing out as high-tech manufacturing and service companies become the dominant industry of the State. Many of these traditional manufacturing jobs have been in rural areas where there are fewer jobs and residents who are already struggling to make ends meet.

In 1999, North Carolina had the 12th lowest unemployment rate in the United States. By December 2001, the State had fallen to 46—from 12 to 46. That same year, according to the Rural Center, North Carolina companies announced 63,222 layoffs. Our State lost more manufacturing jobs between 1997 and the year 2000 than any State except New York.

Entire communities have been uprooted by this crisis. In the town of Clayton, 30–30 percent—of the town's residents lost their jobs in the year 2001. Ninety percent of those layoffs were in textile and furniture manufacturing. These are real numbers and real lives from a State that is hurting.

Our families are struggling to find jobs, to pay their bills, and, as we hear more and more often, to even put food on the table. In fact, the unemployment trend that started in 1999 resulted in 11.1 percent of North Carolina families not always having enough food to meet their basic needs. That is according to the U.S. Department of Agriculture. And North Carolina's rate is higher than the national average. This means that among North Carolina's 8.2 million residents, nearly 900,000 are dealing with hunger. Some are hungry, others are on the verge.

My office was blessed recently to meet a young veteran, Michael Williams, who served his country for 8 years in the U.S. Army before leaving to work in private industry and use the computer skills he had gained while serving in the military. He was earning a good living, but after September 11 and the terrorist attacks, he and his wife Gloria felt it was time to move their two children closer to family back home in North Carolina. As he said, “It was time to bring the grandbabies home.”

But Michael faced a shortage of jobs since his return. He worked with a temp agency but that job ended. It has been so hard to make ends meet that the family goes to a food bank near their Clayton, NC, home twice a month because with rent, utilities, and other bills, there is little left to buy food. Their story is not unlike so many others. Hard-working families are worrying every day about how to feed their children. As if this were not enough, our food banks are having a hard time finding food to feed these families. In some instances, financial donations have dropped off or corporations have scaled back on food donations. In other cases, there are just too many people and not enough food.

At the Food Bank of the Albemarle in northeast North Carolina, executive director Gus Smith says more people are visiting this food bank even as donations are down by 25 percent. Then Gus says, "We're just barely able to keep the doors open." In America's Second Harvest, a network of 216 food banks across the country, reports it saw the number of people seeking emergency hunger relief rise by 9 percent in the year 2001 to 23.3 million people. In any given week, it is estimated that 7 million people are served at emergency feeding sites around the country.

These numbers are troubling indeed. No family—in North Carolina or anywhere in America—should have to worry about where they will get their next meal. No parent should have to tell their child there is no money left for groceries. This is simply unacceptable.

I spent most of the congressional Easter recess going to different sites in North Carolina: homeless and hunger shelters, food distribution sites, soup kitchens, farms, even an office where I went through the process of applying for Government assistance through the WIC Program, the Women, Infants, and Children Program.

I was also able to meet, on several occasions, with a group known as the Society of Saint Andrew. This organization, like some others across the country, is doing impressive work in the area of gleaning. That is when excess crops, that would otherwise be thrown out, are taken from farms, packing houses, and warehouses, and distributed to the needy.

Gleaning immediately brings to my mind the Book of Ruth and the Book of Hosea. We are told that the Book of Ruth is Ruth's story and the Book of Hosea is Hosea's story. She gleaned in the fields so that her family could eat. You see, Mr. President, in Biblical times farmers were encouraged to leave crops in their fields for the poor and the travelers. Even as far back as in Leviticus, Chapter 19, in the Old Testament, we read the words:

And thou shalt not glean thy vineyard, neither shalt thou gather every grape of thy vineyard; thou shalt leave them for the poor and the stranger.

So gleaning was long a custom in Biblical days, a command by God to help those in need. It is a practice we should utilize much more extensively today. It is astounding that the most recent figures available indicate that approximately 96 billion pounds of good, nutritious food, including that at the farm and retail levels, is left over or thrown away in this country.

It is estimated that only 6 percent of crops are actually gleaned in North Carolina. A tomato farmer in North Carolina sends 20,000 pounds of tomatoes to landfills each day during harvest season.

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And thou shalt not glean thy vineyard, neither shalt thou gather every grape of thy vineyard; thou shalt leave them for the poor and the stranger.
Mr. President, I ask unanimous consent to present an example of produce on the Senate floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. DOE. Sometimes the produce cannot be sold because sometimes it is underweight or not a perfect shape, like this sweet potato I show you in my hand. This would be rejected because it is not the exact specification. Other times it is simply surplus food, more than the grocery store can handle, but it is still perfectly good to eat.

Imagine the expense to that farmer in dumping 20,000 pounds of tomatoes each day during his harvest season. And this cannot be good for the environment. In fact, food is the single largest component of our solid waste stream—more than yard trimmings or even newspapers. Some of it does decompose, but it often takes several years. Other food just sits in landfills, literally mummified. Putting this food to good use can not only reduce the amount of waste going to our already overburdened landfills. I am so appreciative of my friends at the Environmental Defense Fund for working closely with me on this issue. Gleaning is the farmer-owned sector of food recovery. The farmer does not have to haul off and plow under crops that do not meet exact specifications of grocery chains, and it certainly helps the hungry, by giving them not just any food but food that is both nutritious and completely fresh.

The Society of Saint Andrew is the only comprehensive program in North Carolina that gleaned available produce and then sorts, packages, processes, transports, and delivers excess food to feed the hungry.

In the year 2001, the organization gleaned 9.7 million pounds—almost 10 million pounds—or 29.1 million servings of food. It only costs a penny—a penny—a serving to glean and deliver this food to those in need. Even more amazing, the Society of Saint Andrew does all this with a tiny staff and an amazing 9,200 volunteers.

These are the types of innovative ideas we should be exploring. I have been told by the Society of Saint Andrew that $100,000 would provide at least 10 million servings of food for hungry North Carolinians.

I set out to raise that money for the Society of Saint Andrew, and after only six months of effort, we had raised $80,000 enough for over 18 million servings of food. More than ever, I believe this is a worthy effort that can be used as a model nationwide.

I am passionate about leading an effort to increase gleaning in North Carolina and across America. The gleaning system works because of the cooperative efforts of so many groups, from the Society of Saint Andrew and its volunteers who gather and deliver the food, to the dozens of churches and humanitarian organizations that help distribute this food to the hungry. Indeed, gleaning is, at its best, a public-private partnership. Private organizations are doing a great job with limited resources. But we must make some changes on the public side so that we can use scarce dollars to feed the hungry.

I have heard repeatedly that the single biggest concern for gleaners is transportation. The food is there. The issue is how to transport it in larger volume. I am working to amend the Tax Code to give transportation companies that volunteer trucks for gleaning food a tax incentive. And there are other needed tax changes. Currently, only large publicly traded corporations can take tax credits for giving food to these gleaning programs. But it is not just large corporations that provide this food; it is the family farmers and the small businesses. Why should a farmer who gives up his perfectly good produce or the small restaurant owner who gives food to a charity not receive the same tax benefits? The Senate has already passed legislation as part of the CARE Act that would fix this inequity. Now the House of Representatives needs to complete work on this bill.

The answer to the hunger problem does not stop with gleaning. That is just part of the overall effort. There are other ways we can help, too.

This year, we will be renewing the National School Lunch Program and other important child nutrition programs, and there are some areas I am interested in reviewing.

Under School Lunch, children from families with incomes at or below 130 percent of poverty are eligible for free meals. Children from families with incomes between 130 percent and 185 percent of poverty can be charged no more than 40 cents. This may seem to be a nominal amount, but for a struggling family, it can be a burden. And this is just a portion of the costs to add up. School administrators in North Carolina tell me that they hear from parents in tears because they don’t know how to pay for their child’s school meals.

The Federal Government now considers incomes up to 185 percent of poverty when deciding if a family is eligible for benefits under the WIC program. Should we not use the same standard for School Lunch? Standardizing the guidelines would even allow us to immediately certify children from WIC families for the School Lunch Program. It is time to clarify this bureaucratic situation and harmonize our Federal income assistance guidelines so we can help those most in need.

The School Lunch Program is the final component of our commitment to child nutrition, and we must do everything to maintain and strengthen its integrity so that it works for those who need it and isn’t viewed as a Government giveaway.

There are a lot of interesting ideas being discussed such as adjusting area eligibility guidelines in the Summer Food Program. But these need to be looked at carefully, and we need to ask important questions such as how many people would be affected and what is the cost. I have discussed many of these ideas with groups such as America’s Second Harvest, Bread for the World, the Food Bank Development Center, and the American School Food Service Association. I look forward to the opportunity of exploring them further during reauthorization of these important programs in the Agriculture Committee, on which I am honored to serve.

Our work cannot stop within our own borders. The Food and Agriculture Organization of the United Nations says hunger affects millions worldwide. During my 8 years as president of the American Red Cross, I visited Somalia during the heart-wrenching famine. In Mogadishu, I came across a little boy under a sack. I thought he was dead. His brother pulled back that sack and sat him up and he was severely malnourished. He could see and the bowl beside him; he was too malnourished. I asked for camel’s milk to feed him.

As I put my arm around his back and lifted that cup to his mouth, it was almost as if little bones were piercing through his flesh. I will never forget that. That is when the horror of starvation becomes real, when you can touch it.

There are many things that will haunt me the rest of my life. When I visited Goma, Zaire, which is now Congo, this was a place where millions of Rwandans had fled the bloodshed in their own country but they stopped at the worst possible place, on volcanic rock. You couldn’t drill for latrines so cholera and dysentery were rampant. You couldn’t dig for graves, so I was literally stepping over dead bodies as I tried to help those refugees. Those bodies were carried to the roadside twice a day. They were hauled off to mass graves.

Former Senators Bob Dole and George McGovern are the architects of the Global Food Program, which has a goal of ensuring that 300 million schoolchildren overseas get at least one nutritious meal a day. The Department of Agriculture estimates that 120 million schoolchildren around the world are not enrolled in school in part because of hunger or malnutrition. The majority of these children are girls. The Global Food for Education Program is now operating in 38 countries and feeding 9 million schoolchildren.

I want to see this program expanded. I plan to work on Appropriations to advance that goal. Just helping a child get a good meal can make such a difference in developing countries. Feeding children entices them to come to school which allows them to learn, to learn how to think, and to learn how to read. And improved literacy certainly helps the productivity, thereby boosting the economy.
This problem deserves national discussion. Hunger affects so many aspects of our society. In the spirit of that landmark conference held by the White House in 1969, I am asking President Bush to convene a second White House conference so that the best and brightest minds can review these problems together.

I am honored to work with leaders of the battle to eradicate hunger: Former Congressman Tony Hall, now the United States Ambassador to the U.N. food and agriculture organization in Rome. Both were champions on hunger while in Congress. And there are many others. Former Agriculture Secretary Dan Glickman, a leader on gleaning; Catherine Bertini, Under Secretary General of the United Nations who was praised for her leadership to feed the hungry in need throughout the world; Congresswoman Jo ANN EMERSON, cochair of the Congressional Hunger Committee who carries on the legacy of her late husband Bill who was a dear friend and leader on this issue.

Here in this body, my chairman on the Agriculture Committee, THAD COCHRAN, and ranking member TOM HARKIN, DICK LUGAR, PATRICK LEAHY, PAT ROBERTS, and GORDON SMITH are leaders in addressing hunger issues.

Parliaments do not exist in the fight. Hunger does not differentiate between Democrats and Republicans. Just as it stretches across so many ethnicities, so many areas, so must we.

As Washington Post columnist David Broder wrote yesterday: America has some problems that defy solution. This one does not. It just needs caring people and a caring government working together.

I get inspiration from the Bible and John, chapter 21, when Jesus asked Peter: Do you love me? Peter, as tounded that Jesus was asking him this question again, says: Lord, you know everything. You know that I love you. And Jesus replies: Then feed my sheep.

One of North Carolina's heroes, the Reverend Billy Graham, has often said that we are not cisterns made for storing; we are vessels made for sharing. I look forward to working with Billy Graham in this effort. Indeed every Christian, just like Christians in every age and place, calls on us to feed the hungry. Jewish tradition promises that feeding the hungry will not go unrewarded. Fast- ing is one of the pillars of faith of Islam and is a way to share the conditions of the hungry poor while purifying the spirit and humbling the flesh. Compassion or karuna is one of the key virtues of Buddhism. This issue cuts across religious lines, too.

I speak today on behalf of the millions of families who are hungry, the men and women, the children who are poor, and for this little Sudanese girl in this picture, stumbling toward a feeding station and so many like her. I saw this picture some years ago in a newspaper. It broke my heart. I went back to find that picture today because, as I recall the story, she had been walking for a long, long way and she had not yet reached that feeding station. That has been emblazoned on my mind since that time.

Anthropologist Margaret Meade said: Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.

One of my heroes is William Wilberforce, a true man of God. An old friend, John Newton persuaded him that his political life could be used in the service of God. He worked with a dedicated group. They were committed people of faith. His life and career were centered on two goals: abolishing slavery in England and improving moral values.

He knew that his commitment might cost him friends and influence but he was determined to stand for what he believed was right. It took 21 years and a great effort. But Wilberforce was successful, in part because he managed to serve as Prime Minister. But he was the moving force in abolishing slavery and changing the moral values of England.

In my lifetime, I have seen Americans split the atom, abolish Jim Crow, eliminate the scourge of polio, win the cold war, plant our flag on the surface of the Moon, map the human genetic code, and belatedly recognize the talents of women, minorities, the disabled, andathers once relegated to the shadows. Already a large group of citizens has joined what I believe will become an army of volunteers and advocates.

Today I invite all of my colleagues to join me in this endeavor. Let us recommit ourselves to the goal of eradicating hunger. Committed individuals can make a world of difference, even, I might say, a different world.

Mr. President, I ask unanimous consent of the Senate to print my letter to President Bush be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR Mr. PRESIDENT: The White House Conference on Food, Nutrition and Health, convened by President Richard Nixon on December 2, 1969, may well have been one of the country's most important events in reaching White House conferences. At the time, President Nixon said that the conference was "intended to focus national attention and resources on our country's remaining—and changing—nutrition problems." In hindsight, it achieved that and more.

So much has changed since that historic White House conference. With bipartisan support in Congress, the food stamp program has been reformed and expanded, school nutrition programs have been improved and now reach over 27 million children each school day, WIC was created, and nutrition labels now appear on most food items.

At the same time, however, the mission is not complete. There are children who qualify for reduced price meals in North Carolina, and throughout the country, but their families cannot afford even this nominal fee. And while 16 million children participate in the nutrition reduced school lunch program in program, in the summer many children go without.

America's Second Harvest, an extraordinary organization, reports that demand often exceeds the supply of food in local communities. Further, the country is challenged by the paradox of hunger and obesity.

Mr. President, it is time, I believe, for another White House conference to assess the progress we have made in the fight against hunger and to recommit the country to the remaining challenges. I was pleased to work with President Nixon before the 1969 conference; I would be honored to work with you on a second historic conference.

There is a very special tradition in America when it comes to fighting hunger. Perhaps it is a function of our agricultural bounty, the famines in Europe that led to early migration, or the teachings of all major religions, but Americans are intolerant of hunger in our land of plenty.

Mr. President, I hope you will convene a second White House conference with the bipartisan leaders in Congress and I know that we can work together with our colleagues on both sides of the political aisle, to address the problems and needs that still exist. Thank you very much for your consideration.

Sincerely,

ELIZABETH DOLE.

Mrs. DOLE. Mr. President, I yield the floor.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRAISING SENATOR ELIZABETH DOLE

Mr. ALEXANDER. Mr. President, I want to join in the praise for the Senator from North Carolina. She reminds us that what we are fighting to achieve is to have someone of such experience serving in our so-called freshman class. She has been a pioneer during her whole career, whether at Harvard Law School, the Nixon White House, or in the Cabinet of two Presidents. I have had the privilege of working with her all during that time on a parallel track.

On two occasions, I competed in a Presidential race with another person named Dole. I am not embarrassed to say I did relatively better against her husband than I did against her. They are both here and I have enormous admiration for both her and her husband, and all of us are enriched by her membership in our class in the Senate.

THE CHILD TAX CREDIT

Mr. ALEXANDER. Mr. President, today, the President visited with troops overseas to thank them. I want those troops to know we are paying attention to their families.

Last week, as chairman of the Subcommittee on Children and Families, I held a hearing at Fort Campbell in
Mrs. BOXER. Mr. President, I am very delighted to offer this amendment on behalf of myself, Senator LUGAR, and Senator CANTWELL. I think it is quite a pro-agriculture amendment because we are trying to do here is encourage the development of ethanol that is produced from agricultural residues.

This amendment will, in effect, promote the production of agricultural residue ethanol. I want to tell my colleagues why this is important. I believe that biomass ethanol derived from agricultural residue could be a significant source of ethanol in California and also throughout the United States. Every State has agricultural waste, including those producing corn.

I hope my colleagues who have the production of corn, wheat, sugarcane, rice, barley, beets, or oats in their States will realize this amendment is very important to them. I believe the use of agricultural residue ethanol will make it easier for many of our States—certainly for California—to meet an ethanol mandate without price spikes and gasoline shortages as it increases the flexibility that the country has to meet this mandate.

What is agricultural residue ethanol? I am sure if people are watching, they are thinking: This cannot be interesting. To me, it is very interesting because it is fuel made from the fibrous portion of plants, as is ethanol, but it differs from conventional ethanol in the following significant ways.

First, the manufacturing process does not consume fossil fuels but rather uses plant byproducts and waste to create the energy to run the process. So, in a time in our history when we are trying to lessen our dependence on fossil fuel, I think this amendment is quite an important statement for us to make. I am very proud that Senator LUGAR agrees because he is someone with much experience in this area.

Second, the raw material does not compete as a food source for humans and is available today based on existing farm practices.

Third, it uses existing waste products, thus decreasing disposal needs.

Ethanol made from agricultural residue, such as rice, wheat straw, and sugarcane waste, can be locally produced and does not require that corn and other commodities be grown just to make ethanol.

What we are talking about is using the residue, not growing food just to produce ethanol at a time when we are throwing food away because we have an abundance in many of these areas. And, then we have been very energy inefficient by using the fossil fuel to develop the ethanol. What we are saying is the waste of agricultural materials is going to be put to good use.

Is this a pie-in-the-sky idea? No, it is not. In 1999, Sacramento Valley produced enough rice straw waste—500,000 tons of which is burned in the field—to

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, morning business is now closed.

ENERGY POLICY ACT OF 2003

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 14, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Pending:

Domenici/Bingaman Amendment No. 840, to reauthorize Low-Income Home Energy Assistance programs, 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.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 854.

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 854

Mrs. BOXER. Mr. President, I send an amendment to the desk on behalf of myself, Senator LUGAR, and Senator CANTWELL.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 854.

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To promote the use of cellulosic biomass ethanol derived from agricultural residue)

On page 8, strike lines 16 through 19 and insert the following:

"(d) CELLULOSE BIOMASS ETHANOL.—For the purpose of paragraph (2), 1 gallon of cellulosic biomass ethanol—

(A) shall be considered to be the equivalent of 1.5 gallons of renewable fuel; or

(B) if the cellulosic biomass is derived from agricultural residue, shall be considered to be the equivalent of 2.5 gallons of renewable fuel."

Mrs. BOXER. Mr. President, I am very delighted to offer this amendment on behalf of myself, Senator LUGAR, and Senator CANTWELL. I think it is quite a pro-agriculture amendment because we are trying to do here is encourage the development of ethanol that is produced from agricultural residues.

This amendment will, in fact, promote the production of agricultural residue ethanol. I want to tell my colleagues why this is important. I believe that biomass ethanol derived from agricultural residue could be a significant source of ethanol in California and also throughout the United States. Every State has agricultural waste, including those producing corn.

I hope my colleagues who have the production of corn, wheat, sugarcane, rice, barley, beets, or oats in their States will realize this amendment is very important to them. I believe the use of agricultural residue ethanol will make it easier for many of our States—certainly for California—to meet an ethanol mandate without price spikes and gasoline shortages as it increases the flexibility that the country has to meet this mandate.

What is agricultural residue ethanol? I am sure if people are watching, they are thinking: This cannot be interesting. To me, it is very interesting because it is fuel made from the fibrous portion of plants, as is ethanol, but it differs from conventional ethanol in the following significant ways.

First, the manufacturing process does not consume fossil fuels but rather uses plant byproducts and waste to create the energy to run the process. So, in a time in our history when we are trying to lessen our dependence on fossil fuel, I think this amendment is quite an important statement for us to make. I am very proud that Senator LUGAR agrees because he is someone with much experience in this area.

Second, the raw material does not compete as a food source for humans and is available today based on existing farm practices.

Third, it uses existing waste products, thus decreasing disposal needs.

Ethanol made from agricultural residue, such as rice, wheat straw, and sugarcane waste, can be locally produced and does not require that corn and other commodities be grown just to make ethanol.

What we are talking about is using the residue, not growing food just to produce ethanol at a time when we are throwing food away because we have an abundance in many of these areas. And, then we have been very energy inefficient by using the fossil fuel to develop the ethanol. What we are saying is the waste of agricultural materials is going to be put to good use.

Is this a pie-in-the-sky idea? No, it is not. In 1999, Sacramento Valley produced enough rice straw waste—500,000 tons of which is burned in the field—to
produce 100 million gallons of agricultural residue ethanol.

By putting these agricultural wastes to good use, converting them into energy resources, agricultural ethanol residue production reduces landfill disposal and opens burning agricultural residue. Using the residue we otherwise would dispose of either by burning, which dirties the air, or throwing it into a landfill. This will improve air quality and water quality.

Further, agricultural residue ethanol reduces greenhouse gases by more than 90 percent compared to gasoline. I reiterate, agricultural residue ethanol reduces greenhouse gases by more than 90 percent compared to gasoline. And it also creates markets for unused agricultural products that are generally expensive to dispose of. Agricultural residue ethanol can give our farmers and our rural communities enhanced economic security.

We clearly know that as a new technology, agricultural residue ethanol faces an uphill struggle to break into the ethanol market.

Right now we know, when we look at the marketplace, that there is much room to grow here if we look at the number of gallons that are being derived from anything other than corn. So we have a chance. This, again, is not a pie-in-the-sky idea.

Currently, the only commercial facility is the Idaho facility in Canada which converts wheat straw into fermentable sugar and the sugar into bioethanol. Iogen Corporation’s goal is to produce 180,000 gallons of ethanol annually. I believe we should promote these types of facilities in the United States of America. Our amendment, I believe, will ensure this.

We provide in our amendment more incentives for this type of agricultural residue ethanol production in the United States of America. As this mandate hits my State of California, and other States, where they have to spend a lot of money to bring that ethanol into the State, it is going to be very cost competitive to import this type of ethanol from Canada. This is an amendment that should bring us together. It should unite us because there are so many other crops that could be used—and, by the way, are going to be used—but we want to incentivize these agricultural crops. That is what our amendment does.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Senate is now in session. The Senate will proceed to the business now before it under the unstructured legislative business on the amendment in the name of Senator Domenici introduced it several years ago, is a proud sponsor of this amendment. I am very much support the amendment. As I understand it, most of those people who looked at this agreed to it. I agree with my colleague from New Mexico that this is an amendment we should agree to unanimously in the Senate and we should maintain it in conference, insisting on it in our discussions with the House.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I cannot thank enough both of my colleagues, my friends, from New Mexico, Senator DOMENICI and Senator BINGAMAN.

I want to make sure Senators understand exactly what we do. We increase the credit to 2.5 gallons if the ethanol is made from agricultural residue. It is giving an incentive to our farmers who produce rice, wheat, barley, oats, sugar beets, and others, an incentive to use the waste.

I was going to have a rollecall vote on this, but given the assurances of Senators DOMENICI and BINGAMAN, who have stated very clearly and have told me that they will not drop this amendment in conference—can I rely on that commitment? I ask both my friends one more time.

Mr. DOMENICI. Yes, I say to the Senator. I do my very best. I indicated to you and I will do my very best. I make that commitment to you.

Mrs. BOXER. You will do your very best?

Mr. DOMENICI. Yes.

Mrs. BOXER. Meaning you will not drop it in conference, which is what you told me?

Mr. BINGAMAN. That is correct.

Mrs. BOXER. And my other friend, my ranking member, has made the same pledge?

Mr. BINGAMAN. Let me respond, to the extent I am persuasive in the conference, I will commit to keeping this provision in the law.

Mrs. BOXER. I see the Democratic leader is on the Senate floor. It would be wonderful thing he could speak out on this amendment as well. We have both Senators from New Mexico, and Senator LUGAR. I am trying not to put the Senate through a rollecall vote. If I have these strong commitments, it will make me feel a lot better about it. I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, first let me thank the Senator from California for her efforts to improve upon this legislation. I have indicated to her privately that I support the amendment. I would support it if there were a rollecall vote.

The fact that DICK LUGAR, the initial cosponsor of this legislation when we introduced it several years ago, is a proud sponsor of this amendment is some indication of the degree to which the ethanol community and those of us who support this proposal would be supporting her amendment.

A proud floor leader from New Mexico, both the chairman and the ranking member, have noted, there is no reason, when we get into conference, this
June 5, 2003

CONGRESSIONAL RECORD — SENATE

S7423

Amendment No. 856 to Amendment No. 850

should not remain intact as part of the Energy bill.

It is a good amendment. It provides even more opportunities to meet the targets set out in this legislation.

So I would do all I could as Demo- cratic leader to ensure that at the end of the day, when this legislation comes back in the form of a conference re- port, we will continue to see the Boxer amendment integrally a part of the bill itself and a part of this amendment.

Let me congratulate her, thank her, and indicate I will be very supportive.

Mrs. BOXER. Mr. President, I thank Senator DASCHLE. I know he is working endless hours to get this amendment finished. I think this enhances the amendment, I really do. I am very grateful.

Before I ask for a voice vote, I sug- gest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant legislative clerk pro- ceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. How much time re- mains?

The PRESIDING OFFICER. There are 8 minutes remaining to the Senator from California.

Mrs. BOXER. I yield 6 minutes to my colleague from Washington, Senator CANTWELL.

The PRESIDING OFFICER. The Sen- ator from Washington.

Mrs. CANTWELL. Mr. President, I thank my colleague from California for her hard work on this amendment. I am glad to join Senator LUGAR and Senator BOXER as a cosponsor of this amendment. Senator BOXER has spent an invaluable amount of time on the whole debate, but I think the amendment she offers this morning goes a long way in adding diversity and efficiency to our ethanol plan. It seems my colleagues are enthusiastic about supporting this in the overall energy package.

I rise to support the Boxer-Lugar- Cantwell amendment. As we have heard, this amendment would increase from 1.5 gallons to 2.5 gallons the cred- itable amount of ethanol derived from various types of agricultural residue and make it into ethanol, it is simply a way to make that happen. So we want to see this diversity. In fact, a recent Washington State University extension program concluded that we could produce 200 million tons per year in ethanol if we had improvement in tech- nologies and diversification of resources.

In conclusion, to help this become rea- lity, a broad coalition of Washington agricultural and environmentalist inter- ests have banded together. They helped pass this package in our State legislature with a variety of tax incen- tives and broad production of biofuels. Those bills were signed by our Gov- ernor last month and they have our State moving forward on this agenda.

The Boxer-Lugar-Cantwell amendment adds a Federal dimension to those efforts. This provision reflects good public policy from the Federal Government and good energy policy, and helps those States that are further away from ethanol diversity to partici- pate in our national energy goal.

I yield the floor.

The PRESIDING OFFICER (Mr. TAL- Cron). The Senator from California.

Mrs. BOXER. Mr. President, I have a couple of minutes remaining. I know we are going to set our amendment aside.

I wanted to close this debate again by thanking Senator LUGAR for his leadership, Senator CANTWELL for her leadership, and both Senators from New Mexico as well as Senator DASCHLE for their help.

I think any Senator who has corn in their State, wheat in their State, sug- ar beets, oats, or any fructose-rich product is going to be very happy with this amendment.

In order to use the agricultural re- source and make it into ethanol, it is going to require a little incentive. Al- though the underlying bill has a slight incentive, experts tell us it is not enough to really move forward on this very good way to make ethanol. I think it will really help those States that are far away from the Midwest.

By the way, it does not hurt any State because corn will still be used.

I yield the floor. I thank my col- leagues very much.

I ask unanimous consent that the amendment be set aside.

Mr. DOMENICI. We have no objection to setting it aside.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

AMENDMENT NO. 856 TO AMENDMENT NO. 850

Mrs. BOXER. Mr. President, I send an amendment to the desk.
I have to say to those who will oppose me—and there will be many, and I know that, and I accept that—if ethanol is so safe—I pray it is; maybe it is, by the way—if it is so safe, why have the companies involved in its production or sale to be liable provisioned in the bill? I think if someone says my product is 100 percent safe, but give me a waiver from liability, protect me from a lawsuit if something happens—you have to say who wins and who loses in this situation. Requests for this kind of free pass require a very close look. And I hope we will take a look.

The interests behind this bill have gotten a loophole that eliminates a big chunk of the liability they would have under the law if they damaged the public health or the environment. The exemption language in the bill raises a red flag right away. It begins: "Notwithstanding any other provision of Federal or state law...."

Mr. President, you and I have been around here long enough to know that when we start off with "notwithstanding any other provision of Federal law," the public is going to be losing any other provision of Federal or state law. . . .

The bill goes on to say that "Renewable fuel—ethanol cannot be found to be defectively designed or manufactured." Imagine, the bill says "Renewable fuels cannot be found to be defectively designed or manufactured."

Compliance with laws and regulations is not necessary for getting the liability waiver. There is only a limited compliance requirement under the Clean Air Act.

Again, we all pray and hope that there will be no danger from widespread use of ethanol. The liability exemption, however, is dangerous because there are many unanswered questions about ethanol. We know there are health effects such as fewer carbon monoxide and toxic air emissions, but there are questions about adverse effects.

According to EPA’s "1999 Blue Ribbon Panel Report on Oxygenates in Gasoline," ethanol is extremely soluble in water and would spread into the environment. It may further spread plumes of benzene, toluene, ethyl benzene, and xylene because ethanol may inhibit the breakdown of these toxic materials.

This isn’t Senator BOXER talking. This isn’t the people who want this amendment talking. This isn’t environmental groups talking. This isn’t the American Lung Association talking or anybody else. This is EPA’s 1999 Blue Ribbon Panel Report on Oxygenates in Gasoline.

Studies demonstrate that ethanol increases the size and migration of benzene plumes. Researchers say more ground water wells will experience contamination from MTBE and benzene, a known carcinogen, if ethanol leaks into water supplies. There are also questions about the impact of ethanol on sensitive populations, such as children. We already know we have seen in our children more and more problems lately, more and more problems because they are so much more sensitive to pollutants in the environment.

Questions surrounding ethanol's effects on public health and the environment should be answered before Congress grants a broad waiver from liability for its harmful effects. We should err on the side of caution and we should err on the side of protecting the taxpayers.

Supporters of this liability exemption argue that immunity from product liability design defect claims is not so broad. They are going to tell you we keep every other claim in place but we only will limit product liability design defect claims. But this ignores the fact that product defect claims are the clearest way to hold accountable manufacturers whose products cause injury to public health or the environment.

In California alone, cleaning drinking water contaminated by MTBE rests on claims that MTBE was defective in design. In a landmark case, decided in April 2000, a San Francisco jury found that, based on the theory that MTBE is a defective product, several major oil companies are legally responsible for the environmental harm to Lake Tahoe’s ground water. The jury found that many of these same oil companies acted with malice because they were aware of the dangers but withheld information.

So here you go, Mr. President. You can see it, a jury of our peers—not Senators, not people behind a microphone—found out that the product MTBE, which is an additive to gasoline, as is ethanol, was defective in design. The verdict came forward based on the product liability issue.

In that case, the oil companies knew the risks of MTBE. They did not warn anyone of—guess what—Lake Tahoe could have gotten stuck with a $45 million cleanup bill. If it was not able to sue under the defective product claim, that $45 million would have to come from the taxpayers who live in Lake Tahoe. Let’s see what the MTBE cleanup cost would be. According to recent estimates, it would cost $29 billion to clean up MTBE, MTBE, an additive to gasoline—when it was added, everyone stood up and said: Oh, it is safe. It is wonderful. It will clean up the air. It did, but it polluted the water. People can’t drink the water.

If you ever smelled water that is contaminated by MTBE, you would know no one could drink it. It has a foul odor and it is yellow in color. This is what it is going to cost. If we waive the liability for the companies that make MTBE, guess who gets stuck with the $29 billion bill. The taxpayers, instead of the people who made that product.

That is not right.

By the way, in the House version of this bill, they not only give a safe harbor to ethanol, they give it to MTBE, which is a total, complete outrage. I
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hope everyone understands that. It is in the House bill. I am happy it isn’t in the Senate bill. I hope we can get rid of it in the conference.

Companies are responsible for this, not the taxpayers.

Now, this is the issue. Again, people will stand up and say: Oh, we are only waiving this very small area in liability law. They say: Product liability design defect is all we are waiving.

Well, let’s look at what the judge said in the case where he threw out the negligence claim. He said that did not apply. He threw out the nuisance claim. He said that did not apply. The only thing that applied was defective product liability—and that is what my colleagues are going to waive for the makers of renewable fuels.

My colleagues, please listen to me. I know you want to have an ethanol bill. Bless your heart. Go for it. But do not waive liability for the manufacturers of ethanol because someday it could come back to haunt you.

If ethanol is so safe, you do not need to do this. It makes no sense.

You talk to my colleagues: Ethanol is safe. It has been out there since the 1970s. It is safe, it is safe. It is safe. I guess you guys have not read the 1999 special EPA Blue Ribbon Report, which says: Danger, maybe there is a problem. But for them to waive defective product liability and to say that is the only thing they are waiving, when it is the only thing the courts have said is an opportunity, makes no sense at all.

I had one of my colleagues come up to me yesterday and say: Well, Senator Boxer, you voted for a safe harbor in the Y2K bill when the computer companies had to do a very quick fix on computers. I say to my friends, I did that. That only happens once in 1,000 years, and there is no direct impact on health and safety. So let’s not confuse one safe harbor and another safe harbor.

So, clearly, we know this is kind of a shuck and a jive situation: Oh, we are only going to throw out one little part of liability law. But guess what. It is the only one that works. We do not want communities to be left holding the bag if there is a problem in the future because that is a pretty heavy bag for the local community and the local taxpayers to pick up—its cleanup costs, its possible health problems and its water pollution and possible air pollution.

I am going to get to the issue that the supporters will raise: That this is a mandate and, therefore, the suppliers deserve this liability exemption.

Congress regularly mandates that manufacturers meet a variety of guidelines and limitations, but we do not exempt all manufacturers from State and Federal product liability design defect laws.

If gasoline leaks today, there is no loophole. The polluter pays, despite the fact that Congress regulates gasoline. Congress mandated the installation of airbags in automobiles, made them mandatory. Congress said: You must have airbags. You remember that battle. The automobile companies said: We don’t want them. (Of course, now they are saying they are happy to have them.) But, in any case, we mandated then that if there was a problem with the airbags, we did not give a liability waiver to the automobile companies. If that product is defective, the product is defective and people have to be held accountable and responsible.

I think the only thing we stood for in the Senate. We talk about accountability. We talk about responsibility. We talk about people taking responsibility for their actions, and yet we are going to give some of the biggest companies in the world a waiver from liability. Shame on us if we do this. It is not as if we did not have experience before, doing it with MTBE. It is not as if we do not know that the cost to clean up MTBE is in the tens of billions of dollars. If we threw off the hook, it would be the local taxpayers who have to pay.

Again, supporters of this liability loophole claim ethanol is safe so no one needs to worry about this liability exemption. So, again, a rhetorical question—an if you are not worried about any ill-effects from ethanol, why are you fighting me so hard on this? Why not join hands with me and say we are going to treat every ethanol like we treat every other product?

I again want to read the language I have added in this amendment which I hope will be adopted:

Notwithstanding any other provision of Federal or State law, a renewable fuel used or intended to be used as a motor vehicle fuel, or any motor vehicle fuel containing renewable fuels, shall be subject to liability standards that are not less protective of human health, welfare, and the environment than any other motor vehicle fuel or fuel additive.

That is all I am saying. I am not holding ethanol to a different standard. I just ask that ethanol made from agricultural residues. I think those folks have to meet safety standards, and one way to make sure they do is to not take away their liability. Ethanol should be subject to liability standards as strong as any other fuel additive. No more, no less. We are not making it any harsher. We are not making it any easier on them. We should not shift the burden of cleaning up problems caused by ethanol to our local communities, our mayors, our city council people, our Governors, and the rest.

No public policy is served by immuring the refineries and chemical companies from responsibility in the future if it turns out that this was a problem, and they knew it, and they didn’t tell anyone about it.

How much time remains on my side, Mr. President?

THE PRESIDENT OF THE UNITED STATES. The Senator has 13 minutes 23 seconds.

Mrs. BOXER. I will take another couple minutes. Then I will reserve the remainder and allow my colleagues to argue this case.

Let me tell you who is on my side. Who is on the side of making sure that we don’t give the safe harbor liability waiver for renewable fuels? Many local governments, water utilities, and State governments are on my side and support my amendment, public health, consumer and environmental organizations. These include the Association of Metropolitan Water Agencies; the American Water Works Association; the Natural Resources Defense Council; the New Jersey Coalition Against Tonics; the New Jersey Environmental Coalition; Clean Water Action; the Consumer Federation of America; Environmental Defense; Ecology Center; Environmental Working Group; Friends of the Earth; League of Conservation Voters; Mono Lake Committee; National Resources Defense Council; the Natural Resources Defense Council; the New Jersey Coalition Against Tonics; the New Jersey Environmental Federation; Physicians for Social Responsibility; the Sierra Club; Rivers Unlimited; Spring Lake Park Groundwater Guardians; and U.S. Public Interest Research Group.

That is just a partial list of the folks out there who are saying to Senators: Please, if you are going to move ahead with this new product like this—it is not a new product, but it is certainly going to be a product that is going to now be ubiquitous across the country—if you are going to do this, then make sure you take every caution and every protection not to waive the protections that the American people now have from a defective product.

And, once more, just let’s be clear on this. There are no other ways for communities to recover costs if this turns out to be a mistake. Ninety-eight percent out the window, nuisance, out the window. It is defective product liability the courts have said is the only way people can go.
I reserve the remainder of my time. The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, to respond to the question asked by the distinguished Senator from California, why are we fighting it? One of the biggest problems is, you get in this quagmire of lawsuits and nothing ever gets done in terms of cleanup. This is something we have been fighting for a long time.

This is going to be a more brief statement than it was going to be before because right now we have a very significant piece of legislation before the committee I chair on the clear skies legislation, which is the most far-reaching reduction in power plant pollutants in the history of clean air. So it is very significant, and I do have to get back.

I have stated on many occasions my concern about the fact that this country does not have a comprehensive energy policy. I have also criticized Republicans and Democrats alike. We didn’t get a comprehensive energy policy in the Reagan administration or the Bush administration. We are going to get one with this. That is why this is so significant.

As Deputy Defense Secretary Paul Wolfowitz said, it is a serious strategic issue.

The amendment we are talking about, the underlying bill, the Frist-Daschle-Inhofe amendment, represents a compromise on a lot of contentious issues. As with all compromises, there are provisions I like and I don’t like. I am afraid there is a lot of misinformation being circulated about the safe harbor provision. Time and time again, we hear if the safe harbor provision is enacted into law, first, citizens cannot take refiners to court under our tort system; and, second, any responsible ethanol contamination that happens in the future would not get cleaned up. Nothing could be further from the truth.

Finally, let me address the statement that any tort claim that has not been filed by the date of enactment of this section will be forever barred. Even with the enactment of the safe harbor provision, if a plaintiff makes a case, here is how the tort theory can be used in environmental cases: Trespass, trespass is not affected by safe harbor; nuisance, not affected by safe harbor; negligence, not affected; breach of implied warranty, not affected by safe harbor. So these agencies would have still have a case.

In fact, ethanol has been approved by the EPA as a fuel additive. Now Congress is mandating the use of ethanol. So the Federal Government has given ethanol its stamp of approval and now Congress is mandating it. How can we now say that refiners and blenders are open to suits for claims that the “product has design or manufacturing defects”? Design defect claims actually hamper cleanups by interfering with regulatory agencies. Regulatory agency oversight—Federal, State, and local—is frustrated by the product liability laws. These agencies lose control of the remedy process. These agencies are supposed to be in control of the remedy process. That answers the question asked, Why are we concerned about this? We want to get the things cleaned up. When product liability claims are permitted, the plaintiff’s motive becomes recovery of a large money judgment rather than a judgment mandating a remedy to be performed by the party who released the gasoline. Very often, the only thing getting cleaned up are the trial lawyers’ mansions purchased with the spoils of these settlements. In fact, a recent report from the Council of Economic Advisors found that using the tort system in this way “is extremely inefficient, returning only 20 cents of the tort cost dollar for that purpose.”

Now, I would like to address the rumors that sites will not get cleaned up on that platte valley. The Safe Harbor provisions—in no way—affects liability, and therefore, cleanups under any Federal or State environmental law. Any statement to the contrary is false. Enforcement of these laws is by the authorized Federal agency and State. There are some examples of environmental laws that offer cleanup and liability provisions:

1. Resource Conservation and Recovery Act (RCRA); 2. Clean Water Act; 3. Oil Pollution Act (OPA); 4. Superfund. Generally speaking, Congress intended that oil spills be cleaned up by the Oil Pollution Act. However, the Inhofe Amendment to last Congress’ Brownfields bill signed into law by the President permits a court to make the decision on who will clean up.

Finally, an amendment to change or strike the safe harbor provision would destroy this long-standing renewable fuels agreement, and result in the status quo and no national phaseout of MTBE, which has contaminated some groundwater supplies.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank my colleague for his fine statement. Really, the fact that we are here today in a bipartisan effort reflects the good work that has gone on. After intense negotiations between the ethanol and oil industries, agriculture, the environmental community, consumer groups, and the States, we have a historic agreement that is embodied in the Frist-Daschle bill which will provide for significant growth in the renewable fuels industries, including ethanol and biodiesel.

Industry has been working for months to implement these recommendations that are protective of the environment, provide refiners with increased flexibility, and provide agriculture with certain growth in market opportunities for ethanol and biodiesel.

The underlying Frist-Daschle amendment creates a narrow prospective safe harbor from liability for defect in design or manufacture of a renewable fuel. There is no liability protection for MTBE in the underlying amendment. I oppose the Boxer amendment. Many colleagues in the Senate feel strongly in opposition, I believe, and we will be able to defeat these amendments. And, to qualify for the limited protection that is in the underlying amendment, a renewable fuel must be evaluated by EPA for toxicity, carcinogenicity, air quality impacts, and whether the quality impacts, and must be used in compliance with any restrictions imposed by EPA.

Further, the burden of cleanup for environmental contamination would not be shifted.

That is, the safe harbor provision that is in the RFS amendment would not affect liability under Federal and State environmental laws, and therefore would not affect response, remediation and clean-up. The underlying provision would not affect in any way a company’s legal responsibility to clean up the contamination of any groundwater by gasoline, regardless of whether it contained oxygenates or any other chemical.

In addition, the safe harbor provision for renewable fuels does not affect liability under other tort law provisions, including negligence, trespass, and nuisance, and it does not prevent the assertion of compensatory or punitive damages.

Importantly, defective product liability cases only make up 0.002 percent of all civil cases filed each year according to the National Center for State Courts.

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coming together in cooperatives to build facilities to meet the need for this clean, renewable fuel. These are tremendous opportunities for improving our environment, reducing our dependence upon foreign oil, and providing a strong economic base for rural America.

The key provisions of the bipartisan agreement, I think most people know, are:

A Renewable Fuels Standard (RFS) in which part of our nation’s fuel supply, growing to 5 billion gallons by 2012, is provided by renewable, domestic fuels; eliminating the Federal reformulated gasoline, RFG, 2.0 wt. percent oxygen requirement; phasing down the use of MTBE in the U.S. gasoline market over 4 years; and protecting the air quality gains of the reformulated gasoline program.

These provisions will increase U.S. supplies, promote more U.S.-sourced energy, protect the environment and stimulate rural economic development through increased production and use of domestic, renewable fuels such as ethanol and biodiesel.

The historic fuels agreement contained in the Reliable Fuels Act, S. 791, provides a phased-in use of renewable fuels, beginning with 2.6 billion gallons in 2005 and growing to 5 billion gallons in 2012. Some have expressed concerns regarding the bill’s renewable fuels, “safe harbor provision,” which provides liability exemptions for damage to public health or the environment resulting from renewable fuels or their use in conventional gasoline.” This is a clear misrepresentation of the provision.

The safe harbor provision is intended to offer some protection to refineries that are required to use renewable fuels under this bill. It is aimed at as yet unknown and undeveloped renewable fuels, not ethanol. Ethanol has been shown to be harmful, and MTBE must be phased out and replaced by the other renewable, benign oxygenate—ethanol.

I will just say generally, on all of these amendments designed to attack ethanol, there are tremendous economic benefits of this renewable fuel standard.

Tripling the use of renewable fuels will not just have a significant positive impact on both the farm and overall economy, while significantly reducing our foreign imports.

According to an economic analysis of the legislation completed by AUS consultants, over the next decade RFS would reduce the Nation’s trade deficit by more than $31 billion in 1996 dollars, increase U.S. gross domestic product by $156 billion by 2012, create more than 214,000 new jobs throughout the entire economy, expand household income by $8.6 billion, increase net farm income by nearly $6 billion per year, create $5.3 billion of new investment in renewable fuel production capacity, and displace more than 1.6 billion barrels of imported oil. One other canard that is often raised against ethanol is that it is not a positive energy balance. Energy balance refers to the energy content of ethanol minus the energy used to produce it. In 2002, the U.S. Department of Agriculture and Argonne National Laboratories concluded that ethanol contains 34 percent more energy than is used in the production process, including the energy used to grow and harvest the grain, process the grain into ethanol, and to transport the ethanol to gasoline terminals for distribution. According to the U.S. Department of Energy, ethanol produced from biomass generates 6.8 Btu for every Btu of fossil energy consumed. The production of reformulated gasoline without ethanol generates only .79 Btu for every Btu of fossil energy consumed. Therefore, producing ethanol produces roughly eight times more Btu than using energy-produced fuels. We need to reduce imported oil. We can develop and supply that oil from our rich farmlands. It will increase the availability of U.S. fuels supplies while easing an overburdened refining industry. No new oil refineries have been built in the U.S. since 1976, but 68 ethanol production facilities have been built during that time.

As ethanol and biodiesel are blended with gasoline and diesel after the refining process, they directly increase domestic fuel capacity. Blending 10-percent ethanol in a gallon of gas provides an additional 10-percent volume to the transportation fuel market, easing the oil refinery sector that is operating at capacity.

Ethanol has a clean bill of health. According to a report on ethanol’s health and environmental fate completed by Cambridge Environmental, Inc., no health threat is expected from increased ethanol use. The report states to ethanol vapors coming from ethanol-blended gasoline is very unlikely to have adverse health consequences. Importantly, after an exhaustive study of ethanol’s impact on health, air quality and water resources, the California Environmental Policy Council awarded ethanol a clean bill of health.

Ethanol is rapidly biodegraded in surface water, groundwater and soil. Ethanol is a safe biodegradable and renewable fuel that does not harm drinking water resources. A recent study by Surbec Environmental concluded that ethanol poses no threat to surface water and ground water. According to the report, ethanol is a naturally occurring substance produced during the fermentation of organic matter and can be expected to biodegrade rapidly in essentially all environments.

The safe harbor provision is very limited. It applies only where a renewable fuel is defective in design or manufacture. These requirements include both compliance with requests for information about a fuel’s public health and environmental effects and compliance with any regulations adopted to address those requirements. If those requirements are not met, the safe harbor protection does not apply and liability will be determined under otherwise applicable law. This provision does not affect claims based on the wrongful release of a renewable fuel into the environment. Anyone harmed by a release of that kind would retain all the rights he has under current law.

A vote for the amendment may disrupt the historic agreement. The bipartisan compromise on fuels issues in S. 791 represents a carefully crafted agreement among the oil industry, ethanol producers, agriculture groups, and environmental and public health interests, including the American Lung Association, the Union of Concerned Scientists and Northeast States for Coordinated Air Use Management, among others. An amendment to change or strike the safe harbor provision would effectively dissolve the agreement, resulting in the status quo and continued MTBE use.

MTBE use has been shown to be harmful, and MTBE must be phased out and replaced by the other renewable, benign oxygenate—ethanol.
Mr. BINGAMAN. Mr. President, I urge my colleagues to oppose this amendment and, just for good measure, I urge them to oppose all of the other amendments which seem to be targeted at ethanol. The manager of the bill, Senator DOMENICI, has pointed out that we see many attacks coming on ethanol. I ask my colleagues to continue to support ethanol and reject this and the other amendments.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am going to yield a couple of minutes to my friend from New Mexico. Before I do, I wish to point out that I consider this an ethanol-friendly amendment because there will be much more confidence in ethanol as an additive to our gasoline if people know there are no special waivers of liability, that this fuel will have to be subjected to the same rigorous standards in a court of law should something go wrong.

I do not envision this as an unfriendly amendment, although I know some of my colleagues feel otherwise. It is my pleasure to yield 2 minutes to the Senator from New Mexico, Mr. BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleagues from California for offering the amendment. I do support the amendment.

The general rule which has served us well in this country is that if you sign a contract, you have a product that proves to be defective and that product then injures someone, you can be held liable. That has allowed us to protect the health and safety of the American people. It is a substantial protection for all of us.

This safe harbor provision that the Senator from California wants to strike says:

No renewable fuel shall be deemed to be defective in design or in manufacture or no motor vehicle fuel that contains renewable fuel shall be deemed to be defective in design and manufacture.

To my mind, it is unwise public policy for us to be writing into law this kind of exception to the general tort laws that we operate under in the country. We do not know enough, frankly. We do not know what the scientific and health experts are going to find when they fully investigate the impact of tripling the use of ethanol on the air that we breathe and the water we drink.

I certainly hope they will find there is no harmful health effect from it, but to say we are going to prohibit anyone from recovering if they are damaged from the design or manufacture of any of these renewable fuels I think is a big mistake.

I compliment the Senator from California. I support her amendment. I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise to support the amendment by my colleague from California to strike the so-called "safe harbor provision" in the amendment. The majority leader that would shield ethanol producers and refiners from any liability if the fuel additive harms the environment or public health.

Candidly, I find this "safe harbor provision" astonishing.

I believe it is egregious public policy to mandate ethanol into our fuel supply in the first place—and even worse to provide complete liability protection to the fuel additive before scientific and health experts can fully investigate the impact of tripling ethanol on the air we breathe and the water we drink.

This is exactly the mistake we made with MTBE. Over the past several years, we have learned that MTBE has contaminated our water and may be a human carcinogen.

As exemplified by our Nation's experience with MTBE, there can be severe environmental and health repercussions when we mandate the use of any one fuel additive.

Last fall a California jury found there was "clear and convincing evidence" that three major oil companies acted "with malice" by polluting ground water at Lake Tahoe with MTBE because the gasoline they sold was "defective in design" and there was failure to warn of its pollution hazard. After a 5-month trial, Shell Oil and Lyondell Chemical Company were found guilty of withholding information on the dangers of MTBE. The firms settled with the South Lake Tahoe Water District for $69 million.

This case demonstrates why we cannot surrender the rights of citizens to hold polluters accountable for harm they inflict.

How can the Senate favor exempting the ethanol industry from this kind of wrongdoing? I urge my colleagues to take a look at the so-called "safe harbor" provision that will give the ethanol industry unprecedented protection against consumers and communities that may seek legal redress against the harm ethanol may cause.

Our amendment would strike this ridiculous exemption.

If we do not strike this provision, polluters will receive unprecedented protection from damage to public health or the environment.

If we do not strike this provision, what incentive will there be for ethanol manufacturers and refiners to make their products as safe as possible and thoroughly test their long-term effects?

If we do not strike this provision, how else can we hold manufacturers accountable when fuel additives cause harm?

Mandating ethanol into our fuel supply presents unique environmental concerns. What effect will an ethanol mandate have on our environment? What are the health risks?

Although the scientific opinion is not unanimous, evidence suggests that; one reformulated gasoline with eth- anal produces more smog pollution than reformulated gas without it; and, two, ethanol enables the toxic chemi- cals in gasoline to break apart and seep further into groundwater even faster than conventional gasoline.

Ethanol is often made out to be an ideal "renewable fuel" giving off fewer emissions. Yet, on balance, ethanol can be a cause of more air pollution because it produces summer months. Smog is a powerful respiratory irritant that affects large segments of the population. It has an especially pernicious effect on the elderly, children, and individuals with existing respira- tory problems such as asthma.

Just last week the American Lung Association named California the smoggiest state by listing nine counties and six metropolitan areas in Cali- fornia as having the worst conditions. 1999 report from the National Academy of Sciences found, "the use of commonly available oxygenates [like ethanol] in [Reformulated Gasoline] has little impact on improving ozone air quality and has some disadvan- tages. Moreover, some data suggest that oxygenates can lead to higher Nitrogen Oxide (NOx) emissions." Nitro- gen Oxides are known to cause smog.

The American Lung Association report noted that half of Americans are living in counties with unhealthy smog levels. Why would we want to take the chance of increasing these unhealthy smog levels by mandating billions of unnecessary gallons of ethanol into our fuel supply?

Thus, ethanol in both good and bad for air quality. To me it would make sense to maximize the advantages of ethanol, while minimizing the disadvantages. This is exactly why States have flexibility to decide what goes into the gasoline in order to meet clean air standards, and eth- anal should not be mandated—certainly not at this level. And if we are
mandating it, why exempt manufacturers and refiners from their legal responsibility to provide a safe product?

Evidence also suggests that ethanol accelerates the ability of toxins found in gasoline to seep into our groundwater supplies. The EPA Blue Ribbon Panel on Oxygenates found ethanol "may retard biodegradation and increase movement of benzene and other hydrocarbons around leaking tanks."

And according to a report by the State of California, entitled "Health and Environmental Assessment of the Use of Ethanol as a Fuel Oxygenate," there are valid questions about the impact of ethanol on ground and surface water. An analysis in the report found there will be a 20 percent increase in public drinking water wells contaminated with benzene if a significant amount of ethanol is used. Benzene is a known human carcinogen.

At a hearing held on the House side last year, Professor Gordon Rausser of UC Berkeley testified on the potential harm of ethanol on groundwater. Professor Rausser testified:

when gasoline that contains ethanol is released into groundwater, the resulting benzene longer and more persistent than plumes resulting from releases of conventional gasoline. Research suggests that the presence of gasoline in groundwater will delay the degradation of benzene and will lengthen the benzene plumes by between 25 percent and 100 percent.

This evidence on the potential harm of ethanol is extraordinarily troubling. I am at a loss to understand why the Senate would want to enhance sweeping liability protection for fuel producers. Taking away the ability of families and communities to seek redress for the harm caused by fuel additives is NOT something I believe this Senate should be doing.

Let me read part of a letter sent by California Attorney General Bill Lockyer opposing the ethanol safe harbor provision. Lockyer writes:

Congress should not enact the current safeguard, which could be construed as granting oil companies a very broad immunity. As exemplified by MTBE, there can be dire consequences from the use of defective fuel additives.

Lockyer continues:

If there is a defect with a particular fuel, the oil companies should be held accountable under the common law principles for using such a fuel. In addition, by including fuels and not just renewable fuels, this section has a extraordinarily broad reach. There is no reason to add immunity for a fuel just because one drop of renewable fuel is added to that fuel. For as long as automobiles have been used, oil companies have been subject to common law product liability rules. There is no need to change these fundamental principles.

We need to protect the basic rights American families enjoy remain in place to keep our air and water safe.

I urge my colleagues to support this amendment to protect our communities from harm caused by fuel additives.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, this debate is winding down and my colleagues are here to offer other amendments. I am going to finish shortly.

At this point in the debate, we ought to get real about what this is. There are certain matters that are right in front of us and certain matters that are wrong. It is not right to give special protection to one particular manufacturing group in this country that no one else gets. In a way, it is a subsidy given to those people because if there is a problem with their fuel, guess who is going to pick up the tab? Not the people who caused the problem but the taxpayers. That is wrong.

If we had a wonderful history, if we did not have communities in trouble because of MTBE and other additives we thought would be great, it would be different.

I hope it is safe. If my friends, the Senator from New Hampshire, is in the Chamber for another amendment. The Citizens for a Future New Hampshire support the Boxer amendment because they do not want to be left holding the bag if something happens. There is right and there is wrong.

This issue, to me, is very clear: It is right to protect the people; it is wrong to give a special interest waiver to a particular manufacturer.

There is private special interest and there is public interest—taxpayers versus those who would pollute.

Finally, when my colleagues say they are only banning one type of option for citizens who are injured, namely effective product liability, that is all they are doing. People can still use the nuisance and the negligence claim and the negligence claim and all of these other claims.

I hope they know they are forgetting recent history where there was a court case on MTBE, also an additive to gasoline, and what won? The nuisance claim, denied; the negligence claim, denied. The only claim that could hold up, the only claim that could save the taxpayers of Lake Tahoe, who had a mess with MTBE, was defective product liability.

My colleagues stand up and say that is the only thing we are doing. They called it a narrow safe harbor. Well, it is an enormous safe harbor because it is the only place people can go to get reassurance if ethanol turns out to be a problem.

My colleague from Missouri says there is a study in this underlying bill. Well, I am glad there is a study, but he is ignoring the fact that there has already been a study in 1995 by EPA's blue ribbon panel, and this is what they said: Ethanol is extremely soluble in water and would spread if leaked into the environment. It may further spread plumes of benzene, toluene, ethylbenzene, xylene, and ethanol may inhibit the breakdown of these toxic materials.

It says it may inhibit. That means it may be a problem. If my colleagues, in their zeal to have ethanol in every single State in this country—and, by the way, it will be—and if they are so sure it is safe, then why on Earth are they saying ethanol should get special treatment, and why do they close down the debate on the only area where people have found they have a chance to get cleanup money from the polluters? The answer is, they do not know if it is safe.

We hope it is safe. We hoped MTBE would be safe, and it has poisoned hundreds of wells in this country. Hundreds of water systems have shut down because of MTBE. And if it was not for the product liability claim being open to citizens, who would have to clean up the mess? Not the companies that caused it but the taxpayers in those areas.

So it seems to me, if I might use the word "disingenuous," to say that ethanol is 100 percent safe, but we want a safe harbor so no one can sue if something goes wrong.

I was not born yesterday. That is obvious. I know when somebody says they have the safest product in the world but give me special protection so that no one can ever sue me, my antenna goes up, just as a person with common sense, and I say that is not right.

Researchers say that more ground water wells will experience contamination from MTBE and benzene, which is a carcinogen, if ethanol leaks into water supply, and there are the questions about the impact of ethanol on sensitive populations, our children. In New Hampshire, there is not one Senator who does not want to protect kids. Come on. We know that. Most of us are parents. A lot of us are grandparents. We are aunts, we are uncles. We want to protect our children and we want to protect the Nation's children. How can we close our eyes, then, to what we are about to do if we do not agree to this Boxer amendment? What we are doing is saying that the makers of this product do not have to worry about a thing in terms of harming our kids.

Our kids, because of the developmental stage they are in—they are growing, they are changing, their hormones are starting—they are very sensitive to contaminants. We know that. That is why I wrote the Children's Environmental Protection Act, and parts of it have been passed by the Senate. I am so proud of it. Is it not better to say up front to a manufacturer—any manufacturer—if they harm children, if they make children sick, and they are going to have to clean up the mess and clean up their product?

Oh, no, not if they are making ethanol. They are going to have special exemptions. It breaks my heart to see us do this. I figure I will lose this amendment only because we tried it once before and we did lose it.

The PRESIDING OFFICER. The Chair informs the Senator from California her time has expired.

Mrs. BOXER. I ask unanimous consent for one additional minute, to close.
Mr. DOMENICI. Mr. President, with the consent of the minority, I make the following unanimous consent request. I ask unanimous consent that— I withhold until the minority whip is present, Mr. President. I suggest the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, now I ask unanimous consent that at 3:30 today the Senate proceed to a vote in relation to the Schumer amendment No. 853, to be followed immediately by a vote in relation to the Boxer amendment No. 856, to be followed by a vote in relation to the Boxer amendment No. 854; provided further that following the vote on the amendment immediately to a vote on the adoption of amendment No. 850, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. At this point it looks as if we are not going to vote on anything until about 3, and the Boxer amendment would be second or third in line.

Mrs. BOXER. That is fine. I say to my friend, could I have 1 minute at that point, and a minute on the other side, to explain the amendment?

Mr. DOMENICI. Unless the Senator wants to seek that consent at this point, there is no such arrangement.

Mrs. BOXER. That is fine. I say to my friend, could I have 1 minute at that point, and a minute on the other side, to explain the amendment?

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Mrs. BOXER. That is fine. I say to my friend, could I have 1 minute at that point, and a minute on the other side, to explain the amendment?

Mr. DOMENICI. Unless the Senator wants to seek that consent at this point, there is no such arrangement.
There are probably a lot more Senators who will want to speak on this than first estimated.

So the Senate knows, originally Senator SUNUNU and I were prepared to offer an amendment to strike the $16 billion for nuclear subsidies. The amendment was supported strongly by the Taxpayers Union, but at the request of the chairman of the committee, that vote will be put over until next week.

I am very hopeful that we will be able to get a consent agreement before long to have this debate. This is a significant exposure for taxpayers. It is not a question of whether someone is pro-nuclear or anti-nuclear. The Congressional Budget Office has said that there is at least a 50-percent risk of failure with respect to these facilities. The Congressional Research Service has indicated the taxpayers will be on the hook for in the vicinity of $16 billion.

What I worry about is what happened in our part of the country. Four out of five facilities were never built. In this case, if the Congressional Budget Office is right and you have over a 50-percent risk of failure at these facilities, this will be trouble for taxpayers.

I tell Senators there is no other source of energy in this legislation which gets a direct subsidy for building a facility. I am going to try to find a way to reach a procedural accommodation with the chairman of the committee. I am a personal friend, and I want to accommodate him. I hope we will be able to do that.

This is a very significant taxpayer issue for the Senate. It is not a question of whether someone is pro-nuclear or anti-nuclear. In my own inimitable way, I have managed to make both sides mad over my career in public service. But it is a taxpayer issue of enormous importance.

I hope Senators will read what the Congressional Budget Office and the Congressional Research Service have submitted by the Congressional Budget Office reports that there is more than a 50-percent risk of failure with respect to these facilities, if subsidized. The Congressional Research Service has talked about a $16 billion subsidy.

I would point out that this is even too rich for the blood of the other body. The other body has not talked about anything like this.

We will work with the chairman of the committee, Senator SUNUNU and I will be coming to the floor before long as well so that we can begin to lay out the bipartisan support we have with Senator BINGAMAN, the ranking minority member, Senator ENSIGN, and others.

I would just tell the chairman of the committee that I think there are probably more Senators who want to discuss this than we thought. We already have some indication that 90 minutes equally divided with an up-or-down vote may not be enough. It is my intention to work with the chairman of the committee, the ranking minority member, and others to try to work out this unanimous consent so we can have that done expeditiously.

I point out to the Senator and the Senator from New Hampshire were asked to come today to have our amendment brought up. We felt pretty good about it. We know there is going to be an awful lot of back and forth with Senators between now and the time we vote Tuesday.

I ask that Senators look at the Congressional Budget Office report and the Congressional Research Service report over the next few days as the discussions go on and off the floor.

I look forward to working this out in terms of procedure with the chairman of the committee probably over the next hour or so.

I yield the floor.

Mr. DOMENICI. Mr. President, we will have a great deal of time to discuss what I believe is the most important issue for America's future; that is, are we going to have an alternate source of energy for electricity, aside and apart from coal and natural gas?

I tell Senators that we ought to set in motion the authorization—not the approval, not the appropriations, but the authorization—to start down the path that says the United States may be ready to build a nuclear powerplant. The arguments that have just been made in anticipation of the agreement are not exactly as such. This bill says America should have an opportunity to have a variety of energy sources. We have provided subsidies for coal so that coal can be made clean and delivered to our people as clean as possible. That is subsidized.

We have an enormous tax subsidy for wind and energy. In fact, it is so big and so current that there will be windmills all over this country, and the amount is a direct tax credit. It is not something that may happen. Every time one of those windmills is built, the tax credit will apply and money will be used in large quantities.

In addition, we are talking about whether nuclear powerplants are being built today. For instance, General Electric nuclear powerplants are being designed and built in Taiwan right now at a cost—believe it or not, and which we worry about, that belies all of the information that is submitted by the Congressional Budget Office, which we believe is speculative. It will be shown that they are constructing these nuclear powerplants at $1,250 a kilowatt. That means they are perilously close today to producing nuclear powerplants that will be competitive with natural gas in the United States.

We are not asking the Senate for any of this to happen. We are saying that, as a matter of fact, if the Senate should put in the Energy bill the opportunity for this to happen. We will go into great detail as to the conditions, how it will happen, how it won't happen, and who has to approve and who has to disapprove.

We think before we are finished, we will have convinced a majority of Senators that the time has come to give a rebirth to this alternative source so that if it is a matter of fact, in the next decade or so the need arises, we will be ready, willing, and able to move ahead.

I have just indicated nothing else is going to happen Senate until around 3 o'clock. We will try to get our unanimous consent agreement sometime this afternoon.

I yield the floor.

Mr. WYDEN. Mr. President, I want to be very brief. In fact, we are going to get an agreement with the Senator from New Mexico to work out the process for considering nuclear subsidies.

I just want to make sure Senators are clear with respect to what the subsidy is all about. The Senator from New Mexico, the distinguished chairman of the committee, said wind is going to get vast amounts of subsidies. I wanted to point out to the chairman that if wind farms produce power, they get tax credits for wind energy. But wind farms do not get any subsidy to build a facility.

What is unique about the $16 billion exposure for taxpayers is only one energy source, under this legislation, gets a subsidy to build a facility. That has troubled the National Taxpayers Union. That is why they have been a strong supporter of the Wyden-Sununu amendment. This is not going to be about whether you are pro-nuclear or anti-nuclear. This is about whether Senators or this risk the taxpayers of the country for the prospect that the Congressional Budget Office has said has a 50-percent or higher failure with respect to constructing these facilities.

We will have more to say about the bipartisan Wyden-Sununu amendment before long, but I wrap up this part of the discussion by simply saying, again, I hope Senators will look at what the Congressional Budget Office and the Congressional Research Service have had to say about that. Those are reports that lay out, in a frank and objective way, what the risk is for taxpayers. I hope Senators will review it carefully.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that I be permitted to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. AKAKA pertaining to the submission of the resolution are printed in today's Record under "Statements on Submitted Resolutions")

Mr. AKAKA. Mr. President, I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.
The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is currently debating S. 14.

Mr. BYRD. What is the pending question before the Senate, Mr. President?

The PRESIDING OFFICER. The pending question is the Frist-Daschle amendment. No. 850.

Mr. BYRD. I thank the Chair.

Mr. President, is the Senate operating under any time control at the moment?

The PRESIDING OFFICER. There is no time control. There is no time agreement.

Mr. BYRD. Mr. President, I have one final question. Has the Pastore rule expired?

The PRESIDING OFFICER. The Pastore rule expired 5 seconds ago.

Mr. BYRD. Mr. President, I thank the Chair.

IRAQ’S WMD INTELLIGENCE: WHERE IS THE OUTRAGE?

Mr. BYRD. Mr. President, with each passing day, the questions concerning and surrounding Iraq’s missing weapons of mass destruction take on added urgency. Where are the massive stockpiles of biological or chemical material and other nerve agents that we were told Iraq was hoarding? Where are the thousands of liters of botulinum toxin? Wasn’t it the looming threat to America posed by these weapons that propelled the United States into war with Iraq? Isn’t this the reason American military personnel were called upon to risk their lives in mortal combat?

On March 17, in his final speech to the American people before ordering the war against Iraq, President Bush took one last opportunity to bolster his case for war. The centerpiece of his argument was the same message he presented the U.S. case against Iraq to the United Nations months before, and the same message he hammered home at every opportunity in the intervening months, namely that Saddam Hussein had failed to destroy Iraq’s weapons of mass destruction and thus presented an imminent danger to the American people. “Intelligence gathered by miniaturized and other nerve agents that we were told Iraq was hoarding,” he said, “are watching this Chamber, and every Member of this body ought to be demanding answers.”

Indeed, instead of leading the charge toward war, President Bush took one last opportunity to bolster his case for war. The centerpiece of his argument was the same message he brought to the United Nations months before, and the same message he hammered home at every opportunity in the intervening months, namely that Saddam Hussein had failed to destroy Iraq’s weapons of mass destruction and thus presented an imminent danger to the American people. “Intelligence gathered by miniaturized and other nerve agents that we were told Iraq was hoarding,” he said, “are watching this Chamber, and every Member of this body ought to be demanding answers.”

And yet . . . and yet . . . the questions continue to grow, and the doubts are beginning to drown out the assurances. For every insistence from Washington that the weapons of mass destruction case against Iraq is sound, there is a counterpart to hold—another dry hole, another dead end.

As the top Marine general in Iraq was recently quoted as saying, “It was a surprise to me then, it remains a surprise to me now, that we have not uncovered weapons, as you say, in some of the forward dispersal sites. Again, believe me, it’s not for lack of trying. We’ve been to virtually every ammunition supply point between the Kuwaiti border and Baghdad, but they’re simply not there.”

Who are the American people to believe? What are we to think? Even though I opposed the war against Iraq because I believe that the doctrine of preemption is a flawed and dangerous instrument of foreign policy, I did believe that Saddam Hussein possessed some chemical and biological weapons capability. But I did not believe that he presented an imminent threat to the United States as indeed he did not.

Such weapons may eventually turn up, I said so weeks ago; they may eventually turn up. But my greater fear is that the belligerent stance of the United States may have convinced Saddam Hussein to achieve what he and his subordinates wanted—namely, to use his weapons to dark forces outside of Iraq. Shouldn’t this administration be equally alarmed if they really believed that Saddam had such dangerous capabilities?

The administration took steps to protect the oil facilities in Iraq from being damaged and set on fire. The administration took extraordinary steps
to do that. Why did it not take equally extraordinary steps to protect chemical, biological, radiological, nuclear weapons, possibly, from being looted, from being stolen, from being taken away by those who would sell them, possibly for terrorist hands. It is time that the President of the United States demanded that we get to the bottom of this matter and to follow the money to determine who got the payoff from selling weapons of mass destruction.

There is another issue which may be even more critical. It is the sad fact that we are wondering, once again, what is going on in the dark shadows of Washington, D.C. Why are we waiting? Is there fear of the unknown or fear of the truth?

This nation—and, indeed, the world—was led into war with Iraq on the grounds that Iraq possessed weapons of mass destruction and posed an imminent threat to the United States and to the global community. As the President said in his March 17 address to the Nation, the President is open to upping chemical, biological or, one day, nuclear weapons, obtained with the help of Iraq, the terrorists could fulfill their stated ambitions and kill thousands or hundreds of thousands of innocent people in our country, or any other.

That fear may still be valid, but I wonder how the war with Iraq has really mitigated the threat from terrorists. As the recent attack in Saudi Arabia proved, terrorism is alive and well and unaffected by the situation in Iraq. Meanwhile, the President seems oblivious to the controversy swirling about the justification for the invasion of Iraq. Our Nation's credibility before the world is at stake. While his administration digs in to defend the status quo, Members of Congress are questioning the credibility of the intelligence and the public case made by this administration on which the war with Iraq was based. Members of the media, Members of the fourth estate, are openly challenging whether America's intelligence agencies were simply wrong or were callously manipulated. Vice President Cheney's numerous visits to the CIA are being portrayed by some intelligence professionals as "pressure." And the American people are wondering, once again, what is going on in the dark shadows of Washington.

It is time that we had some answers. It is time that we get the answers that the American people were given some answers. It is time that the administration stepped up its acts to reassure the American people that the horrific weapons that the administration told us threatened the world's safety have not fallen into terrorist hands. It is time that the President leveled with the American people. It is time that the President of the United States demanded that we get to the bottom of this matter and to follow every lead, regardless of where that lead goes.

We have waged a costly war against Iraq. American fighting men and women are still dying in Iraq. We have prevailed. But we are still losing, as I said, still losing American lives in that nation. And the troubled situation there is far from settled. American troops will likely be needed there for months, many months—even years. Billion of American tax dollars will continue to be needed to rebuild that country. I only hope that we have not won the war only to lose the peace.

Until we have determined the fate of Iraq's weapons of mass destruction, or determined that they, in fact, did not exist, we cannot claim victory.

Iraq's weapons of mass destruction remain a mystery, an enigma, a comundrum. What are they, where are they, how dangerous are they? Or were they a manufactured excuse by an administration eager to seize a country? It is time these questions were answered. It is time—past time—for the administration to reassure the American people that the administration is eager to seize a country? It is time we get all of the questions answered, not just the easy questions, but the hard questions that we need to answer.

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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. THOMAS. 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. THOMAS. Mr. President, I understand we are on energy.

The PRESIDING OFFICER. The Senator is correct.

Mr. THOMAS. We need to talk a little bit about energy. I think that is what we are on. That is what we are doing this week. I must confess, I am a little disappointed that we seem to get off on other things that are unrelated when it seems to me that doing something with an energy policy to try and look ahead in this country as to where we need to be on energy is among the most important things that we could possibly do.

I understand there are different views about how you do that, and that it is legitimate to talk about those, but I do feel badly when we move off on something else that we are trying to get this done. I think it is important that we do it. We are obviously ready to move on to health care and Medicare and pharmaceuticals the week after next. But we have been over this now. Last year we worked very hard trying to do nothing with energy. We passed it here. I think the process that was used was not conducive to a successful finish and, indeed, we didn't have one. But this year we went through the committee. We have already done all the hard issues. We have argued back and forth.

Obviously, not everyone agrees, but I think it is hard not to agree that energy is one of the things that affects most of us more than almost anything else that we can do here. It affects whether we have lights. It affects whether we have heat. It affects whether or not we have an opportunity to use our air conditioners. And it is time the President has a great deal to do with security for this country. So I really feel strongly that we should get on with it. We should come up with an energy policy out of the Senate. We should go into conference committee, Mr. Chairman, if I can ask you.

Remember, one of the first things that the President and the Vice President did when they came into office was to outline an energy policy recognizing how important that is. Since that time, we have, of course, had more and more unrest and more and more terrorism and terrorism in the Middle East. We have allowed ourselves to get into a position where 60 percent of our oil comes in on imports. We are that dependent, which is very risky. We have not allowed ourselves to do the kind of things that would help us be independent, which is very risky. We have seen it move up and down and have different effects over the country when different things happen with regard to energy. Yet we seem kind of lackadaisical about trying to deal with it in terms of policy.

Let me emphasize that is what we are talking about here is a policy. In my view, a policy normally indicates that you are trying to look ahead at what you think the situation ought to be in the future with regard to that policy. That is my vision and policy that we have seen. I must confess that I am a little concerned from time to time that vision is not always something that has a very high priority in the Senate, and that really ought to be our major concern—seeing what we can do here to accommodate our future, our vision and policy that we have seen. I think is very important. We are talking about economic independence from oil and more clean coal, so we have better air quality with respect to generating electricity. We are talking about the possibility of converting some of our fossil fuels to things such as hydrogen so that we are able to move them around, easier, able to have a cleaner environment. And we are able to do all of these things.
Of course, very important among all of these is to increase domestic production. We have great opportunities for production in this country. Much of it lies in the West. I happen to be from the West. Our State is 50 percent owned by the Government, or whatever, on the other hand. We can do that carefully so that we have a balance between protecting the environment, on the one hand, and using the resources for energy, or whatever, on the other hand. We can do that. It is our responsibility to be particularly careful. We have the largest resource of fossil fuel for this country in the future, which is coal. We have an opportunity to do a great deal with coal. We met this morning in the Environment Committee on finding new ways to set standards for SO2, and for other air quality standards, including mercury. We can do those things.

That is what part of this bill is about—moving us forward in being able to produce energy and, at the same time, protect the environment, which all of us want to do. But we need to move forward to be able to do that. We need to have easier access to public lands and multiple-use lands, and have all the other uses as well for energy extraction. Certainly, we don’t want to use some lands for that. We will set them aside as wilderness and special use. We have more wilderness in Wyoming than in any other State in the country—except perhaps Alaska.

In essence, these are the kinds of issues with which we are faced. They are not insurmountable. As a matter of fact, they are problems to which we have the solution, but we seem hesitant to move forward and get this job behind us. So I hope we will.

We have to modernize our infrastructure. Many things have changed. It is not as if energy production remains the same. The fact is, in five years, in 10 years, in the matter of electricity, you had a distribution area where an electric company generated the electricity for everybody. Now we are finding more and more that we generate electricity one place, and try to sell it on a market that is somewhere else. You have to have transmission. We can find more efficient ways for transmission with the kind of research that we do and take the same transmission line and make some changes in it, and it has much more capacity. But you have to move to do that.

We find that almost all the generation plants built in the last several years. The fact is, if you really want to look at the future, there are many more uses for oil than for coal. We ought to be using coal for the generation of electricity and oil and gas for other kinds of functions. That makes sense. But we have to set the incentives to cause ourselves to be able to do that.

After all of our needs for electricity, we find that absent hydro, which makes up 12 percent, the hydro plants represent only 3 percent of our electric supply. People keep talking about renewables. The fact is that until we do some more research, making them more efficient, they are not going to be able to have a significant impact. But there is a possibility of doing that. That is what this policy is all about. That is what we need to be doing. We have to move forward to find some ways for transmission and to do those kinds of things.

We really have a lot of opportunities to move forward, and I think we can do that. As I said, I come from a State where we have probably the richest source of coal. We provide about 14 percent of the coal now of the United States. We are seventh in oil production and fifth in gas production. Those are challenges. And there is really kind of an exciting opportunity to do some more with hydrogen. Take coal and manufacturing hydrogen, which can be used for cars and homes and for many things—probably the cleanest resource for the production of electricity.

I am simply trying to say that I understand there are different views about how some of these things are done. Obviously, that is legitimate and we ought to talk about that. But we ought to move forward and get the idea that this matter of energy policy is one of the most productive things we can do. We have done something on taxes, and we are going to do something on health care. If we can do something on energy as well, we will have one of the most productive periods we have had for a long time. We have a great opportunity to do that.

So I certainly urge that we take a long look at what we are doing and find ways to move forward. Everyone should be given the opportunity to put in their amendments. That is fine. But you cannot keep waiting for days and days to get all the amendments in. We have been talking about this for several weeks, yet we keep hearing, 'We are not moving, we are not doing anything.' We are not doing anything, because, 'We have not drafted our amendment yet.'

If you are serious about an amendment, get it drafted and get it out there. Let's deal with it and move forward in accomplishing the goal we have been talking about. There is a great opportunity to move forward in this country economically, to create jobs, and to do more for security and make our life better over a period of time, which is something we all seek to do.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Alexander). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SUNUNU. 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. SUNUNU. Mr. President, I wish to take a few moments in this debate on the Energy bill to talk about an amendment that my colleague from Oregon, Senator Wyden and I will offer next week. He is the lead sponsor on the amendment. I certainly hope we can win strong bipartisan support for what will be an effort to make this Energy bill better, to improve it, and improve it in a way that does justice for the taxpayers by eliminating what I think is an inappropriate and unnecessary subsidy for the energy industry in general and for the nuclear power industry in particular.

Our amendment will strike one small section of the bill. It is a section that provides federally backed loan guarantees for new nuclear powerplant construction.

I strongly believe we should have a diversified energy supply in this country. We should have competitive energy markets, and nuclear power is a very important part of that mix. Nuclear power has proven itself time and again. It has been cost effective and environmentally sound. We have worked hard to make it tough, but we should have legislation to deal with the nuclear waste issue in the last session of Congress. In my own State of New Hampshire, we have a powerplant at Seabrook that has had an outstanding record, an excellent record for both efficiency and safety, and it continues to generate a very substantial portion of the electricity used not just in New Hampshire but throughout New England.

At the same time, nuclear power, like coal-fired electricity or gas-fired power, wind, solar, or hydroelectric power ought to be competing in the marketplace on a level playing field. However, there is a provision in this Energy bill that provides Federal loan guarantees to pay for up to half of the cost of as many as six new nuclear powerplants. That is a pretty significant financial commitment, and a level of support will have to be made by the taxpayers of the United States.

If we look at the estimated cost of six plants—perhaps $3 billion per plant, maybe a little bit less, maybe a little bit more—and take a look at half of the cost of the plant in the Federal guarantee, we could conceivably be looking at a long-term cost of $10 billion or $15 billion. That is a cost that American taxpayers should not be asked to bear. That is one of the reasons Senator Wyden and I are offering our amendment.

A second concern is the simple precedent this would set: providing Federal loan guarantees for any private powerplant construction. Again, my concern is not directed at the fact that the loan guarantees are for nuclear powerplants, or for large powerplants. It is about private plant production. If it were gas-fired plants, coal-fired plants, or new hydroelectric plants for which we give the guarantees, I would have the same concerns. We are setting a bad precedent in public policy when we offer this kind of tax subsidy.
We have to ask time and again, Are we being fair to the taxpayers? Are we being fair to the marketplace? I do not believe we are. I think this kind of a program, this kind of a tax subsidy would distort our energy markets and would distort the performance of our capital markets. Where private companies go out to borrow week after week, month after month, and year after year.

We need an energy policy in this country that promotes a strong diverse supply of energy and promotes competition. Sometimes that means making sure the Federal Government treads very lightly in the marketplace. This provision in the bill does not do that by any stretch.

The amendment we will offer is a commonsense amendment, and in the long run, our energy markets and even our nuclear power industry will be better served by striking this unnecessary subsidy. If we are going to have a healthy and strong nuclear power industry, what that really means is we have to have commonsense regulations. We need to work hard to streamline and to extend some of the relicensing capabilities so those plants that have performed well can continue to operate and those plants that have to have commonsense regulations. I think this kind of a provision stays in the bill, in other words the amendment that Senator Wyden and me is an amendment that has support from the National Taxpayers Union, from Citizens Against Government Waste, and a number of groups that have quite a reputation for looking out for taxpayer interest.

It also has support from a number of environmental groups, including the League of Conservation Voters and USPIRG, groups that have tried to look out for environmental interests that I think we have to keep on top of for them as well.

It is a broad coalition of groups coming at this from different perspectives, but all recognize this section of the bill is not good public policy, this is not the right kind of approach if we want to have competitive energy markets, and it certainly is not the right kind of approach for taxpayers.

I thank Senator Wyden for working with me on this amendment. We are working on an agreement that will allow us to bring this amendment forward on Tuesday with at least 2 hours of debate and an up-or-down vote on the amendment.

I thank Chairman Domenici for working with us on that agreement and allowing us to bring this important amendment to the floor, give us a vote, and see if we can save the taxpayers a lot of money and help improve this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. WYDEN. I thank the Chair. Mr. President, the Senator from New Hampshire has said it very well. I will offer just a couple of additional remarks. It is clear there is going to be an effort, as this is discussed in the Senate, to simply make this an "Are you for nuclear power or are you against nuclear power?" issue. I think that that would be the wrong thing to do. I said earlier when we began to discuss this, I have inimitable abilities that over the years have managed to both sides of the nuclear power debate unhappy with me. In a sense, I hope what Senator Sununu has done, is to keep the focus on the taxpayer question. I urge Senators, in particular, as they make up their minds on this issue to look at two important reports. The Congressional Budget Office report and the report done by the Congressional Research Service are particularly illuminating in that the Congressional Budget Office report talks about how, in their judgment, there is a more than 50-percent probability that plants will not be successful, that they will fail. And the Congressional Research Service, in their analysis, indicates if that is the case, taxpayers would be on the hook for in the vicinity of $16 billion.

In my part of the world, this is not exactly an abstract issue. In fact, with the WPPSS debacle, which was the largest municipal bond failure in the country's history, four out of the five facilities were even built, and the people in my region and many investors, of course, were on the hook.

If the scenario of the Congressional Budget Office were to come to pass, all of our constituents—all of them—would, in effect, be exposed to these very significant costs.

That is why Senator Sununu and I are going to try our best, between now and the Tuesday vote, to make sure that for us this is first and foremost a taxpayers' issue.

To try to drive that point home, we had a discussion about how this affects other aspects of energy development. If this provision stays in the bill, in other words that the amendment the Senator from New Hampshire and I are offering is unsuccessful, nuclear energy would be the only part of this field that would get a direct subsidy for constructing a facility.

For example, the distinguished chairman of the committee, who has been very gracious to the two of us in terms of working on process and all of the issues towards getting this offered, talked about wind and talked about subsidies for wind. Well, in fact, when wind is produced, there are various credits and incentives, which I guess are very appropriate, but there is no subsidy for constructing wind power directly under this legislation other than in the nuclear area.

In fact, right now there is nothing preventing any utility from going forward with a nuclear project simply by going to the Nuclear Regulatory Commission and getting a license to build the plant.

Let me repeat that. Anybody who wants to build a nuclear powerplant in this country simply has to go to the Nuclear Regulatory Commission and get the license. They can do that if they satisfy the safety standards. The issue, as propounded by Senator Sununu and myself, is whether or not the taxpayer should be exposed, in the vicinity of $16 billion, with respect to building these plants.

I do not think this is an issue about whether one is for or against nuclear power, and that is why the National Taxpayers Union and a host of other organizations that have been watchdogs for taxpayers have made this a priority item. In their letter to me, they took the position that they are neither for nor against nuclear power. They say that explicitly in the letter. What they and a number of other taxpayer watchdogs are concerned about is the $16 billion exposure for taxpayers that is contained in this provision.

So I am having a lot of difficulty understanding what Senator Sununu is still in the Chamber, and I thank him for all of his involvement in this. He has a long record of being a taxpayer watchdog, and that is the special reason why I thought it was so important for the two of us to try to do this together.

I am sure between now and Tuesday, as this is discussed, to some extent some will try to make this into a referendum on whether one is for or against nuclear power. I will be doing my best to try to make sure that it is a taxpayers' issue. That is central and critical to me, and I look forward to discussing this discussion that we will have on Tuesday. We should have a UC ready to go before long. I thank Chairman Domenici for his willingness to work out the procedure on it, and I am particularly grateful to my cosponsor, Senator Sununu.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am quite sure that before we are finished—if we finish, and I hope we do—the Senate and those who are interested in energy policy will hear a lot about the various kinds of energy that are provided, as a matter of policy, in this Energy bill.

I am having a lot of difficulty understanding the Senate these days. I regret to say that almost every amendment we talk about some Senator is unable to be present. It is either they had to leave early or they had a previous engagement or there is something else they had to do. So it seems as if we cannot get the amendments done. But the Democrats are going to help us try to convince Senators that
they ought to start to list their amend-ments soon so we will have some idea, sooner rather than later, the extent of amendments we are going to have on this bill. 

On the issue of nuclear power, before we arrive at this debate, which will lay before the Senate what the Energy Committee, in its markup of this bill, did so as to make sure the United States had an array of energy sources during the next 10, 20, and 30 years.

We talk for many years about our energy. We have tax credits for wind energy. The Senator argues that is different. Well, maybe we ought to change and have just plain tax credits for nuclear power. Maybe there would be no objection to it. Perhaps we could convert what we thought was a better way to do this to some kind of a tax credit, which would mean that if they produced, and only if they produced, would they get any credit.

What we did in the instance of nuclear power was to say if the Secretary of Energy, at some time, finds that the United States needs a nuclear power-plant because it needs a diversity of en-ergy or it needs it because there is some clean air problem, then to a credit-itsway, there could be seed money. Who is the builder, of a nuclear power-plant, they may subsidize half the cost with a guaranteed loan. 

Now, one can talk about that in terms of how much that is going to cost. The NRC would assume what we look at all of these from the standpoint of the benefits, what are the benefits to America?

Twelve years ago, this Senator started looking at nuclear power. With the passage of each year, as I studied it and wrote about it and thought about it, I became more embarrassed and more ashamed of what the United States of America had done with this superb technology that we had invented, that was so used in the world and that we had set on the shelf because a few people frightened us to death. 

Do people know that today two nu-clear powerplants are being built in Taiwan? They are building a modern, General Electric design. Guess what they tell us the cost is going to be. In fact, I believe we will introduce a letter next week during the argument. The costs will be very close to the equivalent costs of what we are now paying to build natural gas burned, natural gas, powerplants. Who would have thought it?

What has happened is, since natural gas is the singular source of energy, the cost is skyrocketing because there is no competition. We intend there to be competition, not only from nuclear, but we have ample money in this bill for great research in coal, too. We have over $2 billion in research for clean coal. It does not produce any coal. It just says do the research to try to make technology work.

What we have done overall for the first time in the last 20 years is to say, let us develop a nuclear policy for the greatest nation on Earth and let us show the world that we have not abandonned the safest way to produce energy, electricity for people in the world. Let us show that we are not abandoning that. Let us show that we are going to lead again. And so there is the overriding principle, the Price-An-derson Act, which makes it possible for the private sector to be involved, is made permanent.

This bill says, let’s build a dem-onstration project in the State of Idaho, a brand new concept, so we will build a nuclear powerplant that will be passive. By passive, we mean we will prove it cannot burn. There are people who speculate a nuclear powerplant can burn. They have spoken of its burning its way through the earth. This new powerplant will be physically made so it is passive. It will produce high enough temperatures so you can produce hydrogen for the new hydrogen economy we are looking at.

France, the home of cutting edge being able to build a nuclear powerplant again, like they are being built in Taiwan, like they have been built year after year in France, France produces 80 percent of its electricity from nuclear power. It is true, they say one day you will run out of and the death of technology like the United States. If anyone wants to see France’s nuclear waste, they will take you to a gymnasium. You can walk into the gymnasium, like walking into a school, not some atom bomb. Our head, once ask, where is the waste? You are walk-ing on it. It is encapsulated for 50 years at least, and nothing can happen to it while they figure out what to do with it. 

What does the greatest nation on Earth do? We sit paralyzed, waiting around for something to happen in Ne-vada. I am sure we will hear that argu-ment before we finish the debate next Tuesday. We know that is an engineer-ing issue at the high seas of the United States. If anyone wants to see France’s nuclear waste, they will take you to a gymnasium. You can walk into the gymnasium, like walking into a school, not some atom bomb. Our head, once ask, where is the waste? You are walk-ing on it. It is encapsulated for 50 years at least, and nothing can happen to it while they figure out what to do with it.

What do we not know: Will the United States continue to remain de-pendent upon natural gas almost exclu-sively or will we say it may be time for American companies to build one or two nuclear powerplants? We under-stand they are very close. They have experiencied litigation and other im-perfections. It is hard to get over the hurdle, over the hump. We have asked, what would it take to start a couple of new nuclear powerplants? We may not work. It may be thrown away. But it is in this bill to start the idea of-energizing them. We would be enter- ing an era of cheap electricity, available to every-one, poor countries and rich countries. Guess what. There will be no pollution problem. The ambient air will be af-fected zero on a glass floor. One might ask, where is the waste? You are walk-ing on it. It is encapsulated for 50 years at least, and nothing can happen to it while they figure out what to do with it.

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We knew it was worth the effort to get America going again regarding its safety and power as the inventor of the safest energy ever produced by mankind to this point. We could have put in tax credits. If you produce some-thing, we will give you a tax credit. Then our friends would not be making the argument: you are giving them something before they produce. We chose what we thought was most sim-pl and least expensive to the Federal Government, saying, if necessary, you can give them half the costs in a loan guarantee, to get us going again.

That this, the whole thing we do this for should we not do that? Before we are finished, the Senate will under-stand, in spite of it having difficulty with this Energy bill—we cannot seem to get people to focus on the Energy bill. They will understand the sig-nificance of this issue. They will under-stand that the fear regarding nuclear power and nuclear fuel rods is about nothing but a red herring. They are nothing that engineering competence cannot handle.

I close this opening argument on nu-clear power and whether or not it is safe by saying to everyone listening or worrying about nuclear power versus the other power in America, there are over 100 American Navy vessels on the high seas of the world with engines that are nuclear powerplants. Nuclear powerplants run battleships, run air-craft carriers. They have fuel rods in them. They carry them everywhere on the seas. They are at every port in the world. Why do we have this fear because New Zealand has an agreement against it. They are so safe, there are boats and ships all around the world that have nuclear powerplants on board, with nuclear waste sitting right there in the hulls of the ships.

When you add all that, it is the safest way to produce energy for the world in the future. Our package includes the research facility we will build in the State of my good friend who is sitting on my right. We say to our executive branch, in the event you think it is necessary, you can issue a loan agree-ment for half the cost of a nuclear pow-erplant to get it going.

I understand there are those who will just jump up and costs of circumstances. I would rather add up all the pluses and take a risk that is worthwhile. If ever there was a risk that was worthwhile, it is a plain and simple risk to revive nuclear power in America for America and for the world. That is what is at issue in this bill.

Those who argue not to gamble any money on this will not raise a pinky on spending $1.6 billion to research hydro-gen, for a new hydrogen economy. It is the high seas of the world. Now America starts a couple new nuclear powerplants. We would be entering an era of cheap electricity, available to every-one, poor countries and rich countries. Guess what. There will be no pollution problem. The ambient air will be af-fected zero on a glass floor. One might ask, where is the waste? You are walk-ing on it. It is encapsulated for 50 years at least, and nothing can happen to it while they figure out what to do with it.

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and give huge credits for them to such an extent that there may be too many of them built in the next decade; we have to pass an national ordinance so they will not build them too close to some of our cities because there will be so many of them when this bill is passed. The city includes a tax subsidy that will be attached. Geo-thermal—there are plenty of subsidies. Every kind of energy you can imagine, we have said: Help it move along. At the same time, we have put into a package that rare opportunity for the United States to face up to the fact that, although we invented nuclear power, we hid from it. Others didn’t. It is time we come back and revisit it. It is time that, as a package, coupled with all the other policies, we take a little risk in terms of its future, for the future of the world.

Mr. President, I have a series of remarks that I delivered on the nuclear subject on October 31, 1977, at Harvard University, which summarizes my views to that point. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

A NEW NUCLEAR PARADIGM
(By Senator Pete V. Domenici)

Earlier this week, I spent substantial time on the subjects of nuclear non-proliferation, the proposed Comprehensive Test Ban Treaty, nuclear waste policies, and nuclear weapons design issues. The forums for these discussions were open and closed hearings of two major sub-committees of the United States Senate, a breakfast where two Cabinet secretaries joined 10 United States Senators, and private discussions with specialists in these fields.

During the week before, I spent time on the question of whether or not a 1,200 foot road should be built in a National Monument, a monument whose enabling legislation I authored a decade ago.

Without demeaning any person’s sense of perspective, I have to note to you today that for every person who attended the nuclear hearings in the road hearings, 50 attended the road hearings. And, for every person who attended the nuclear secretaries joined 10 United States Senators, a breakfast where two Cabinet secretaries joined 10 United States Senators, and private discussions with specialists in these fields.

Strategic national issues just don’t command a large audience. In no area has this been more evident during these last 25 years than in the critical and interrelated public policy questions involving energy, growth, and the role of nuclear technologies. As we leave the 20th Century, arguably the American Century, and head for a new millennium in a decade ago. It is time that, as a package, coupled with all the other policies, we take a little risk in terms of its future, for the future of the world.

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been certified by the NRC and are now being sold overseas. They are even safer than our current models. Better yet, we have technologies under development like passively safe reactor cores that can be placed on a ship to create an advanced liquid metal reactors that generate less waste and are proliferation-resistant.

An excellent report by Dr. John Holdren for the Committee on Science, Technology, and the Environment outlines some of the most significant opportunities in energy and the environment. I applaud the work of Mr. Holdren and his colleagues.

I have long hoped the Clinton Administration would pull out all the stops to downsize our nation's defense establishment. I am encouraged by Secretary of Defense Rumsfeld's commitment to lower staffing levels, but his initial budget proposals demonstrate the need for more aggressive efforts to achieve the President's goal of reducing the size of our armed forces to the lowest level consistent with national security needs.

I recently met with Secretary of Defense Rumsfeld and others from the Department of Defense in a follow-up meeting with the Senate Armed Services Committee, which I chair. Unfortunately, the Department of Defense has proposed a FY2004 budget that is an increase of $7.5 billion over FY2003. This is not consistent with the President's vision or with the downsizing in personnel that was projected in the President's budget proposal last year.

I think our stockpile could be reduced. We need to challenge our military planners to identify the minimum necessary stockpile size.

At the same time, as our stockpile is reduced and we are precluded from testing, we have to increase our confidence in the integrity of the remaining stockpile and our ability to reconstitute if the threat changes. Programs like science-based stockpile stewardship must be nurtured and supported carefully.

As we seriously review stockpile size, we should also consider stepping back from the nuclear cliff by de-alerting and carefully re-examining the necessity of the ground-based log of the nuclear triad.

Costs certainly aren't the primary driver for our stockpile size, but if some of the actions I've discussed were taken, I believe that as a bonus we'd see major budget savings. Now we spend about $30 billion each year supporting the triad.

I do believe we need to revisit some incorrect premises that caused us to make bad decisions in the past. I said that one of them, regarding reprocessing and MOX fuel, is having a profound impact on our efforts to permanently dismantle nuclear weapons.

The dismantlement of tens of thousands of nuclear weapons in Russia and the United States has left both countries with large inventories of perfectly machined classified components that could allow each country to rapidly rebuild its nuclear arsenal.

Both countries should set a goal of converting those excess inventories into non-weapons shapes as quickly as possible. The more we can transform these into a useful product, the more verification that can accompany the conversion of that material, the better.

Technical solutions exist. Pits can be transformed into metal pins in MOX fuel. This conversion can be done in reactors as MOX fuel, which by the way is what the National Academy of Sciences has recommended. However, the proposal to dispose of weapons plutonium as MOX runs into that old premise that MOX is bad despite its widespread use and the fact that MOX is the best technical solution. I challenge you to develop a proposal that brings the economics of the MOX fuel cycle to the point where weapons plutonium can be used to upgrade plutonium. Ideally, incentives can be developed to speed Russians materials conversion while reducing the cost of the U.S. effort. The United States and Russia have started a recovery program.

The Senate has left both countries with large inventories of weapons material, regarding reprocessing and MOX fuel. As I noted, the Administration continues to block the State government from fulfilling their responsibilities to care for low level waste.

I still haven't touched on all the issues imbedded in reducing our nation's benefit from nuclear technologies, and I can't do that without a much longer speech. For example, I haven't discussed the increasingly desperate need in the country for low level waste facilities like Ward Valley in California. In California, important medical and research procedures are at risk because the Administration continues to block the State government from fulfilling their responsibilities to care for low level waste. And I haven't touched on the tremendous window of opportunity that we now have in the former Soviet Union to expand programs that protect fissile material from falling into the wrong hands or to shift the activities of former Soviet weapons scientists onto commercial projects. Along with Senators Nunn and Lugar, I've led the effort to bring these programs forward, and I believe they are badly mistaken.
the development of new technology but, more importantly, the deployment of the concept of new reactor design into actual producing reactors in the United States. The Senator from New Mexico is so accurate in his overall review of why we are as a nation with energy or the absence thereof.

My colleague from Oregon and I live in the Pacific Northwest, where hydro is dominant as a part of our energy-producing capability. Even that marvellous technology today faces a major threat. Why? Because it impounds rivers to produce hydro, and by impounding rivers, it changes the character of those rivers. Certain interest groups want those rivers, in large part, by some estimation, to be freed. So they wanted to reshape hydro. In all instances, it has reduced the overall productive capability of hydro facilities.

We have frustration in a variety of other areas. The Senator from New Mexico outlined our problem with burning the Clean Air Act and the ambient air as a result of that, and the cost now being driven against retrofitting and new coal-burning designs to produce energy.

That is in part—not in total but in part—where we have developed a willingness on the part of our country, I believe, to renew our nuclear option and possibly to renew it under a new design concept, under a passive reactor design concept that the Senator from New Mexico has talked about.

Passive reactor design means, simply, one that reacts on its own when certain conditions arise. The human factor doesn’t necessarily have to be there to start throwing switches and making adjustments because those kinds of things happen automatically. We believe our engineering talent in this country is now capable of that kind of design development. In doing that design, we would couple it with an electrical system that would decouple the reactor itself so much more efficiently that it would run at peak load at all times, as reactors should in performing best.

But power demand isn’t always constant. When you can switch that load to development of hydrogen fuels, through the electrolysis process, and then convert it back to use within a power grid, you make for phenomenal efficiencies and the cost of production goes down dramatically.

In doing that, in bringing back to this country an abundant source of electrical energy and a reliable supply to our grid system—a system we are working to improve today through the development of regional transmission authorities and a variety of other things that tie us together—we found out a few years ago in the Pacific Northwest that it has certain liabilities. If the energy in the system itself in other parts of the grid isn’t abundant, pulling power from us and forcing our power rates up, it can be a problem. Where it is produced with an abundance in the system and the system is fully interconnected and interconnected all can generally benefit.

As a result of bringing some of these new concepts on line, where we are actually subsidizing other areas of production, we thought it was reasonable to bring to the floor of the Senate a similar concept, to take some of the risk out of new design development for the commercial side, and to do so in a way that our country has always done—to use public resources to advance certain technological causes and, out of those causes and their development, to generate phenomenal consumer benefits.

There is no greater consumer benefit in this country today than reliable, high-quality electrical energy at reasonable prices. Our world runs on it. Our world’s wealth depends on it. This country’s workforce depends on it. What we have brought to the floor in this Energy bill is not a hunt and a pluck, but a political decision versus another political decision. That is not the case. It is not green versus nongreen. That is not the case.

What the chairman of the Energy Committee has said in this bill, and what the Senator has said, is that all energy is good energy as long as it meets certain standards, and as long as it fits within our environmental context, we ought to promote it and we ought to advance it.

That is exactly what this bill does. As the Senator from New Mexico characterized it a few moments ago, we have enough credit in this bill to put windmills about anywhere they want to go, or are allowed to go, to produce energy.

Some would say that is great, we don’t need anything else.

Oh, yes, we do. The reason we do is you can put a windmill everywhere you can in the air sheds that can produce energy. We get up to about 2 percent of total demand. That is about it.

But we ought to do it because it is clean and it is renewable and it is the right thing to do. But what we are already finding out in my State of Idaho that has a couple of wind sheds that fit, if this bill passes, interest groups are stepping up and saying: Oh, I don’t think we want that windmill there; that is a spike-tail grouse habitat; there are some Indian artifacts there and we certainly don’t want them damaged. And we don’t.

What I am suggesting is in these most desirable of wind sheds for windmills, there is going to be somebody stepping up and saying “not here.” And they are right. They probably won’t go there.

That is public land, by the way, not private land. On some private land, the same argument will occur. Simply, they don’t want it in their backyard a machine that goes whomp, whomp and produces electricity. Something about the sound disturbs their sleep. As a result, my guess is some city ordinance will soon suggest, “not in my backyard.”

But there are some backyards where we can put wind machines and we will and we already have and we ought to promote it and we ought not to be selecting or deciding whether or not we are subsidizing them by a tax credit. You bet we are.

We are going to pass that provision. That is the right and the appropriate thing to do.

We have subsidized in most instances in one form or another, through a tax credit or through an easing of regulation or through the ability to site on Federal lands, energy projects, historically, because our country, our Government, this Senate for well over 100 years has said: The best thing we can do for this country to make it grow, to make it prosper, and to make it abundant to the working men and women of America is a reasonable and available energy supply in whatever form the marketplace takes.

We know we can shape the market a bit by a subsidy, by a tax credit, and we also do that.

We are going to do some wind. We are going to do some solar in here. We hope we do clean coal technology. Certainly, producing the power we need in our country want to keep producing coal, and they should. We should use it, and we will.

There is a provision in here on which Senator BINGAMAN and I disagree a little—there is on the tax credits for hydro. We think it ought to be relicensed and environmentally positive. When we can retrofit it and shape it, we ought to do so as we relicense it into the next century. But hydro produces a nice chunk of power in this country today. We are going to relicense over 200 facilities in the next decade. That represents about 15 million American homes and 30 million megawatts of power. Any reduction in that productive capability means we have to produce that power somewhere else.

Some of those old plants, when relicensed and retrofitted, may lose some of their productive capability in the licensing process. We ought to have new supplies coming on line.

Several years ago, this Senate became involved in a very serious debate over an issue that we call climate change. We became involved as a nation internationally in this debate because we thought it was something we ought to do. We knew our global environment was heating, or appeared to be heating, faster than it had in the past, and we didn’t know why. Some argued it was the emission of greenhouse gases which created a greenhouse effect around our globe which was raising the productivity of the burning of hydrocarbons and that we ought to do something about it.

Many of us were very concerned that if we didn’t have the right modeling and the right measurement and the right facts to make those decisions, we would shape public policy and head it in a direction that was not appropriate and would allocate billions of dollars of
new resources that might put tens of thousands of people out of work if we did it wrong. At the same time, there has been and there remains a nagging concern as to the reality of this particular situation globally, environmentally. Or is it simply the natural character of the changing world and evolving changing world?

We have known down through geologic time that this world has heated and cooled and heated and cooled. Is it the natural cycle? We didn’t know that. But out of all of it, we generally grew to believe that the less emission into the atmosphere the better off we would be.

This bill embodies that general philosophy—that clean energy and clean fuels are better, that we ought to advance them, that we ought to subsidize them where necessary, and that we ought to plot them through the public policy which we debate here on the floor today. Out of all of that, we knew one thing: clean-fueled generating systems was clean with no emissions. It is the cleanest source in the country other than hydro with no emissions.

As a result of that, there was no question that the popularity of that consensus began to grow. Other nations around the world were using it. The senior Senator from New Mexico spoke of France and their use of it. Japan, a nation once very fearful of the atom, now builds almost a reactor a year coming on line to produce—what? Power for its citizens, power for its economy, and power for its workforce.

We once led the world in that technology. But we fell dramatically behind over the last three decades because there was a public perception fueled by some and feared by some that the nuclear-generating facilities of our country were not safe. Yet they have this phenomenal history of safe operation.

Through the course of all of this, and as the facilities aged, as they were relicensed and retrofitted, guess what happened over the course of the last few years. As we spiked in our power demands at the peak of the economy in the late 1990s and as electrical prices went through the roof, the cost of operating reactors was stable; it was constant. They became the least cost producers of electricity of any generating capacity other than existing hydro. The world began to react in a favorable way to that.

All of that became a part of the production of the legislation before us now—to once again get this great country back into the business of the research and development of new reactor systems that not only are in every way perceived to be safer and cleaner in the sense of waste production at end of the game, but would do something else for our country in a way that we think is the right direction; that is to say, the development of hydrogen to fuel the next generation of surface transportation and to start growing our economy into an objective, nonpartisan assessment of risk here. They consider “the risk of default on such a loan guarantee to be very high, well over 50 percent”—coupled with the Congressional Research Service memo indicating the exposure is $3 billion. Is the distinguished Senator from Idaho aware of that? I would be curious what the distinguished Senator’s reaction to that is.

Mr. CRAIG. Mr. President, I thank my colleague for bringing up that fact. Now, there are two things that I want to say. Some of them are blue and some of them are green, as we debate these issues. I don’t know what a red herring really is here.

I do know that when you sit a group of economists or accountants down and say, project backwards over the last 20 years or 30 years as it relates to the cost of developing nuclear reactors, and/or their failure—and out in the Pacific Northwest we had some that were functional and then brought down because the economy and the politics would not accept them—if you do that, you might get to a 50-percent risk factor.

If you project forward to a new concept of design that is green and supported by the Nuclear Regulatory Commission licensing process that meets the demand of the electrical systems, that is a cleaner process, that drives down the cost—and my colleague, the senior Senator from New Mexico talked about the new concepts in Taiwan; one of them may well be built here—my guess is they did not factor that in. Because those are all things you and I, as Senators, will insist upon and do over the next decade, and that when we do that, the risk factors come down dramatically.

But this is what the Senator from Oregon and I need to look at. You came to the Congress how many years ago? Mr. WYDEN. We were both young; in 1980.

Mr. CRAIG. In 1980. In 1980, the United States was about 35-percent dependent on foreign hydrocarbons, foreign oil. Now, the folks out there saying: Boy, if we don’t get busy here, we could someday be 40-percent dependent.

Well, they were right. We did not get busy. In fact, we increasingly restricted the ability to refine and the ability to discover and the ability to produce, and by 1984 or 1985, we were at 45 percent. And that kept going on.

What is the risk factor there? We know exactly what the risk factor is. The risk factor is, we did not do anything and we are now over 50-percent dependent, and in some instances as high as 65 percent, give or take, dependent on foreign oil sources.

You see what has happened at the pump. I don’t know what you or I were paying for gas in 1980 but it was well under $1 a gallon. Now we are paying $1.55, $1.60 a gallon for regular fuel. The average household is spending a great deal more on energy today than it did in 1980. We did not develop a policy. We did quite the opposite. We began to restrict the ability to produce, whether or not it was hydrocarbons.
We have not brought on line a nuclear reactor, fire-generating system for the purpose of electrical production in the last 10 or 12 years. One got started under construction, and, of course, as we know in the Pacific Northwest, we actually stopped construction on some.

Are there risks? You bet. There is no zero-sum game here. There isn't anything you or I could possibly legislate. But there is a reality; the reality is that energy prices in Oregon shot through the roof. The last 3 years and the energy prices in Idaho went up dramatically. The cost of living in the State of Oregon and the economy of the State of Oregon reeled under the hit, as is true of the State of Idaho. I am not, anymore, going to stand here and be selective on the production of and the future opportunity to produce energy for this country because I want to get your State's economy moving and my State's economy moving. 

Mr. CRAIG. Mr. President, I thank my colleague. Again, the Senator from Idaho has been a champion of the Congressional Budget Office report, saying that perhaps they did not look forward; they just looked backward. I would urge my colleagues to look at the report because the report does, in fact, look to 2011 and the future, and that is what the Congressional Budget Office did make their judgment on, where they said there was a risk of default that was well over 50 percent.

But my question to my colleague is whether my colleague thinks it is relevant about who assumes risk with respect to energy production. Because he is absolutely right, there are no foolproof guarantees in life. There is no question there is risk. Here, however, I see the risk at risk. The taxpayer is on the hook for $16 billion.

I thought it was interesting that the distinguished chairman of the committee talked about the credits for production. Well, the fact is, when you get a credit for production, the producer is largely at risk because in order to get the break, you have to produce something. There is no tax credit, I say to my colleagues, for failing to produce a success. You get credit for risk if your wind venture is successful.

My understanding is that here, with the subsidy, the person who assumes the risk is the taxpayer, not the producer. I was wondering if the distinguished Senator from Idaho thinks it is relevant with respect to who takes the risk. This Senator does because the taxpayer is on the hook rather than those who produce. I am curious of the reaction of the distinguished Senator from Idaho.

Mr. CRAIG. Mr. President, I am pleased the Senator brought this issue forward because you and I live in an environment in the Pacific Northwest that was substantially subsidized by American taxpayers to produce a massive electrical system known as the Bonneville Power Administration—direct appropriations of hundreds of millions of dollars to build a hydro system in the Snake and Columbia watersheds and in other places. They were just outright expenditures to be paid back. They have been paid back over a long period of time, and we are continuing to pay them back.

So the American taxpayer, to our benefit, bears the hook in the Pacific Northwest for the production of energy. In fact, you and I worked to just get some borrowing capability for Bonneville to expand its transmission system—a big chunk of money. We fought for that, and we should have. Why? Because it will generally benefit the Pacific Northwest. It is not a loan guarantee. It is an outright appropriation to be paid back.

Mr. DOMENICI. Will the Senator yield?

Mr. CRAIG. I am happy to yield. Mr. DOMENICI. I would like to comment on what the distinguished Senator, Mr. Wyden, just raised, and say to my good friend, the Congressional Budget Office is wrong almost every way it turns.

First, it uses forecast figures on plant costs of $2,300 per kilowatt. The right number is $1,250 per kilowatt. How do I know? There are two being built in Taiwan right now—that General Electric designed—brand spanking new. They came to our office. I don't know if they had time to come and see you, I say to the Senator, but they brought with them their experts and told us those plants will cost not $2,300 per kilowatt but, rather, $1,250 per kilowatt. That is about half, as this Senator sees it.

Mr. CRAIG. Yes. Mr. DOMENICI. So they are half wrong up front in terms of their assessment.

Furthermore, the bill itself says that if this section that is being debated is ever used, the Secretary will evaluate the creditworthiness of any new project under this program. So they are already wrong by half on the cost. Then I would ask, Does the Congressional Budget Office really believe the Secretary will approve a significant risk? If he approves a significant risk, you get the conflict of law that we are discussing that he would be acting on that the CBO assumes will cost this extraordinary amount and impose this extraordinary risk.

I thank the Senator for his comments and his responses. I am quite sure the Congressional Budget Office, as this Senator knows—I have only worked with it for the sum total of 26 years on all kinds of issues—I believe there is no subject that is more wrong on their estimates of the cost of matters nuclear. First of all, they assume that everything that has gone wrong in the past is going to go wrong again, while the world is out there proving that such is not the case, while we are saying only under very limited circumstances would you ever use these sections to begin with, which would eliminate part of their reasoning, which would justify the Secretary would not be applicable as they attempt to make the risk estimate.

I thank the Senator. Mr. CRAIG. Mr. President, I thank the chairman of the Energy Committee and the primary author of this legislation for making what are extremely important clarifying points in relation to the Wyden amendment that would strike this provision of subtitle (b) as it relates to the deployment of new nuclear plants.

In another life, I once studied real estate and had a real estate license. I know when you try to assess the value of a piece of property, you do what is comparable—look at other properties that are comparable in size, productive capability, if it is a house in square footage, in age, in all of those features. You say that in the marketplace, this house is worth about so much because the comparables, one of those houses has recently sold that is like it or near like it, cost about this much.

When it comes to our ability to project the cost of a nuclear powerplant in construction in 2011, there are no U.S. comparables. We are talking about design kinds of reactors. We are talking about a new design, a GEN-IV passive reactor design. What size are we talking about, 600-, 800-, 1,000-megawatt plant? Under what kind of regulatory authority? Has the license been developed and what are the peculiarities, the particulars, the specifications within the license? We don't know that. You cannot effectively project.

What you can do is exactly what this subtitle does. It gives the Secretary of Energy authority to examine, to make a determination based on fixed criteria that we have placed in the law to protect the public resource. We are going to make the assumption in 2011 that the Secretary of Energy and his or her staff are bright, talented, clear-thinking people who will have to operate under the law. The reason they will have to operate under the law? Because if this is a loan guarantee, it becomes a part of their budget, it becomes a part of their appropriation that the United States has to appropriate the money or at least offset it because it is a guarantee in the market.

That is how it works. I am not going to be here then, more than likely, and others of my colleagues will not. But we will have written into law the right kind of public policy to protect the citizens' resource, his or her tax money. So the ultimate question is, Does this portion of the title as it relates to nuclear energy fit in the future? Is it the way the industry started again, obviously dealing with the provision in the law that creates a liability shield as it relates to Price

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Anderson, as a new design concept that we think is the right design, the safer design, the cleaner design, the more efficient design, and the reality of a future energy source? And have we created the right incentive to move us into the production of electricity from nuclear-fueled powerplants of the future? That is what this subtitle is all about. That is why it is important. I don’t know that the detail of it has been written, or I should say read or understood. It is very clear. It is very short. The requirements are particularly important. Let me read them:

Subsection (b), Requirements:

Approved criteria for financial assistance shall include the creditworthiness of the project—

that is, the responsibility of the Secretary and his or her team to make those determinations—

the extent to which financial assistance would encourage private-sector partnerships and attract private sector investment, the likelihood that financial assistance would hasten commencement of the project, and any other criteria the Secretary deems necessary or appropriate.

That is a totally open-ended clause that says the Secretary can, in fact, develop more findings if necessary to protect the safety and the security of this kind of loan guarantee.

The Secretary, under the confidentiality provision, shall protect the confidentiality of any information that is certified by the project developer to be commercially sensitive. The full faith and credit of all financial assistance provided by the Secretary under this subtitle shall be a guaranteed obligation of the United States backed by its full faith and credit.

That is fairly boilerplate language. What that says is very clear. If the Secretary makes that determination, that becomes a part of a decision that the Appropriations Committee and the Budget Committee in the Senate then deal with. This is not locking in the money. This is simply authorizing the ability of the Secretary in the future to move in a direction that the Congress can make a decision on. That is what this provision is all about. I believe, we believe, and that is why the Energy Committee in a bipartisan way brought this to the floor for the whole Senate’s consideration, because we think it is the right thing to do. It is not a lot of talk, is it? If, if it is not wired in, if it is not lit up, it doesn’t work. Boy, have we learned that in this country. California has learned that in the last couple of years.

If all goes well, I am going to be in the heart of the Silicon Valley on Saturday. I will tell you what the conversation is going to be about with some of the high-tech producers down there: Is the Energy bill going to pass? Maybe it was voted on piece by piece. It does have a new bipartisan base of support, and we believe it is the kind of energy policy on which we can work out our differences with the House and put on the President’s desk and two decades from now look back and say we did the right thing for our country, the right thing for young people today who will be in that labor force 10, 15 years from now, who will demand and require an abundant supply of high-quality energy that is environmentally sound and affordable.

If all goes well, I am going to be in the heart of the Silicon Valley on Saturday. I will tell you what the conversation is going to be about with some of the high-tech producers down there: Is the Energy bill going to pass? Are you going to get us back into the business of out-producing our energy consumption? We are the world’s largest consumers of it and we need a high-quality, stable supply of energy that doesn’t blink, shut off, or put our production at risk. If you are building chips in a high-tech factory today, known as a FAB, and the power blinks, you lose the whole production. You may lose millions of dollars in a blink of the power connection. So high-quality, stable power is extremely valuable, and if it is not priced right, if it is not competitive, they are going to move elsewhere in the world where they can provide that high-quality power that is priced differently and in the competitive market, the great tragedy of our economy today in a world environment is that the chips will go elsewhere, which is not going to be the case for the United States does support a national energy policy. And the one we have, in the form of S. 14, is a quantum leap forward into America’s future of an abundant energy and a robust economy.

I yield the floor and suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

VOTE ON AMENDMENT NO. 853

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the question be rescinded.

Mr. CRAIG. Mr. President, have the yeas and nays been ordered?
The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. CRAIG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 853. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Nevada (Mr. ENNSIGN) and the Senator from Alaska (Ms. MURKOWSKI) are necessarily absent.

I further announce that if present and voting the Senator from Nevada (Mr. ENNSIGN) would vote "yea".

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Hawaii (Mr. INOUYE), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. SMITH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 69, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—26

Akaka
Allen
Bennett
Bingaman
Boxer
Brownback
Bunning
Bryan
Biden
Bond
Breaux
Bond
Biden
Allard
Ensign
Cochran
Collin
Corry
Craig
Carr
Enzi
Murray

NAYS—69

Alexander
Allard
Baucus
Bayh
Biden
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantor
Casper
Chafer
Chambliss
Chambliss
Coleman
Conrad
Corzine
Craig
Craio
Daeschle

NOT VOTING—5

Ensign
Graham (FL)

The amendment (No. 853) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table. The motion to lay on the table was agreed to.

[Rollcall Vote No. 208 Leg.]

YEAS—38

Akaka
Biden
Bingaman
Boxer
Byrd
Carper
Chafer
Chambliss
Chambliss
Collins
Conrad
Corzine
Craig
Craio
Delah}

NAYS—57

Alexander
Allard
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Carper
Chafer
Chambliss
Chambliss
Collins
Conrad
Corzyn

The PRESIDING OFFICER. The amendment (No. 853) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 856

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. I have cleared this with the Republican manager of the bill. I ask unanimous consent that the Senator from California have 90 seconds to speak on the next amendment and the opposition have 90 seconds, an extra 30 seconds on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order. The Senator from California (Mr. BOXER). Mr. President, the Senate is still not in order. It is a complicated amendment. I would like to be able to explain it.

The PRESIDING OFFICER. The Senate will please be in order.

The Senator from California.

Mrs. BOXER. Mr. President, in 90 seconds I want to tell you why this amendment is so important. I offer it on behalf of myself and Senator DURBIN, a strong supporter of ethanol, Senators LEAHY, FEINSTEIN, CLINTON, JEFFORDS, and LAUTENBERG.

My amendment simply removes the safe harbor provision in the bill, which treats ethanol like no other fuel, giving consumers and communities no legal recourse if it turns out that the water is polluted or the air is polluted or people get sick from this increased amount of ethanol. Believe me, I hope ethanol is totally safe. But no one is sure. Just read the 1999 blue ribbon EPA panel. They raise some serious questions. Of course, the ethanol manufacturers say ethanol is 100 percent completely safe. Then I ask why they demand this safe harbor provision. Look at what happened to the last gasoline additive we promoted, MTBE. This is the cost to our people because of MTBE pollution: $29 billion. My friends, if we had had the same safe harbor for MTBE as some of us are seeking for ethanol, this would not have fallen completely on your taxpayers and your communities. I call this an unfunded mandate.

People who oppose this say they only are putting forward a very narrow safe harbor. They say everyone will have a lot of ways to go. But the truth is that defective product liability is the only remedy. The courts have said no to negligence and no to nuisance. The only claim they have is defective product liability.

All we do is say treat ethanol as we do any other additive. I urge an aye vote.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, what we are doing here is not giving our stamp of approval on ethanol. We are not mandating. The vast majority of Members here feel more strongly about this than I do.

I know the Senator from California would not deliberately mislead you. What she is saying is just flat wrong. I keep hearing it over and over again: If a safe harbor provision is enacted into law, No. 1, citizens will not be able to take refiners to court under our court system; and, No. 2, any possible ethanol contamination that happens in the future wouldn't get cleaned up.

It just isn't true. Even with the enactment of the safe harbor provisions, if a plaintiff makes his case—that is a very significant part of this—there are just a few court theories that could be used in environmental cases: Trespass, not affected by safe harbor; nuisance, not affected by safe harbor; negligence, not affected by safe harbor; breach of implied warranty, not affected by safe harbor; breach of express warranty, not affected by safe harbor.

As far as cleanups are concerned, if there were a spill, here are some examples of environmental laws that are on the books right now that would take care of the problem and are not affected by safe harbor: No. 1, Resource Conservation Recovery; No. 2, Clean Water Act; No. 3, Oil Pollution Act; No. 4, Superfund; and it goes on and on.

Neither of these assertions is true. They would be able to have their day in court, and at the same time we have adequate laws in the court system and environmental laws to accommodate any cleanup that would take place.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment. The yeas and nays were previously ordered on the amendment, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Hawaii (Mr. INOUYE), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that if present and voting the Senator from Nevada (Mr. ENNSIGN) would vote "Yea".

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Hawaii (Mr. INOUYE), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 57, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—38

Akaka
Biden
Bingaman
Boxer
Byrd
Carper
Chafer
Chambliss
Chambliss
Collins
Conrad
Corzine
Craig
Craio
Delah

NAYS—57

Alexander
Allard
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Carper
Chafer
Chambliss
Chambliss
Collins
Conrad
Corzyn

The PRESIDING OFFICER. Mr. President, what is the Senator from Nevada (Mr. ENNSIGN) thinking about this?

Mr. REID. Mr. President, I announce that the Senator from Nevada (Mr. ENNSIGN) and the Senator from Alaska (Ms. MURKOWSKI) are necessarily absent.
The amendment (No. 856) was rejected.

Mr. DOMENICI. Mr. President, how long did that last vote take?

The PRESIDING OFFICER. Twenty-four minutes.

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER. There are now 2 minutes evenly divided before a vote on the second Boxer amendment.

The Senator from California.

Mrs. BOXER. Mr. President, I am pleased to say that the Boxer-Lugar-Cantwell amendment, which encourages production of agricultural residue ethanol, is going to be accepted by a voice vote with a promise to fight for it in conference.

Our amendment says that if you produce ethanol from the residue of agricultural crops, you get a special incentive. So if your State grows corn, rice, sugar, apples, wheat, oats, barley, and other crops high in fructose, this amendment will help your farmers, your rural communities, and your States meet the ethanol mandate. Again, it simply gives an incentive to produce ethanol from agricultural residue.

I am grateful to my colleagues on both sides of the aisle for accepting the amendment. I am happy to take it by voice vote.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. The amendment (No. 854) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. Mr. President, how long did that last vote take?

Mr. FEINGOLD. Mr. President, I rise to support the amendment offered by the majority and minority leaders, Mr. Frist and Mr. Daschle, on renewable motor fuels. Others may support this amendment for different reasons, but I support the amendment because of its potential to increase motor fuels supply, especially in the Federal reformulated fuels, or RFG, program. This amendment includes provisions that I, and my Wisconsin House colleagues, Congressman Paul Ryan and Mark Green, have long advocated to address supply shortages that the Midwest has experienced in recent years.

This amendment makes significant changes to the Clean Air Act motor fuels programs that will increase the supply of cleaner fuels nationwide. It bans methyl tertiary butyl ether, or MTBE, which is no longer used in my home State of Wisconsin. MTBE, as others will likely discuss in detail, is a reformulated gasoline additive that has contaminated drinking water supplies nationwide.

The amendment also contains a mandate to increase the supply of ethanol to 5 billion barrels by 2012 both to replace MTBE as an oxygenate in reformulated fuels, and to reduce our dependence upon foreign oil. It also would allow Governors the ability to increase reformulated gasoline supply by opting their entire State into the reformulated fuels program, and increasing the market demand for RFG in their State.

The amendment also has a provision to increase the amount of reformulated gasoline by reducing the number of boutique fuel blends. The bill reduces the number of Federal reformulated fuel blends by creating a single set of standards. This would broaden the supply from which Wisconsin could draw in times of tight supply.

If enacted, this amendment would improve functioning nationwide, by standardizing volatile organic compound, VOC, reduction requirements. In practice, when combined with the renewable fuels mandate, this would enable States like Wisconsin that use Federal RFG to draw on supplies of Federal reformulated gasoline, such as the RFG that is used in Illinois, St. Louis and Detroit, if necessary. The ability to rely on other sources of RFG is especially important when sudden supply shortages arise due to unexpected events such as refinery fires or breakdowns, which the Midwest has also experienced in recent years.

This amendment is important because, at present, southeastern Wisconsin cannot draw on RFG from other areas because the Chicago/Wisconsin RFG formula is not used elsewhere in the country. This amendment would help address this boutique fuel problem by bringing other areas that use Federal RFG in line and standardizing VOC reduction requirements and requirements for the production of renewable fuels such as ethanol—the Chicago/Wisconsin area is the only part of the country that uses solely ethanol in its blend of RFG.

As the use of ethanol blended RFG becomes more widespread, supply problems will become easier to address. This benefits Wisconsin drivers because easing supply shortages will help put an end to severe price spikes, and drivers nationwide by continuing to supply them with fuel.

The amendment also meets Federal Clean Air Act standards in light of State bans on MTBE.

So far, Mr. President, in light of military conflict in the Middle East, we have been lucky that we have avoided significant increases in gas prices so far this year. But, for folks in Wisconsin, the thought of another approaching summer unfortunately dredges up memories of the high gas prices that have plagued our families in recent years. The Senate must take preventive action now to make sure gas prices stay under control, and our this amendment will help do that. By scrapping the multiple Federal fuel blend requirements and replacing them with a more simplified, streamlined system, this measure will work to make gas supplies more stable and keep prices at the pump within reason. This is a good amendment, and it deserves the support of the Senate.

Mrs. CLINTON. Mr. President, I would like to take a few minutes to address the Frist-Daschle amendment and the Energy bill in general.

Now, do I think there is a way to solve the problem and respect our use of alternative fuels? Sure. Do I think that we should increase our use of alternative fuels? You bet. I am just not convinced that the provision we are considering today is the best way to make that happen. And I am not convinced that it is the best way to make that happen for a State such as New York.

I think that an Energy bill has the potential to be a win for us not just on energy and the environment but also on economic development and creation. An Energy bill could truly be an engine for developing new technologies, manufacturing new products, building new facilities, and with all of that—creating new jobs, while at the same time increasing our national security and improving the quality of our environment.

I commend my colleagues Senators Domenici and Bingaman, for their efforts in bringing this bill to the floor. They have worked arduously to tackle many complicated and controversial issues.

But with all due respect to my colleagues, in many cases, I am afraid that this bill unfortunately still falls far short—in terms of energy policy, environmental policy, and economic policy. We need a comprehensive and balanced energy policy that strengthens our energy security, safeguards consumers, protects the environment, and supports economic development, and creates jobs.

Yet this bill does not truly harness our potential for greater energy efficiency and for newer, cleaner sources of energy. It too often looks to the past to try to solve the energy challenges of the present and turns a blind eye to all that our energy future could be.

For example, it looks to possible oil and gas resources on the Outer Continental Shelf—areas of the ocean that have been under drilling moratoria for years in an effort to preserve precious ocean and coastal resources and the coastal tourism economies of a number of our States.

It also apparently requires an inventory of oil and gas resources on Federal lands, as well as an inventory of restrictions or impediments to development of those resources. Now my colleagues in New York and I have been fighting for years to protect the Finger Lakes National Forest from drilling, and so I have a difficult time with provisions like this.

The bill permanently extends the authority of the Nuclear Regulatory...
Commission to indemnify nuclear power plants against liability for nuclear accidents under the Price-Anderson Act, and provides other substantial subsidies to the nuclear power industry. Yet the bill does not do enough to increase the use of fuel cells and other emerging technologies in the power supply, which would also create new business and economic growth opportunities.

I am pleased that the bill contains provisions related to the increased use of fuel cells and other emerging technologies. This is a key example of how we can be working to increase our energy security, while also improving the environment and creating jobs. And it is places like Upstate New York, where we have many companies and universities doing exciting work in this area, which will emerge as world leaders in this technology. That is why I have joined with Senator Dorgan, Senator Lieberman, and others in supporting legislation that would go further and provide the tax incentives in the bill that we are currently debating in supporting fuel cells. And that is in part why, when we debated the renewable fuel provisions in the Senate Environmental and Public Works Committee, Senator Domenici and I sought to include provisions that would provide Federal support for the construction of waste-to-ethanol plants and other cellulosic biomass ethanol production facilities.

Because of projects that would build up States such as ours produce more renewable fuel—fuel cells produce more renewable fuel—product from waste products, which would therefore also help the environment—and at the same time produce more jobs as well. We are grateful for the committee’s support for our amendments, and we are pleased that these provisions remain in the amendment that is before us today.

But many of my colleagues and I still have reservations with respect to this amendment. That is why some have pushed to have their States exempted entirely from the renewable fuels requirements in this amendment, while many of us voted to include provisions that would provide Federal support for the construction of waste-to-ethanol plants and other cellulosic biomass ethanol production facilities.

Despite the many outstanding questions regarding the renewable fuels requirements in this amendment—whether it is transportation or storage or other infrastructure issues, market concentration concerns, impacts on gasoline prices for consumers at the pump, air quality impacts, you name it—there is a seeming unwillingness, certainly from the slightest changes to the provisions before us—at least for some States.

While certain States are exempted all together, other States that have special considerations, such as my State of New York which has a State ban of MTBE that goes into effect in just a few months, which has certain air quality issues, and very little existing ability to produce significant quantities of renewable fuel—our special needs go unmet.

With all of the concerns I have regarding the amendment before us, I have even more concerns about the provisions passed by the House, which I believe in many respects are greatly inferior to the provisions we are considering here today. So that gives me even further pause in taking up this issue.

For example, whereas the amendment before us contains a welcome and long-awaited Federal phase-out of the use of MTBE over the next 4 years, the House bill does not phase out MTBE at all. Even more disturbing, it includes a liability safe harbor for MTBE.

Now, there is no question that the time has come to take action at the Federal level on MTBE. New York is on the front lines of this battle. We have banned MTBE use in the State as of January 1, 2004.

There are a number of other States that have taken action to phase out or limit the use of MTBE as well, including: California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Washington. Now, those are the States that have actually passed State laws. But here are a number of other States that have tried to pass laws and are now left to pass laws to phase out or ban MTBE.

In the absence of any Federal action, States have been forced to take action on their own to limit MTBE use in motor vehicle fuel because it has wreaked havoc on drinking water—particularly, on drinking water sources. Unfortunately, those State actions are now being challenged in court.

Yet the States are acting for good reason. New York has experienced first-hand the impact of MTBE contamination on our drinking water—particularly on Long Island.

According to testimony before the Senate Environment and Public Works Committee offered recently by Mr. Paul Granger, superintendent of the Plainview Water District on Long Island, “New York has identified some 1970 MTBE spill sites with 430 of them on Long Island alone.” That is why New York, once again, is not out in front on the issue of MTBE, has probably the toughest standard in the Nation for the amount of MTBE allowed in surface and ground water—10 parts per billion.

But according to Mr. Granger’s testimony, it is being reported that 25 wells closed due to MTBE ground-water contamination.” It is estimated that more than 500 public drinking water wells and 45,000 private wells throughout the country are contaminated by MTBE.

According to testimony recently offered by the American Lung Association before the Environment and Public Works Committee, millions of Americans are being served by drinking water sources contaminated by MTBE.

As we are far too familiar now, the cost of cleaning up this MTBE contamination are significant. According to the testimony of Mr. Craig Perkins, director of Environment and Public Works for the city of Santa Monica, CA, “Current estimates for the total cost of nationwide MTBE clean-up are $30 billion and counting.” That is why we have or at least begin to phase out MTBE.

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The amendment that the majority leader has introduced—a compromise that will triple the amount of domestically-produced ethanol used in America—is one essential tool in reducing our dependence on imported oil.

President Bush stated repeatedly that energy security is a cornerstone for national security. I agree. It is crucial that we become less dependent on foreign sources of oil and look more to domestic sources to meet our energy needs. Ethanol is an excellent fuel for corn-based renewable energy, it is a clean burning, home-grown renewable fuel that we can rely on for generations to come.

Ethanol is also good for our Nation’s economy. Tripling the use of renewable fuels over the next decade will:

- Reduce our National Trade Deficit by more than $34 billion;
- Increase U.S. GDP by $156 billion by 2012;
- Create more than 214,000 new jobs;
- Expand household income by an additional $51.7 billion;
- Save taxpayers $3 billion annually in reduced government subsidies due to the decreased need for foreign oil.

The benefits for the farm economy are even more pronounced. Ohio is 6th in the Nation in terms of corn production and is among the highest in the nation in putting ethanol into gas tanks, with 40 percent of all gasoline sold in Ohio contains ethanol. 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 192,000 jobs and $4.5 billion to 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 capacity.

Phasing out MTBE on a national basis will be good for our fuel supply. Because of the amount of strain from having to make several different gasoline blends to meet various State clean air requirements—and no new refineries have been built in the last 25 years—the effects of various State responses to the threat of MTBE contamination—including bans and phase-outs on different schedules—will add a significant burden to existing refineries. The MTBE phase-out provisions in this package will ensure that refiners will have less stress on their systems and the gasoline will be more fungible nationwide.

Expanding the use of ethanol will also protect our environment by reducing auto emissions, which will mean cleaner air and improved public health. Use of ethanol reduces emissions of carbon monoxide and hydrocarbons by 20 percent;

- Ethanol also reduces emissions of particulates by 40 percent;
- Use of ethanol RFG helped move Chicago into attainment of the federal ozone standard, the only RFG area to see such improvement.

In 2002, ethanol use in the United States reduced greenhouse gas emissions by 4.3 million tons—the equivalent of removing more than 630,000 vehicles from the road.

Our farmers can meet the ethanol standard, and the ethanol industry is on pace to produce more than 2.7 billion gallons. The amount of ethanol required under the FRS begins at 2.6 billion gallons in 2005. Adequate ethanol supply is simply not an issue.

Under current law, the ethanol phase-out provisions that require MTBE to be phased in a cent per gallon. 

- Ethanol waiver will increase emissions by 2.7 billion gallons annually. Further, there are ten ethanol plants under construction, which when completed will bring the total capacity to more than 3.9 billion gallons.
- California has been cited as a major problem area; however, all but two small refineries have already transitioned from MTBE into ethanol. California will use close to 700 million gallons of ethanol in 2005 after Congress mandated a phase-in.
- The collision of these two elements under current law will likely lead to higher gasoline prices.
- Individual States are banning the use of MTBE, but they cannot change the federal RFG oxygen content requirement. The collision of these two elements under current law will likely lead to higher gasoline prices.
- Under current law, California’s required ethanol use in 2005 would be 895 million gallons. Under this amendment, fuel providers supplying California will be required to use far less ethanol in 2005—291 million gallons. And more importantly, they will benefit from the bill’s credit banking and trading provisions.

With the State MTBE ban set for January 2004, New York faces a similar situation. Under the status quo, fuel providers will be required to use 197 million gallons of ethanol in New York in 2005. However, if this amendment is enacted, refiners, blenders and importers would be required to use or purchase credits for even less—111 million gallons of ethanol in 2005.

A study conducted by Mathpro, a prominent economic analysis firm, found that, compared to a situation where States are banning MTBE and have federal waivers for the MTBE requirement, ethanol waivers will increase emissions by 12–19 percent compared with conventional gasoline, according to Argonne National Laboratory. In fact, Argonne states ethanol use last year in the U.S. reduced the so-called greenhouse gas emissions by 0.3 million gallon per year national ethanol market and found that “no major infrastructure barriers exist” and that needed investments on an amortized, per-gallon basis are “modest” and “present no major obstacles.”

Both the U.S. Department of Agriculture and the Congressional Budget Office have recognized the benefit of the investment in the ethanol program on the overall health of the nation’s economy. Recently, the USDA stated the ethanol program would decrease farm program payments by $3 billion per year. In its analysis of this amendment, CBO stated the provision would reduce direct spending by $2 billion during 2005–2013.

The RFS agreement includes strong anti-backsliding provisions that prohibit refiners from producing gasoline that increases emissions once the oxygenate requirement is removed. A Governor also has the authority to waive the requirement based on supporting documentation that the ethanol waiver will increase emissions that contribute to air pollution in any area of the state.

The fuels agreement would benefit the environment in a number of ways:

- Reduces tailpipe emissions of carbon monoxide, VOCs, and fine particulates, phases down MTBE over 4 years to address groundwater contamination, and brings the total capacity to more than 3.9 billion gallons annually.
- Increases the benefits from the Federal RFG program on air toxic reductions.
- Provides states in the Ozone Transport Region and enhanced opportunity to participate in the RFG program because of unique air quality problems, including MTBE.
- The use of ethanol-blended fuels also reduces so-called greenhouse gas emissions by 12–19 percent compared with conventional gasoline, according to Argonne National Laboratory. In fact, Argonne states ethanol use last year in the U.S. reduced the so-called greenhouse gas emissions by 0.3 million gallon per year national ethanol market and found that “no major infrastructure barriers exist” and that needed investments on an amortized, per-gallon basis are “modest” and “present no major obstacles.”

I also want to point out that the California Environmental Policy Council recently gave ethanol a clean bill of health and approved its use as a replacement for MTBE in California gasoline. A similar provision has already passed the House of Representatives this year. Virtually the same agreement passed the Senate in April 2002 with 69 votes.

The fuels agreement is supported by the American Petroleum Institute; the
Renewable Fuels Association; the Northeast States for Coordinated Air Use Management (NESCAUM); U.S. Chamber of Commerce; US Action; the Union of Concerned Scientists; the Environmental and Energy Studies Institute; the American Ethanol Coalition; the General Motors; the Governors of California and New York; and all of the major agricultural organizations in the United States.

It is thereby pass an ethanol bill, and I urge my colleagues to vote yes for America’s farmers and this amendment.

Mr. INHOFE. Mr. President, it is important that Congress make available all possible means to ensure compliance with the renewable fuels standard and decrease chances for gasoline price and supply volatility. One such option for meeting the renewable fuels standard that has shown promise is ethyl tertiary butyl ether ETBE.

ETBE is a High-octane, low-vapor pressure gasoline-blending component produced from a combination of ethanol and butane. Because both of these raw materials are produced in abundance domestically, ETBE will help expand US gasoline supplies, moderating possible gasoline price volatility.

ETBE is fully fungible with gasoline. This allows ETBE to be blended into gasoline at any point in the gasoline logistical chain and transported in gasoline pipelines to regions of the country where it is more costly to transport and blend ethanol into gasoline. Moreover, ETBE does not have a negative impact on gasoline vapor pressure, making it easier and more market-effective to blend ETBE into gasoline—especially during the summertime ozone control season when gasoline vapor pressure restrictions are in place.

ETBE reduces more gasoline evaporative and tailpipe emissions, lowers air toxics and carbon monoxide, and provides 20-percent more carbon dioxide emission reduction than other gasoline-blending components.

ETBE is 75 percent less water soluble than MTBE. This means use of ETBE substantially reduces the risks to ground water resources should gasoline leak from an underground storage tank. ETBE also has other physical properties which make it migrate slower and shorter distances—and easier to remediate—should a gasoline spill or leak occur.

I support the development of ETBE because of the benefits it provides for cleaner air, enhanced gasoline supply, and the ability to transport the fuel in the current infrastructure. Congress, in enacting a RFS, should not do anything to preclude its use. The marketplace should be allowed to determine how it will meet the requirements of the RFS.

VOTE ON AMENDMENT NO. 850

The PRESIDENT proclaims the question is on agreeing to amendment No. 850 as amended. There are to be 2 minutes evenly divided on the amendment.

Mr. REID. Mr. President, we yield back our time.

Mr. DOMENICI. Yes.

Mr. REID. Mr. President, I ask for yeas and nays.

The PRESIDENT OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McConnel. I announce that the Senator from Nevada (Mr. ENZIGN) and the Senator from Alaska (Ms. Murkowski) are necessarily absent.

I further announce that if present and voting the Senator from Nevada (Mr. Ensign) would vote "no.

Mr. REID. I announce that the Senator from Florida (Mr. Graham) and the Senator from Hawaii (Mr. Inouye) are necessarily absent.

The PRESIDENT OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 28, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—68

Akaka  Dasekie  Lieberman
Alexander  Dayton  Lincoln
Baucus  Dodd  Lott
Bayh  Enzi  Lugar
Biden  Dole  Lieberman
Bingaman  Domenici  McCain
Bond  Dorgan  Miller
Breaux  Durbin  Murray
Brownback  Edwards  Nelson (FL)
Bunning  Feingold  Nelson (NE)
Burns  Fitzgerald  Pryor
Byrd  Frist  Reid
Campbell  Grassley  Roberts
Cantwell  Hatch  Rockefeller
Chafee  Inhofe  Sarbanes
Chambliss  Inouye  Shelby
Cochran  Jeffords  Smith
Coleman  Johnson  Snowe
Collins  Kyl  Specter
Conrad  Leahy  Sununu
Crapo  Landrieu  Stevens
Cromartie  Landrieu  Talent
Cruz  Levin  Voinovich

NAYS—28

Allard  Gorton  Santorum
Allen  Hollings  Schumer
Bennett  Hutchinson  Sessions
Boxer  Kennedy  Specter
Brownback  Kyi  Sununu
Cornyn  Lautenberg  Thomas
Curtine  Leahy  Warner
Enzi  McCain  Wyden
Feinstein  Nickles  Wyden

Graham (SC)  Reed

NOT VOTING—4

Ensign  Inouye

Graham (FL)  Murkowski

The motion to lay on the table the amendment was agreed to.

UNANIMOUS CONSENT AGREEMENT—H.R. 1308

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 52, H.R. 1308, that immediately upon the reporting of the bill, Senator Grassley be recognized to offer a substitute amendment on behalf of himself, Senators Lincoln, Snowe, Baucus, and Voinovich; provided further that there be no debate equally divided between Senators Grassley and Baucus or their designees prior to a vote in relation to the amendment, and that no other amendments be in order; provided further that if the amendment is agreed to, the bill be read a third time, and the Senate proceed to a vote on final passage of the bill as amended.

Further, I ask that if the amendment is not agreed to, then H.R. 1308 be placed on at speed back on order, that no points of order be waived by this agreement. I further ask consent that following that vote, the Senate then insist on its amendment, request a conference with the House, and that the Chair then be authorized to appoint conferees on the part of the Senate with a ratio of 3 to 2.

Finally, I ask unanimous consent that following passage of the bill, the amendment to the title be agreed to.

The PRESIDENT OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FRIST. Mr. President, for the benefit of my colleagues, we will have further announcements later in this evening. We would expect to have a final rollcall vote for the week approximately 30 or 40 minutes from now. Although we will have no more rollcall votes after that, we will stay and be available to debate amendments tonight, and we will be in session tomorrow. We expect not to have rollcall votes tomorrow. We will have further announcements later tonight with regard to the schedule tomorrow, as well as Monday.

The PRESIDENT OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, first let me compliment the distinguished majority leader for the effort he has made to bring us to this point. Were it not for his effort, we would not have accomplished what we have with this unanimous consent agreement. I appreciate his efforts.

Let me also single out in particular the distinguished Senator from Arkansas. Without her persistence and her effort, now weeks long, we would not be here. She has spoken out with courage and conviction and empathy on behalf of 12 million children, 8 million families who otherwise would be left out of tax relief. The argument that she has made from the beginning has been changed to reflect the above order.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.
This will give us an opportunity to send the recommendation to the House. It will send a clear message to working families that we are serious about providing the kind of tax relief that is so necessary for these families if we are going to provide help to others; that it will be available. The refundable, expanded credit assistance can be made available in time for tax relief provided to others as well.

I commend the Senator. I commend the majority leader. I thank my colleagues for this agreement.

I yield the floor.

Mr. DOMENICI. I ask the majority leader, would it be appropriate to dispose of the pending LIHEAP amendment to clear the record for the evening in spite of the unanimous consent request?

Mr. DASCHLE. Mr. President, I assume it has been cleared by the distinguished leader. I have no objection.

Mr. FRIST. We will proceed with that. I think the most efficient use of everyone's time.

Mr. DOMENICI. We have a Senator who still wants to speak on the pending bill. I assume after the time just provided has expired, we will be back for the distinguished Senator from Colorado to speak to an amendment; is that correct?

Mr. FRIST. Yes.

AMENDMENT NO. 841 WITHDRAWN

Mr. DOMENICI. For the record, under the bill, I withdraw amendment No. 841.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 841) was withdrawn.

AMENDMENT NO. 850 TO AMENDMENT NO. 840

Mr. DOMENICI. I send a new second-degree amendment to the desk on behalf of Senator Bingaman.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:
The Senator from New Mexico (Mr. DOMENICI), for Senator Bingaman, proposes an amendment numbered 860 to amendment No. 840.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:
(Purpose: To reauthorize LIHEAP, Weatherization assistance, and State Energy Programs. In lieu of the matter proposed to be inserted, insert the following:

TITLE XII—STATE ENERGY PROGRAMS

SEC. 1201. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 2062(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 6902(b)) is amended by striking ‘‘each of fiscal years 2002 through 2004’’ and inserting ‘‘fiscal year 2002 and 2003, and $3,400,000,000 for each of fiscal years 2004 through 2006.’’

SEC. 1202. WEATHERIZATION ASSISTANCE PROGRAM.

(a) ELIGIBILITY.—Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended—

(1) in paragraph (7)(A), by striking ‘‘125’’ and inserting ‘‘150’’; and

(1) in paragraph (7)(C), by striking ‘‘125’’ and inserting ‘‘150’’.

(b) AUTHORIZATION OF APPROPRIATIONS.—

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking the period at the end and inserting ‘‘$400,000,000 for fiscal year 2005, and $500,000,000 for fiscal year 2006.’’.

SEC. 1203. STATE ENERGY PLANS.

(a) STATE ENERGY CONSERVATION PLANS.—

Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by inserting at the end the following new subsection:

‘‘(g) The Secretary shall, at least once every 5 years, invite the Governor of each State to review and, if necessary, revise the State energy conservation plan of such State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions carried out in pursuit of common energy conservation goals.’’.

(b) STATE ENERGY EFFICIENCY GOALS.—

Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended to read as follows:

STATE ENERGY EFFICIENCY GOALS

‘‘SEC. 364. Each State energy conservation plan with renewable assistance is made available under this part on or after the date of enactment of this title shall contain a goal, consisting of an improvement of 25 percent or more in the efficiency of use of energy in the State concerned in calendar year 2010 as compared to calendar year 1990, and may contain interim goals.

(c) AUTHORIZATION OF APPROPRIATIONS.—

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking the period at the end and inserting ‘‘$100,000,000 for each of fiscal years 2004 and 2005 and $125,000,000 for fiscal year 2006.’’.

LIHEAP

Ms. CANTWELL. Mr. President, I rise to enter into a colloquy with the distinguished Chairman and Ranking Member of the Health, Education, Labor, and Pensions Committee. I am pleased, colleagues, that we have been able to reach consensus on the need to include in this bill an increase in the child tax credit, the Senator from Louisiana, Ms. LANDRIEU, intend to reauthorize the LIHEAP program in their Committee, Ms. SMITH, and I authored language—which is precisely what Congress intends when it appropriates money toLIHEAP program to which HHS has overlooked—leading to instances in which HHS has overlooked, indeed, has overwhelmed very real energy emergencies, including the recent power crisis in my home state of Washington.

I believe that clear rules for the release of these dollars will ensure that, in the unfortunate event of an energy emergency, low-income families will receive much-needed assistance in keeping the lights and the heat turned on—which is precisely what Congress intends when it appropriates money to LIHEAP program. During mark-up on this bill in the Energy and Natural Resources Committee, Sen. SMITH and I added language—adopted unanimously—seeking to put guidelines around the release of these emergency LIHEAP funds.

However, I understand that the distinguished Chairman, Senator GREGG, and Ranking Member, Senator KENNEDY, intend to reauthorize the LIHEAP program in their Committee this year and examine very closely the administration of these contingency funds. I believe the language that Senator SMITH and I authored would go a long way toward adding clarity to the process, and I would be exceptionally pleased to work with the Chairman on this and other proposals to reform the LIHEAP emergency program to ensure it is as responsive as possible to the very real needs of low-income Americans.

Mr. GREGG. I thank the Senator from Washington for her comments. I agree that the manner in which LIHEAP contingency funds are distributed should be examined. I would be happy to work with the Senator on this important matter as the H.E.L.P. Committee works towards reauthorization of this program in the coming months.

Mr. KENNEDY. I also believe the Senator from Washington makes a very good point about the administration of LIHEAP emergency funds. I too would be happy to work with the Senator on including language to address her concerns when the Committee debates LIHEAP reauthorization later this year.

Mr. DOMENICI. I ask unanimous consent that the second-degree amendment be adopted and the underlying first-degree amendment No. 840, as amended, be agreed to.

Mr. REID. Mr. President, I ask consent following the disposition of the unanimous consent report, including with the child tax credit, the Senator from Louisiana, Ms. LANDRIEU, be recognized to speak on LIHEAP.
The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, is it correct that the order provides for 30 minutes equally divided?

The PRESIDING OFFICER. That is correct.

Mr. BAUCUS. I yield 10 minutes to the Senator from Arkansas. I might add, she is the prime mover of this bill. She is the one who made that happen. We are deeply indebted to her. Mr. LINCOLN. Mr. President, I give special thanks to my colleague from Montana. There are many people who thank today for moving forward in the right direction, recognizing the working families of this country. I thank Chairman GRASSLEY, who worked tirelessly with us, as well as the ranking member, Senator BAUCUS; certainly the leadership on both sides, Senator FRIST and Senator DASCHLE, who have both been willing to work with all of us to come together on this way.

I would also like to say a very special thanks to my colleague, Senator OLYMPIA SNOWE from Maine, who has been a wonderful colleague and certainly someone who has worked equally as hard as I have on this issue. I am very pleased to have worked with her, both now as well as in the past.

If people can go back as far as 2001, they will remember in that 2001 tax bill Senator SNOWE and I worked hard to bring about the refundability of the child tax credit. It was $400 per child, this summer, but we would not get checks to people who were entitled to the usual refundability because it was not extended.

I would like to do a lot more on the child tax credit. Families should be able to rely on permanent tax relief. That is what the bill I introduced did—not this compromise before the Senate. That is close to what the Senate growth bill did. That is what we should do in the upcoming process on this legislation.

I hope we resolve the refundability formula. We address the marriage penalty and the child tax credit and we make progress on the longer term child tax credit. We simplify the definition of a child. This last measure is the principal recommended simplification of the Tax Code for individuals. This recommendation comes from the Joint Committee on Taxation and the Treasury Department, indicating that this should have been done a long time ago.

Today we make some major progress in simplifying the Tax Code. Of course, we need to do a lot more. This is what we do as we try to move forward on various pieces of legislation from the Finance Committee.

In this bill we are also going to help those serving in the Armed Forces overseas. Because some of their remuneration is not considered income, they would not benefit from the child tax refundable child tax credit. We offer a bonus to people who are not in a war zone. We ought to change that and do change it so everybody is treated fairly.

In the Finance Committee, we accelerate the refundability formula. Unfortunately, that provision was dropped in conference. At that disappointing moment and at times since, I have indicated that I would like to revive that formula. I was joined by several Finance Committee members and both leaders in attempting to resolve this problem.

I am pleased to say this agreement moves the ball on the marriage penalty and the child tax credit. The relief is small but a start in addressing yet another marriage penalty.

I applaud Senator KAY BAILEY HUTCHISON for her steadfast interest in resolving this other marriage penalty provision.

Finally, our agreement is offset with an extension of customs fees, user fees. I urge the House to respond on our action today.

I would like to get the bill to the President. This will ensure that low-income families get the checks we expect to get out the next few months that are related to the tax bill that the President signed last week. Without this additional provision we are working on now, we would have families who get an increase in the child credit up to $400 per child, get a check this summer, but we would not get checks to people who are entitled to the usual refundability because it was not extended.

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The PRESIDING OFFICER. The Senator from Montana.

Mr. Domenici. Five minutes?

Mr. Reid. Probably 10 minutes. I am sure she can complete a statement in 10 minutes.

Mr. Domenici. Senator Campbell has been waiting for a long time. He has an amendment on the underlying bill.

Mr. Reid. She can speak after he offers his amendment. He will not speak that long.

Mr. Campbell. That is all right.

Mr. Reid. How long will you speak?

Mr. Campbell. I am going to speak for 15 or 18 minutes.

Mr. Reid. She has waited around here all day to speak on LIHEAP. Why not limit her time to 5 minutes; that should be adequate.

Mr. Domenici. I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 860) was agreed to.

The amendment (No. 841), as amended, was agreed to.

Mr. Domenici. I move to reconsider the vote.

Mr. Reid. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 1308.

The legislative clerk read as follows:

A bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes.

AMENDMENT NO. 862

(Purpose: In the nature of a substitute)

Mr. Grassley. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment (No. 862) was agreed to.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio (Mr. GRASSLEY), for himself, Mrs. LINCOLN, Ms. SNOWE, Mr. Baucus, Mr. Voinovich, Ms. Murkowski, Mr. Warner, Mr. Stevens, and Ms. Landrieu, proposes an amendment numbered 862.

Mr. Grassley. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's Record under "Text of Amendments.")

Mr. GRASSLEY. I am pleased to join my distinguished ranking member, Senator BAUCUS, in the agreement we have reached on the child tax credit. I wish to take a minute to fill in my colleagues on how we are at this place at this time on another tax bill.

In the Finance Committee in the year 2001, the Senator SNOWE and Senator LINCOLN added a refundable formula to enhance the child tax credit. This provision lasted through conference. The formula was increased to 15 percent in 2005. President Bush proposed to accelerate the $1,000 tax credit amount but did not accelerate the refundability formula.

In the Finance Committee, we accelerate the refundability formula. Unfortunately, that provision was dropped in conference. At that disappointing moment and at times since, I have indicated that I would like to revive that formula. I was joined by several Finance Committee members and both leaders in attempting to resolve this problem.

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many of our rural States that is an awful lot when they travel for miles to get from their homes to their jobs.

It is so important for all of us to recognize that these taxes these individuals are paying are in equal proportion, many times to many of the other people in different income and tax brackets, but these taxes that never see cuts. Rarely do we see a cut in a sales tax or in the payroll tax, certainly, or in the State and local sales tax. In the excise taxes? We don’t see cuts in these areas.

Therefore, it is so important that we provide the kind of assistance we can for these working families, to make sure they are going to be able to help stimulate this economy and certainly to help strengthen our country.

The news reports that followed the passage of the tax bill noted that families do receive a check of $400 in July. But they did neglect to mention those 12 million children who would not get those $400. So please note that today we are recognizing it is not only an important issue to deal with, providing these 12 million children the kind of resources they need in their families to grow strong, to learn the values that put them to learn, to become good citizens and leaders and workers in this great Nation, but we are also recognizing the fairness of this issue in a timely way.

I encourage my colleagues in the House—n that they have that same opportunity to recognize this is a timely issue. If we want these working families to have that same benefit, to be able to receive that tax credit, that child benefit credit in the same timely way that other individuals will receive that tax relief, then we have to do it immediately. We do have to move forward quickly.

I encourage my colleagues in the House to really take to heart the importance of this issue and help us move it forward quickly. The passage of this provision today is the first step in ensuring those 12 million children will also get that $400 check, or whatever check they are entitled to—and it might be more—in July, at the same time others do. Time is definitely of the essence. I call on the Members of the other body to act quickly on this bill and ensure that all of our working families will benefit.

The uniform definition of the child, as I mentioned, through Chairman Grassley’s efforts and certainly those of many others, Senator Hatch and Senator Baucus, is a great inclusion in this measure.

In short, this is a targeted tax provision to help working families. It is what I have argued since we began this round of tax discussions in January, and I hope we can continue in that vein.

People ask, why is it so important? For me, that question is a very easy one to answer. Nearly half of the taxpayers in Arkansas have adjusted gross incomes of less than $20,000. Arkansas families were among some of the hardest hit when the refundable portion of the child credit was stripped from the bill. That is why it is important to me. It was important enough to bring up this issue and certainly to readdress something that did not happen in that original tax bill.

Mr. President, 76,000 Arkansas families, 132,000 Arkansas children, were left behind in that final tax bill when it was signed. If that is not reason enough for me to call for this to be persistent, I don’t know what is. I appreciate the accolades from my colleagues, but really what is more important—I think it is essential that we recognize, when we take actions such as the recent tax bill, there is a lot of importance in the details. We have to recognize that when we do not pay attention to the details, there are many individuals who get left behind, who are not going to receive those benefits.

This is one of those cases. So I say to you this is not about trying to create more debt for these children who will also inherit that debt later on; this is about taking something we could have done and we didn’t, taking something we could do to help working families moving forward with the actions that will create that better circumstance for working families.

That is why I have been working so hard these past few weeks—and for the last 3 years, if you will—on what it means to the families in Arkansas.

It is also important for all of us in the Senate, and in the Congress, as we move forward on very important legislation, such as the tax bill that was just signed into law, to put ourselves in the shoes of these families. We talk about raising our children. We talk about raising our children. We talk about what it takes to create a family atmosphere that is focused on values, that is focused on compassion and being part of a community, reaching out to one another. It means, too, that each of us has to recognize all of our families are faced with different circumstances, whether it is military personnel stationed in Iraq and leaving a wife and two children at home; whether it is a schoolteacher or a firefighter; whether it is a police officer, many of whom fall into this category that was left out—those who are stationed abroad and those who are teaching our children, those who are protecting us from fire and from criminal activity, those who are providing these 12 million children the opportunity to recognize this is a timely issue in a timely way.

It is so important for all of us to recognize that better circumstance for working families.

So I praise my colleagues today for recognizing that there are a world of families out there we can help today—mothers and fathers, working hard, playing by the rules at their jobs. They are not eligible for these credits unless they are bringing home earnings, unless they have children.

There is a whole group of individuals we could help here by giving them the opportunity to give something back to their country in stimulating this economy. Who else is going to be there to purchase the major items that will spur our economy and spur those companies that need to be driven?

In conclusion, I applaud all of my colleagues. This has been a unified effort among many people to try to do the right thing. I think, after all, that is what we are here in the Senate to do—the right thing on behalf of the working families of this great Nation.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, I yield the Senator from Oklahoma 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I am going to vote against this amendment. I want to state a few things. I would like to correct the Record and state a few facts. I have here in my hand what this provision was stripped out of a provision in the tax bill and it therefore left low-income people without any benefits from President Bush’s tax cut. That is factually inaccurate. The fact is that in the year 2001 we passed a tax bill, and many of the people who complained mostly about this provision voted against the 2001 bill and the 2003 bill. Now they come back and say: You didn’t do enough in this one category.

We did a lot for low-income people. We reduced the tax rate from 15 percent to 10 percent. And we did it retroactively, well after we passed the bill.

for a mother who is in the Senate than it is for a mother who is making $20,000, when you go to the store and you have to spend that week’s paycheck on blue jeans and tennis shoes, a set of tires to make your automobile safe to get your children to and from the school, to get them back and forth to work? There is not a lot of a difference, regardless of who you are. Giving these individuals the ability to take care of those family needs is critical.

We have not even talked about the aspect of how this can be a stimulative partner in what this overall tax bill was meant to do. It was meant to stimulate the economy. Why do we want to stimulate the economy anyway? We want to stimulate the economy because we want to strengthen our country, because we believe in this country and we believe in what makes up this country. There is no better place to look, in order to do that, than the American family.

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In conclusion, I applaud all of my colleagues. This has been a unified effort among many people to try to do the right thing. I think, after all, that is what we are here in the Senate to do—the right thing on behalf of the working families of this great Nation.

Thank you, Mr. President.
We reduced that rate by a third—15 percent to 10 percent—and did it retroactively. We reduced every other rate on the books by 1 percentage point. I just mention that. We did a lot.

We increased the standard deduction by 20 percent. We increased the child tax credit from $500 to $1,000. It was $600. In the 2003 bill which the President just signed, we made it $1,000. That benefits families. It disproportionally benefits low-income people. We took millions of people off the tax rolls. They didn’t have to pay taxes as a result of the fact that we reduced rates. And we passed tax credits. After we passed tax credits, millions of people who were taxpayers were no longer taxpayers.

Then we get into the issue of refundability. We already have an unearned income tax credit, which is one of the most plagued, inaccurate programs in the Federal Government. It is about a $30 billion-a-year program. Its error rate is in the 20–some–odd percent range. About a fourth of it is in error. There is a lot of fraud. There are a lot of inaccuracies. People claim children they don’t have so they can get a bigger refund. Maybe some of it was inaccurate and maybe some if it was on purpose.

Some people say the Bush tax cut didn’t benefit low-income families. That is factually incorrect. Let me give you an example. Before the Bush tax cut, if you had a low-income couple and both made minimum wage with a combined income of $21,000, they had personal exemptions—talking about, let us say, a family of four—$12,200; a standard deduction of $7,900; their taxable income is $850 at 15 percent tax; their income tax was $128; and for their earned income credit, we would write a check of $2,761. Somebody said they pay payroll taxes. Yes, they could. That is a total of $1,607. So they received $1,154 after they paid income taxes and payroll taxes.

That was before President Bush’s 2001 or 2003 tax bill passed. After the bills we just passed, they will receive a net refund in excess of income taxes and Social Security taxes of $2,332. That is a 102 percent increase. That is what the Government is writing them a check for. That is the amount left over after they paid income taxes and payroll taxes.

The question we are now really debating is, Do we want to have the Federal Government write bigger checks, and have bigger negative income taxes? Do we want to try to make the Income Tax Code more progressive? Usually when they say that, they mean lower income people pay a greater percentage.

Under present law, the upper 5 percent of the income tax bracket pay 50 percent of the tax; the lower 50 percent of the income tax bracket pay 5 percent of the tax. Yet some people say that is not progressive enough; that we need to have Uncle Sam write bigger checks to people even in multiples of their payroll taxes and income taxes combined—not equal to, not balancing out payroll taxes, but we want to write them in multiples.

Part of this amendment says let us increase the refundability far in excess of payroll and income taxes. I don’t support that theory. That was in fact in the 2001 bill. Part of the tax bill we agreed to said we would have a percentage. The child tax credit would be refundable—10 percent. And, oh yes, in the year 2005, we would make that 15 percent. The amendment on which we are going to vote would accelerate that reduction to 15 percent immediately. That would probably happen. It could have happened. It actually passed the Finance Committee and passed the floor of the Senate. Had we had greater support for the bill, it could have been in the conference report.

I hope before final passage, we can make the child credit permanent. I hope when the bill comes back from conference, we will make permanent a $1,000 tax credit for all individuals. Then we can make this change in addition.

I ask unanimous consent that the information titled “Family of Four With Two Minimum Wage Workers” be printed in the RECORD, along with the “Child Credit/EIC Effect on Tax Burden” information.

There being no objection, the material ordered to be printed in the RECORD, as follows:

**Family of Four With Two Minimum Wage Workers**

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<th>Wage income</th>
<th>Child credit</th>
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<th>Net income tax</th>
<th>Payroll tax</th>
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The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. I yield the Senator from Texas 2 minutes.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am certainly going to support this bill and this vehicle. But I did hold it up for a few hours because I am concerned that we are not able to put marriage penalty relief in a permanent position on this bill. However, I have an agreement with the majority leader that he will bring it up this year. Working with the distinguished chairman of the committee, and hopefully with the ranking member, we must fix the marriage penalty.

What we have today is a situation in which we relieve the marriage penalty for 2 years, then for 4 years it comes back, then 2 years later it goes away, and then it comes back for good. This is outrageous. Our married couples do not need a rubber band; they need a Band-Aid. They need to be able to know that when they get married, it is not going to cost them $1,200 a year.

Two Navy lieutenants will lose more than $1,500 a year if the marriage penalty goes away in 2 years; two Army warrant officers will lose $852 a year. This is not right. I have the commitment from leadership that we will take up this issue this year that fixes this inequity, and I hope there will be a bipartisan effort. We cannot let people be unsure about their marriage penalty relief.

I thank the distinguished chairman of the Finance Committee and ask him if he will work with me to ensure that we take this up this year so we can get on and fix the child tax credit. Next on the agenda I hope will be marriage penalty relief.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I was a party to the conversation with the majority leader and the Senator from Texas. She has accurately stated what was discussed at that meeting. I will try my darnedest to fulfill it.

Mrs. HUTCHISON. Thank you, Mr. President. I appreciate it very much. We will have marriage penalty relief permanent this year. And we will have child tax credit relief permanent, I hope, in the very near future.

Mr. President, I yield the floor.

Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield the Senator from Maine 2 minutes.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I thank Chairman GRASSLEY for all of his efforts and endeavors to move quickly to address this omission in the growth package that passed the U.S. Congress recently. I appreciate the fact that he has worked hard to assist us in reaching an agreement on this vital issue.

I also express my appreciation to the Senator from Montana, Mr. BAUCUS, in making the difference in bridging all of the efforts to reach this decision today in passing this legislation.

I especially thank my colleague, Senator LINCOLN, who has been a champion of the efforts to reach this decision today and in bridging the all of the issues. But I think in the final analysis we are addressing an inequity that existed in the tax package that we passed in the Congress a few weeks ago. I think this agreement ultimately closes the fairness gap in economic relief for working American families. It ensures that 6.5 million families who were left out of the jobs and growth package enacted this year will now benefit from the child tax credit. And by acting so quickly, it will also ensure that these families will share in the rebate checks that qualifying families will receive in August under the growth package.

This means 12 million children in low-income families will have the benefit of tax relief under the growth package. I think this is vitally important in redressing this wrong, in making sure we provide the kind of tax relief the Senator from Iowa has worked so hard to achieve.

Now, I heard here that working families don’t shoulder the burden in the Federal Tax Code, but that isn’t true. They do pay taxes. They pay payroll taxes. In fact, payroll taxes have become an inordinate burden on working families.

The agreement ensures that 6.5 million low-income families who would have been left out of the jobs and growth packages enacted this month will now benefit from the child tax credit. And by acting quickly, it ensures these families will also share in the rebate checks qualifying families will receive in August under the growth package.

This agreement would not have been possible without the tenacious leadership of Senate Majority Leader Frist, and Minority Leader Daschle, who kept negotiations on track so the Senate could complete work this week. So I deeply appreciate their efforts.

I thank my colleague, Senator LINCOLN, who has been a tireless champion in this fight. From the time I first offered the refundable child tax credit to the 2001 tax bill, Senator LINCOLN has been a strong ally and supporter, and we worked together again this year to include refundability in the Finance Committee-passed growth package. Over the past week I have been proud to work with her once again to ensure families omitted from the child credit would receive the refundable credit they deserve.

I thank Finance Chairman GRASSLEY, who quickly stepped forward last week to address this omission from the jobs and growth package, and has worked so graciously with Senator LINCOLN and me to achieve this agreement. He and Ranking Member BAUCUS have made the difference in bridging differences over this legislation, and we appreciate their sincere efforts.

Today we join to finish the job that Senator LINCOLN and I started in 2001. At the signing of the Economic Growth and Tax Relief Reconciliation Act of 2001, which included the newly created partially refundable child tax credit, I wholeheartedly agreed with the President when he remarked that:

Tax relief is a great achievement for the American people . . . tax relief is an achievement for families struggling to enter the middle class . . . (and) tax relief is compassionate and it is now on the way.

Those are the same reasons we introduced a bill along with Senators JOHN WARNER, JACK REED, JIM JEFFORDS, and others to ensure that we are as
Mr. President, Senate action today sends the message that relief for hard-working families won't take a back seat in America's tax code. It represents sound policy that Congress has already considered and adopted. It has the support of the White House, and I hope our colleagues in the House of Representatives will take it up and pass it. This agreement promptly so it can be signed into law.

Mr. LAUTENBERG. Mr. President, I rise to express my strong support for the Lincoln-Snowe amendment to H.R. 1508 to reinstate the child tax credit for low-income working Americans.

The House and the Senate went to conference on the reconciliation bill. For the public at large, when we talk about a reconciliation bill, it is kind of a challenge for the Senate conferees to get a bill together, with each side presenting the views of its Members. I am not sure I am making it more clear, but I want to make sure this is understood. When those conferences got together, they stripped out this tax credit for low-income working people. I thought that was a most outrageous act.

The Bush tax cut bill was already a huge bonanza to working families. It threw token benefits to some others and virtually nothing to working people. Taking out the tax credit for families earning between $10,500 a year and $26,625 a year added outrage to an insult.

When the President was forced, as a result of the agreement between Congress, to reduce the tax cut to $350 billion, he and the House Republicans had to search for about $30 billion in "fat" to cut out of the bill to meet that target. Why didn't they slow down the reduction in the top rate? It is a pretty easy thing to do. What did they do instead? They went after low-income working families.

These are people who are working at or just above minimum wage. These are Americans who are feeding their families by laboring in cafeterias, cleaning offices, working late at night, working in the factories, packing food or making clothing, working in retail chains and small stores across the country—jobs that are traditionally at the low end of the pay scale. These people work hard and are a significant part of our labor force.

I know there are those in the administration who do not have any idea what it is like to work for low wages and try to raise a family on them. I learned what it was like from my parents, who were brought here as child immigrants. They knew what it was like and I knew what it was like because my parents were poor. They worked hard and tried to give their children an example of respect for hard work, and to hold out ideals, even though there was little money.

The Lincoln-Snowe amendment is about restoring the American dream. It is about knowing that this country is a fair and honest place, where someone who works hard can live. It is about knowing that this Government and this Congress respect hard work and loyalty to families. The Bush tax bill telegraphed a terrible shift in the message our Government is sending to the country. Despite the once-revered view that hard work pays off and try to raise a family on them, I learned what it was like from my parents, who were brought here as child immigrants. They knew what it was like and I knew what it was like because my parents were poor. They worked hard and tried to give their children an example of respect for hard work, and to hold out ideals, even though there was little money.

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more than that by nicking the reduction to the top income tax rate by just a little bit.

This is the rate the people at the top of the income scale will pay. We are talking about people who make over $1 million or more. We are talking about the top 1 percent of the country. Households with average incomes over $350,000 or so. These are the people who are going to profit most from the President’s tax cut. We are going to reduce the rate, the income tax rate that they pay.

If we only reduced that top rate to 35.3 percent instead of a flat 35 percent for the years 2003 through 2005, we would have saved $3.9 billion, and the cost of the tax credit for low-income families is $5.5 billion. That is a lot of money. But not in the context of a $35 billion tax cut package; it is only 1 percent. There would have been more than enough to save the child tax credit.

White House spokesmen repeatedly claimed President Bush’s tax bill would provide a tax cut for every American taxpayer. But that was not true. The final bill left out 8 million working Americans and almost 12 million children. The wealthy certainly got their tax cut. It was approximately $90 billion in tax cuts over 10 years that will go to 200,000 households nationwide with annual incomes of $1 million or more. That is about $450,000 per household.

President Kennedy said, “To govern is to choose.” To give massive tax cuts to people who are already well off, and then tell hard-working, low-income families, “Sorry, there is nothing left for you,” is awfully. That is not a choice I want America to make.

Fortunately, after some gentle pressure from the media and outraged constituents, the Republican majority has seen how egregious that plan was and they now support the Lincoln-Snowe amendment. The amendment, which I am pleased to support Senator Lincoln’s legislation to make the recent increase in the child tax credit available to more families. I thank the Senate from Arkansas for her tenacious courage on behalf of America’s working families. I was disappointed that the tax cuts passed by this Congress last month left out eight million children whose parents are working every day and struggling to make ends meet. Today we will begin to correct that injustice.

In West Virginia, there are about 57,000 children whose parents earn between $10,500 and $26,625. While these parents currently receive some benefit from the child tax credit, they do not stand to get any additional benefit based on last month’s tax cut. For average families, who don’t make money from dividends or capital gains, the child tax credit was the most valuable part of our tax cuts. With the tax cut package, the families of 57,000 West Virginia children should not be left out. Let’s be clear that these families pay taxes. Payroll tax, sales tax, excise tax, property tax—these families are struggling to make ends meet, and they are paying their fair share in tax.

It seems to me that families who are working hard but earning low wages are just the sort of families we ought to be seeking to help. These parents put in so many hours at work to provide the same things that all parents want to provide: enough food, a good home, schoolbooks, new shoes, perhaps a soccer uniform. In addition, we know that providing additional tax relief to these families will stimulate the economy, because these families are likely to immediately spend any additional cash.

During the recent tax cut debate, the Senate was right to increase the amount of the child tax credit that low-income working families could receive. But during partisan negotiations to finalize that tax bill, these families were abandoned in order to provide more tax cuts to wealthy investors. One of the reasons that I opposed the recent tax cut package was that I could not condone a deal that provided $150 billion in tax cuts to wealthy investors but dropped a provision to help our working families that would cost just $3.5 billion. There are a lot of pieces of that deal that I wish we would undo. I realize that we won’t. But at least today, by passing Senator Lincoln’s legislation, we will take one important step toward making these tax cuts more fair for America’s working families.

The legislation before us today has a number of other important provisions. It will ensure that two single parents would not lose their child tax credit if they got married. The bill also simplifies the tax code, something we should seek to do with every new tax law. I am especially pleased that the into law as soon as possible. Refund checks for the child tax credit increase are scheduled to be mailed this summer. If we act quickly we can ensure that an additional 8 million families will receive checks.

Mr. WARNER. Mr. President, I am pleased to join Senator Blanche Lincoln, D-AR, and Senator Olympia Snowe, R-ME, in proposing important bipartisan legislation to accelerate the refundable portion of the child tax credit to low-income families. As chairman of the Senate Armed Services Committee, I have a special obligation to look after the welfare of the young men and women of the U.S. Armed Forces, up to 200,000 of whom could be eligible for and deserve this tax credit.

Over the past few weeks, we in Congress, have worked hard to pass the economic stimulus package to promote visions to immediately increase the Child Tax Credit from $600 to $1,000 an important tax reform that we all support. However, the new law did not
make the necessary technical changes in the refundability component which is necessary for certain low-income individuals to take advantage of the increase. I believe in providing fair and equitable tax relief to all Americans, especially those raising children, our Nation’s future.

Providing tax relief is an important bipartisan achievement. Now we must build on this accomplishment by correcting this oversight and ensure that these hard working families are not ineligible for needed benefit. The legislation I am cosponsoring will correct the inequity and provide low-income families, those who need it the most, the full tax credit.

The bill accelerates the refundable part of the new $1,000 child tax credit provision from 10 to 15 percent, so American families in the $10,500 to $26,625 income bracket, who were not included in the new tax law, would receive the same benefits as those families with other brackets.

The costs attributed to accelerating the child tax credit would be offset by closing corporate tax shelters. However, the important task before the Senate is to correct this oversight and provide low-income families with fairness and the ability to take advantage of the increase in the child tax credit.

I am also cosponsoring related legislation introduced in the Senate by Finance Chairman GRASSLEY to correct this issue and also to make the child tax credit and the refundable portion of the tax credit permanent law.

It is my hope that we can pass either of these legislative proposals, or any other similar approach, to correct this inequity. We have a responsibility to American families trying to care for their children, using their resources as best they can, to provide fair and equal treatment under the Tax Code.

The PRESIDING OFFICER. The Senator’s time has expired.

The Senator from Montana.
Mr. BAUCUS. Mr. President, how much time remains on each side?
The PRESIDING OFFICER. Thirty minutes 42 seconds credited to the Senator from Montana; 28 seconds to the Senator from Iowa.

Mr. BAUCUS. Mr. President, I rise to support the bill offered by my good friend, the senior Senator from Arkansas, and my good friend from Maine, Senator SNOWE. Their legislation ensures that our military and low- and middle-income parents will receive a check from the child tax credit.

The legislation repairs the damage done by the majority in the tax bill conference. Senator LINCOLN was successful in getting this provision included in the $350 billion tax bill that passed the Finance Committee and the Senate. But the provision was specifically stripped out before passage of the final version of the $350 billion tax bill.

Let me give you some examples of who does not benefit from the tax bill that was signed into law by President Bush last week.

First, a 24-year-old single mom with one child. She works hard every day to put food on the table, buy clothes for her daughter, and ensure adequate childcare for her daughter while she is at work.

She makes $15,000 a year. She pays $1,150 per year in payroll taxes. She pays $1,150 in Federal taxes yet gets zero benefit from the recently enacted tax bill. She will not see any check this summer.

Taxes are taxes. I would like to see someone tell her that her payroll taxes are less of a burden to her than an equal amount of income taxes paid by Bill gates.

Senators LINCOLN and SNOWE fixed that problem. The fix means $225 in her pocket this summer.

She sees a big chunk of her paycheck every week getting paid to the Government. She also pays a lot of other taxes—including sales taxes, excise taxes, and property taxes. She deserves equal treatment.

My second example illustrates the impact for military families. The Department of Defense has estimated that there are approximately 192,000 military families who earn between $10,000 and $25,000. And most of those 192,000 military families will not receive any tax relief from the $350 billion tax bill.

To make matters worse, the families of military personnel who are stationed in combat zones are really left out of the big tax cut.

In my second example, a Marine gunnery sergeant with 8 years service is stationed in Afghanistan for the last 6 months of 2002, and in Iraq from January through March of 2003. She has two children.

She receives an annual salary of $32,015 and hazardous duty pay of $150 per month. Because the income earned by our military while they are stationed in a combat zone is not included in taxable income, only $24,000 of her income is subject to tax. Under the bill that was passed last week, the check she gets this summer will only be $150.

I am pleased that at least she will see something. But if the Lincoln child tax credit had been preserved in the $350 billion tax bill, this Marine gunnery sergeant and her family would receive a check for $800 this summer just like the President has promised to other middle-income families. Unless we fix the problem, she will not see a dime of this.

The Lincoln/Snowe legislation ensures that we count a soldier’s combat zone compensation for purposes of the child tax credit, even though that income is excluded for purposes of the income tax.

These examples illustrate just how unfair the tax bill was.

The big tax bill was not fair to working men and women of our military personnel. Clearly, the benefits were skewed heavily to the elites of this country.

One of the beauties of America is that we work to treat people equally. But the $350 billion tax bill did not come close to treating all Americans equally. Simply put, it was not fair.

Instead, the choice was made to lower the tax for dividend and capital gains income, rather than extend the child tax credit to hard-working, low-income taxpayers.

The bill that returned from conference—the one that was signed into law—stripped out other provisions to provide tax relief to those serving our country in the armed services—those serving in Iraq, in Afghanistan, and all across the globe.

It is disturbing that we can pass this tax bill with all these benefits for the elite of our country. But the conferees specifically stripped out a provision that would exempt $6,000 of death benefit payments from income for our military families.

And, they specifically stripped out the child tax credit provision that put money into the hands of our military and lower and middle-income families.

There is no way around it. The big tax bill was simply unfair.

Senators LINCOLN and SNOWE are giving us the chance to right one of the wrongs—without increasing the deficit. Enactment of their legislation ensures that 12 million children are helped.

Without their legislation, the families of 8 million children will see absolutely no benefit from the increased child credit that was signed into law last week. These families will not receive any check this summer.

And, millions more families will see a check much smaller than the $400 promised.

In Montana, 54,000 kids—fully one-quarter of the children in Montana—will not benefit from the $350 billion tax bill. But the Lincoln/Snowe legislation would get a check out—this summer—and all across the globe.

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In Montana, 54,000 kids—fully one-quarter of the children in Montana—will not benefit from the $350 billion tax bill. But the Lincoln/Snowe legislation would get a check out—this summer—and all across the globe.
They deserve to get their check this summer—just like all of the parents who were taken care of under the $350 billion tax bill.

This is the right thing to do. This is the fair thing to do. This is the moral thing to do.

Again, I thank the Senator from Arkansas, Mrs. LINCOLN. She has done a terrific job highlighting this issue and the need for this child tax credit provision.

Second, Senator SNOWE, as I have mentioned several times, has been tremendous in championing this cause. And I might say, with regard to the 2001 tax bill, she deserves the lion's share of the credit for the child tax credit provisions that are in that bill.

The chairman of the committee, Senator GRASSLEY, has been, as usual, just his terrific self in working with the various Senators to try to find an accommodation that makes sense.

I also thank Senator WARNER who focused on the impact of this bill on military families. In that respect, the bill will permit thousands of military families, especially those serving in combat zones, to benefit from the child credit. Without this provision in this pending measure, those military families would not get the benefit of the credit.

Finally—I know time is of the essence here—it is imperative that the House act on this matter within 2 weeks so checks can get to the millions of families covered by this bill. Otherwise, two sets of checks would have to be sent out, and I think that would be the height of inefficiency and a waste on the part of Uncle Sam. That would be the consequence of this bill on military families. In that respect, the Senate—wants to be on record as having voted to authorize funds to pay the checks. So I call on the House to act.

That would be the consequence of the Senate—wants to be on record as having voted to authorize funds to pay the checks. So I call on the House to act.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Iowa yield back his remaining time?

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield back the remaining amount of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 862.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. The Senator from Florida (Mr. GRAHAM) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. GRAHAM) would vote "yea." The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 2, as follows:

[Roll Call Vote No. 210 Leg.]

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The bill (H. R. 1308), as amended, was engrossed, and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill, as amended, having been read the third time, the question is, Shall it pass?

The bill (H. R. 1308), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1308) entitled "An Act to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes." do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE. This Act may be cited as the "Relief for Working Families Tax Act of 2003".

TITLE I—CHILD TAX CREDIT

SEC. 101. ACCELERATION OF INCREASE IN REFUNDABILITY OF THE CHILD TAX CREDIT.

(a) ACCELERATION OF REFUNDABILITY.—

(1) IN GENERAL.—Section 24(d)(1)(B)(ii) of the Internal Revenue Code of 1986 (relating to portion of credit refundable) is amended by striking "10 percent in the case of taxable years beginning before January 1, 2003," and inserting "10 percent in the case of taxable years beginning before January 1, 2005.".

(2) SUBSECTION (a)(2).—The amendments made by subsection (a)(1) shall take effect as if in the section 24(d)(1)(B)(ii) applied without regard to the first parenthetical therein.

(b) EFFECTIVE DATES.—

(1) SUBSECTIONS (a)(1) and (a)(3).—The amendments made by subsections (a)(1) and (a)(3) shall apply to taxable years beginning after December 31, 2002.

(2) SUBSECTION (a)(2).—The amendments made by subsection (a)(2) shall take effect as if included in the amendments made by section 101(b) of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 102. REDUCTION IN MARRIAGE PENALTY IN CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(b)(2) of the Internal Revenue Code of 1986 (defining threshold amount) is amended—
(1) by inserting "($115,000 for taxable years beginning in 2008 or 2009, and $150,000 for taxable years beginning in 2010)" after "$100,000," and

(2) by striking "$55,000" in subparagraph (C) and inserting "½ of the amount in effect under subparagraph (A),"

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 103. APPLICATION OF EGTRRA SUNSET TO THIS SECTION.

Each amendment made by this title shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

TITLe II—UNIFORM DEFINITION OF CHILD

SEC. 201. UNIFORM DEFINITION OF CHILD, ETC.

Section 152 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 152. DEPENDENT DEFINED.

"(a) IN GENERAL.—For purposes of this sub-title, the term 'dependent' means—

"(1) a qualifying child, or

"(2) a qualifying relative.

"(b) EXCEPTIONS.—For purposes of this section—

"(1) DEPENDENTS INELIGIBLE.—If an individual is a dependent of a taxpayer for any taxable year of such taxpayer beginning in a calendar year, such individual shall be treated as having no dependents for any taxable year of such individual beginning in such calendar year.

"(2) MARRIED DEPENDENTS.—An individual shall not be treated as a dependent of a taxpayer under subsection (a) if such individual has made a joint return with the individual's spouse for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

"(3) CITIZENS OR NATIONALS OF OTHER COUNTRIES.—

"(A) IN GENERAL.—The term 'dependent' does not include an individual who is not a citizen or national of the United States unless such individual is a resident of the United States or a country contiguous to the United States.

"(B) EXCEPTION FOR ADOPTED CHILD.—Subparagraph (A) shall not apply to an individual who is an adopted child of a taxpayer (within the meaning of subsection (f)(1)(B) from the definition of 'dependent' if—

"(i) for the taxable year of the taxpayer, the child's principal place of abode is the home of the taxpayer, and

"(ii) the taxpayer is a citizen or national of the United States.

"(4) QUALIFYING CHILD.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying child' means, with respect to any taxpayer for any taxable year, an individual—

"(A) who bears a relationship to the taxpayer described in paragraph (2),

"(B) who has the same principal place of abode as the taxpayer for more than one-half of such taxable year,

"(C) who meets the age requirements of paragraph (3), and

"(D) who has not provided over one-half of such individual's own support for the calendar year in which the taxable year of the taxpayer begins.

"(2) RELATIONSHIP.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in paragraph (2) if the individual is related to the taxpayer in the same extent and in the same manner as the spouse of the taxpayer is related to the taxpayer under section 7703, of the taxpayer) who, for the taxable year, has as such individual's principal place of abode the home of the taxpayer and is a member of the household.

"(3) SPECIAL RULE RELATING TO MULTIPLE SUPPORT AGREEMENTS.—For purposes of paragraph (1)(C), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

"(A) no one person contributed over one-half of such support, or

"(B) over one-half of such support was received from 2 or more persons each of whom, but for the fact that any such person alone did not contribute over one-half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year.

"(4) SPECIAL RULE RELATING TO INCOME OF HANDICAPPED DEPENDENTS.—

"(A) IN GENERAL.—For purposes of paragraph (1)(B), the gross income of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year shall not include income attributable to services performed by the individual at a sheltered workshop if—

"(i) the availability of medical care at such workshop is the principal reason for the individual's permanent and total disability, and

"(ii) the income arises solely from activities at such workshop which are incident to such medical care.

"(B) SHELTERED WORKSHOP DEFINED.—For purposes of subparagraph (A), the term 'sheltered workshop' means a school—

"(i) which provides special instruction or training designed to alleviate the disability of the individual, and

"(ii) which is operated by an organization described in section 501(c)(3) and exempt from tax under section 501(a), or by a State, a political subdivision of any of the foregoing, the United States, or the District of Columbia.

"(5) SPECIAL SUPPORT TEST IN CASE OF STUDENTS.—For purposes of paragraph (1)(C), in the case of an individual who is—

"(A) a child of the taxpayer, and

"(B) a student, amounts received as scholarships for study at an educational organization described in section 170(f)(1)(A)(ii) shall not be taken into account in determining whether such individual received more than one-half of such individual's support from the taxpayer, and

"(6) SPECIAL RULES FOR SUPPORT.—For purposes of this subsection—

"(A) payments to a spouse which are includable in the gross income of such spouse under section 71 or 622 shall not be treated as a payment by the payor spouse for the support of any dependent,

"(B) amounts expended for the support of a child or children shall be treated as received from the noncustodial parent (as defined in subsection (e)(2)(B)) to the extent that such parent provided amounts for such support, and

"(C) in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

"(7) SPECIAL RULE FOR DIVORCED PARENTS.—

"(1) IN GENERAL.—Notwithstanding subsection (c)(2)(C), if—

"(A) a child receives over one-half of the child's support during the calendar year from the child's parents,

"(B) one of the child's parents is divorced or legally separated under a decree of divorce or separate maintenance, and

"(C) who are separated under a written separation agreement, or

"(iii) who live apart at all times during the last 6 months of the calendar year, and

"(B) such child is in the custody of 1 or both of the child's parents for more than ½ of the calendar year, such child shall be treated as being the qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) are met.
"(2) REQUIREMENTS.—For purposes of para- 
graph (1), the requirements described in this paragraph are met—
(A) a decree of divorce or separate mainte-
nance; or 
(B) in the case of an agreement exe-
uted before January 1, 1985, the noncustodial 
parent provides at least $600 for the support of 
such child during such calendar year.

"(3) QUALIFYING CHILD.—For purposes of this sec-
 tion—
(A) CUSTODIAL PARENT.—The term ‘custodial 
parent’ means the parent with whom a child 
shares the same principal place of abode for 
the greater portion of the calendar year.

(B) NONCUSTODIAL PARENT.—The term ‘non-
custodial parent’ means the parent who is not the 
custodial parent.

"(4) EXCEPTION FOR MULTIPLE-SUPPORT 
AGREEMENTS.—This subsection shall not apply in 
in any case where over one-half of the support 
of the child has been received from a taxpayer under the provision of sub-
section (d)(3).

"(5) OTHER DEFINITIONS AND RULES.—For 
purposes of paragraph—
(A) CHILD DEFINED.—
(i) ‘A person is presumed by law enforcement 
agencies to have been kidnapped by someone 
who is not a member of the family of such child 
or the taxpayer, and
(ii) ‘who is presumed by judicial deter-
mination in such calendar year to have been 
abducted by someone other than the family of 
such child during such calendar year.

(B) TREATMENT OF CERTAIN QUALIFYING RELATIVES.—For purposes of this 
section, a child of the taxpayer—
(I) refers to an eligible foster child of the 
taxpayer, or
(II) who was (without regard to this para-
graph) a qualifying relative of the taxpayer for 
the portion of the taxable year before the date of 
the kidnapping,

(C) QUALIFYING RELATIVE TERMINATION.—If the taxpayer 
shall be treated as having been kidnapped by someone 
who is not a member of the family of such child 
when—
(i) the kidnapping occurred, the same principal 
place of abode as the taxpayer for more than 
one-half of the portion of such year before the 
date of the kidnapping,

shall be treated as meeting the requirement of subsection (c)(1)(B) with respect to a taxpayer 
for all taxable years ending during the period that the individual is deemed to be a qualifying 
relative of the taxpayer (as defined in section 151(c)), and

(B) PURPOSES.—Subparagraph (A) shall 
apply solely for purposes of determining—
(i) the deduction under section 151(c), and
(ii) the credit under section 24 (relating to 
tax credit.

(iii) whether an individual is a surviving 
spouse or a head of household (as such terms 
are defined in section 2), and
(iv) the earned income credit under section 
32.

"(C) COMPARABLE TREATMENT OF CERTAIN QUALIFYING RELATIVES.—For purposes of this 
section, a child of the taxpayer—
(I) who is presumed by law enforcement 
authorities to have been kidnapped by someone 
who is not a member of the family of such child 
or the taxpayer, and
(II) who was (without regard to this para-
graph) a qualifying relative of the taxpayer 
for the portion of the taxable year before the date of 
the kidnapping,

shall be treated as a qualifying relative of the taxpayer for all taxable years ending during the 
period that the child is kidnapped.

"(D) TERMINATION OF TREATMENT.—Subpara-
graphs (A) and (B) shall cease to apply as of the 
first taxable year of the taxpayer beginning 
after the calendar year in which there is a de-
termination that the child is dead (or, if earlier, 
in which the child has attained age 18),

(1) IN GENERAL.—The term ‘qualifying child’ 
means a qualifying child of the taxpayer (as de-
fined in section 152(c)(2)) who has not attained age 17.

(B) MARRIED INDIVIDUAL.—The term ‘qual-
ifying child’ shall not include an individual 
who is married of the close of the taxpayer’s 
taxable year unless the taxpayer is entitled to a 
deduction under section 152 for such taxable year 
with respect to such individual (or would be so 
entitled for the section 152(c)).

"(C) PLACE OF ABODE.—For purposes of sub-
paragraph (A), the requirements of section 
152(c)(1)(B) shall be met only if the principal 
place of abode is in the United States.

(D) IDENTIFICATION REQUIREMENTS.—
(I) IN GENERAL.—A qualifying child shall not be 
taken into account under subsection (b) unless 
the taxpayer includes the name, age, and 
TIN of the qualifying child on the return of tax 
for such taxable year.

(ii) OTHER METHODS.—The Secretary 
may prescribe other methods for providing the infor-
mation described in clause (I).

(2) CONFORMING AMENDMENTS.—
(a) HEAD OF HOUSEHOLD.—Clause (i) of sec-
tion 2(b)(1)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

(iii) qualifying child of the individual (as 
defined in section 152(c), determined without re-
gard to section 152(e)), but not if such child—
(I) is married at the close of the taxpayer’s 
taxable year, and
(II) is not a dependent of such individual by 
reason of section 152(b)(2) or 152(b)(3), or both, 
or

(b) CONFORMING AMENDMENTS.—
(1) Section 2(b)(2) of the Internal Revenue 
Code of 1986 is amended by striking subpara-
graphs (A) and (C), as so added, and inserting 
subparagraphs (A), (B), and (C), respectively.

(2) Clauses (i) and (ii) of section 2(b)(3)(B) 
of such Code are amended to read as follows:

(i) subparagraph (B) of section 152(d)(2), and
(ii) paragraph (3) of section 152(d), .

"(c) QUALIFYING RELATIVE TERMINATION.—If the taxpayer 
shall be treated as having been kidnapped by someone 
who is not a member of the family of such child 
during such calendar year.

(B) TREATMENT OF CERTAIN QUALIFYING RELATIVES.—For purposes of 
paragraph (1)(D) thereof and section 
2(b)(1)(A)''.

SEC. 202. MODIFICATIONS OF DEFINITION OF HEAD OF HOUSEHOLD.

(1) HEAD OF HOUSEHOLD.—Clause (i) of sec-
tion 2(b)(1)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

(ii) a qualifying child of the individual (as 
defined in section 152(c), determined without re-
gard to section 152(e)), but not if such child—
(I) is married at the close of the taxpayer’s 
taxable year, and
(II) is not a dependent of such individual by 
reason of section 152(b)(2) or 152(b)(3), or both, 
or

(b) CONFORMING AMENDMENTS.—
(1) Section 2(b)(2) of the Internal Revenue 
Code of 1986 is amended by striking subpara-
graphs (A) and (C), as so added, and inserting 
subparagraphs (A), (B), and (C), respectively.

(2) Clauses (i) and (ii) of section 2(b)(3)(B) 
of such Code are amended to read as follows:

(i) subparagraph (B) of section 152(d)(2), and
(ii) paragraph (3) of section 152(d), .

"(C) PLACE OF ABODE.—For purposes of sub-
paragraph (A), the requirements of section 
152(c)(1)(B) shall be met only if the principal 
place of abode is in the United States.

(D) IDENTIFICATION REQUIREMENTS.—
(I) IN GENERAL.—A qualifying child shall not be 
taken into account under subsection (b) unless 
the taxpayer includes the name, age, and 
TIN of the qualifying child on the return of tax 
for such taxable year.

(ii) OTHER METHODS.—The Secretary 
may prescribe other methods for providing the infor-
mation described in clause (I).

(2) CONFORMING AMENDMENTS.—
(1) Section 2(b)(2) of the Internal Revenue 
Code of 1986 is amended by striking subpara-
graphs (A) and (B), as so added, and inserting 
subparagraphs (C), (D), (E), and (F), respectively.

(2) Section 2(b)(4) of such Code is amended by 
striking ‘‘(1)(E)’’ and inserting ‘‘(1)(E)’’.

"(c) ADDITIONAL EXEMPTION FOR DEPENDENTS.—An exemption of the exemption amount 
for each individual who is a dependent (as de-

(1) Section 2(a)(1)(B)(i) of such Code is amended by inserting ‘‘, determined without re-
gard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof after section 152(e).’’

(2) Section 21(e)(5) of the Internal Revenue 
Code of 1986 is amended.
(24) Section 7010(a)(17) of such Code is amended by striking “152(b)(4), 682,” and inserting “682.”
(25) Section 7022(d)(2)(C)(iii) of such Code is amended by striking “paragraphs (1) through (8) of section 152(a)” and inserting “subparagraphs (A) through (G) of section 152(d)(2)”.
(26) Section 7010(b)(1) of such Code is amended—
(A) by striking “151(c)(3)” and inserting “151(c)(1)”;
(B) by striking “paragraph (2) or (4) of”.

SEC. 288. EFFECTIVE DATE.
The amendments made by this title shall apply to taxable years beginning after December 31, 2003.

TITLE III—CUSTOMS USER FEES
SEC. 301. EXTENSION OF CUSTOMS USER FEES.

Mr. CAMPBELL. The title was amended so as to read: “An Act to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.”

The PRESIDING OFFICER. Under the previous order, the amendment to the title is agreed to.

The title is agreed to.

The answer lies partly in the fact that energy resource development is by its nature an essential and necessary component of Indian life, and that energy resources which could ameliorate the deprivation in Indian country and the general malaise and hopelessness, even suicide among Indian youngsters.

In fact, in some reservations it is not uncommon to find one out of every two teenage girls and one out of every three boys who attempt suicide driven by despair and a dead end future. In that context, this amendment I am offering today tries to give some hope.

Given the extent of the economic deprivation in Indian country and the vast potential wealth residing in energy resources which could ameliorate this deprivation, it has long been a puzzle why these resources have not been more fully developed.

The answer lies partly in the fact that energy resource development is by its nature a capital intensive. Most tribes do not have the financial resources to fund extensive energy projects on their own and so must partner with private industry, or other outside entities, by leasing out their energy resources for development in return for royalty payments.

The unique legal and political relationship between the United States and Indian tribes sometimes makes this leasing process cumbersome.

As with most Indian law and policy, history plays an important part. Towards the end of the 19th Century, Indian tribes were forcibly removed to isolated areas and reservations where it was believed they would not hinder the westward expansion of a new and growing country.

The natural resources contained on these lands were taken into trust by the Federal Government to be administered for the benefit of Indian tribes. The original purpose was for the belief that Indians were incapable and incompetent of administering such resources, and would be susceptible to land and resource predators.

Coal, oil, natural gas, and other energy minerals produced from Indian land represent more than 10 percent of total nationwide onshore production of energy minerals.

Even though in one year alone over 9.3 million barrels of oil, 299 billion cubic feet of natural gas, and 21 million tons of coal were produced on Indian land, representing $700 million in Indian energy revenue, the Department of the Interior estimates that only 25 percent of the oil and less than 20 percent of all natural gas reserves on Indian land have been fully developed.

It is ironic that many Indian people were forced on to the most arid, barren, and least productive lands in the 1800s and now they find themselves resource rich.

Despite what we may read in the Washington Post or the New York Times about the so-called rich Indians and Indian gambling, it is also indisputable that Indians are the most economically deprived ethnic group in the United States. Unemployment levels are far above the national average, in some cases as high as 70 percent. Per capita incomes are well below the national average. They have substantial drug abuse, diabetes, amputations, and a general malaise and hopelessness, even suicide among Indian youngsters.

ENERGY POLICY ACT OF 2003—CONTINUED

ENERGY POLICY ACT OF 2003—CONTINUED

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Colorado.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

The Senate from Colorado [Mr. CAMPBELL], for himself and Mr. DOMENICI, proposes an amendment numbered 861.

Mr. CAMPBELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read.

The answers listed in the amendment were dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today’s Record under “Text of Amendments.”)

Mr. CAMPBELL. Mr. President, it is an indisputable fact that Indian country contains some of the richest energy resources in the America.

Indian lands comprise approximately 5 percent of the land area of the United States, but contains an estimated 10 percent of all energy reserves in the United States, including: 30 percent of known coal deposits located in the western portion of the United States; 5 percent of known onshore oil deposits of the United States; and 10 percent of known onshore natural gas deposits of the United States.

Coal, oil, natural gas, and other energy minerals produced from Indian
By the way, that belief was prevalent with a lot of people in American Gov-
erment and led the Surgeon General at the time to issue a request to the U.S. Army that Indian skulls be sent to DC to study and find out if Indians had the intelligence to provide the kind of service. That, in turn, gave rise to the saying among modern Indian people that there are more dead Indians in Washington, DC, than live ones, because until the last couple of years there were over 15,000 remains, primarily skulls and upper body bones, warehoused in the Smithsonian. Just a few years ago, we passed a Museum of the American Indian bill, and one provision of that requires that the Smithsonian and other Federal agencies start returning those bones.

A legal and bureaucratic apparatus was formed to administer this trust, and over a century later this apparatus remains in place in the Interior Department.

In her capacity as trustee of Indian resources, the Secretary of the Interior is required to make all lease of Indian trust resources, to ensure that the terms of the lease benefit the tribe, and to ensure that the trust asset is not wasted.

The Committee on Indian Affairs has been informed over the year that the Secretarial approval process is often so lengthy that outside parties, who otherwise would like to partner with Indian tribes to develop their energy resources, are reluctant to become entangled in the bureaucratic red tape that inevitably accompanies the leasing of Tribal resources.

Hence, the framework that was originally designed to protect tribes has become an obstacle to development of Tribal resources, in that the bureaucratic impediments of trust administration are now a disincentive to outside investors.

To help remedy these problems, earlier this year I, along with Senator DOMENICI, introduced the Indian Tribal Energy Development and Self Determination Act to provide assistance and encouragement to Indian tribes to develop their energy resources.

This was based really on last year’s amendment to the Energy conference report, much of the same language. That report, of course, did not emerge from the conference committee and died with the end of the last Congress.

Thus, included:

1. The establishment of an Indian Energy Office; grants, loans, and technical assistance; capacity building; and regulatory changes to the rules governing the leasing of Indian lands for energy purposes.

At the same time, the Senator from New Mexico, Mr. BINGAMAN, introduced his own Indian energy bill that somewhat what was included.

After the hearing and much debate the best of these two bills were melded together into a composite bill that made up title III of the bill before us now.

The amendment I am offering today contains refinements but not major changes of title III and I would like to walk through these provisions for the benefit of the Members who will be reviewing the RECORD tomorrow.

Section 2601 contains definitions. Its standard definition section provides definitions for a number of terms including the following:

Director of the Office of Indian Energy Policy; Indian Tribe; and Vertical Integration.

Section 2602, the Indian Tribal Energy Resource Development, authorizes the Interior Secretary to provide assistance to Indian tribes in the form of development grants and grants for obtaining or developing the financial capacity needed for energy purposes.

It provides low-interest loans to Indian tribes and tribal energy development organizations to promote Indian energy development.

Section 2602 also provides assistance to Indian Tribes for purposes of energy efficiency and energy conservation; as well as planning, construction, operation, maintenance of electrical generation facilities on tribal lands.

Section 2603, the Indian Tribal Energy Resource Regulation authorizes the Secretary of Interior to make grants to Indian tribes and tribal energy development organizations to use, develop, administer, and enforce tribal laws governing the development and management of energy resources on their own land.

This section helps tribes build the capacity, if they do not already have it, to develop their resources in an effective and safe way.

For instance, a tribe could use these funds to develop a tribal energy resource inventory; to carry out feasibility studies necessary to the development of energy resources; to develop and implement tribal laws and technical infrastructure to protect the environment; to train employees engaged in energy development and environmental protection; and other functions related to scientific and technical data development.

Section 2604 establishes a voluntary process for those tribes that choose it to help develop their energy resources. Under this process, an Indian tribe must first demonstrate to the Secretary of Interior that it has the technical and financial capacity to develop and manage its own resources.

Once it has done that, the tribe can negotiate energy resource development leases, agreements and rights-of-way with third parties without first obtaining the Secretary’s approval. This will provide streamlined access to the leasing process that is now burdened by an extensive Federal regulation I mentioned earlier.

Whether a tribe decides to avail itself of the new procedure in the section or continues under the current system will be entirely at the option and discretion of each tribe. None is required to do so. It is totally voluntary, tribe by tribe.

Under current law, in order to be valid, certain land transfers, transfers-in-place and rights-of-way involving restricted land must be submitted to and approved by the Secretary of the Interior.

Section 2604 of the Campbell amendment provides tribes with the obligation of submitting to the Secretary a proposed government-to-government agreement, a tribal energy resources agreement, sometimes called a TERA—and I will continue using that word for simplicity—that contains mandatory provisions for future leases, business agreements, and rights-of-way involving energy development on tribal lands.

Along with the proposed TERA, the tribe will have to make a demonstration to the Secretary that it has the capacity to develop a financial infrastructure to regulate and develop its own energy resources. If the Secretary approves the TERA, that TERA will govern future development of the tribe’s energy resources. The TERA, by virtue of this section, will require tribes under a certain terms, to comply with all applicable environmental laws, notice to the public, and consultation with the States as to potential off-reservation impacts. The TERA will provide for an environment of government-to-government process that will identify all significant impacts, inform the public, and allow the public to comment on the potential environmental impacts before any lease agreement or right-of-way is approved.

The Secretary will be required to review any direct effects of an approval of the TERA itself under NEPA. The subsequent tribal leases, business agreements, and rights-of-way under TERA will not be subject to another review under NEPA. In other words, tribes will not be exempt from NEPA. It will be front-loaded so that the requirements are at the secretarial level, but if that goes through, they will not have to go through the NEPA process two times.

The TERA will also require the Secretary to do an annual trust asset evaluation to modernize the tribe’s energy development activities and allow her to assume the proceeds over those activities if she finds an imminent jeopardy of trust assets. This section gives third parties who have or may sustain a significant adverse environmental impact as a result of the tribe’s failure to comply with its TERA the standing to petition the Secretary to review the tribe’s activities. This process both protects the tribe’s status and certainly does not allow them to circumvent NEPA. If she finds the tribe in violation of TERA, she may suspend the leases or rights-of-way or suspend TERA altogether.

Section 2604 also discusses the Secretary’s trust responsibility. It expressly states that the section does not absolve the United States from that responsibility and expressly states that the Secretary will continue to have a trust responsibility even when another party to a lease agreement or right-of-way is in breach. It does not affect trust responsibility at all.
Section 2604 provides that the United States will not be liable to any party, including a tribe, for losses resulting in the terms of any lease agreements or right-of-way executed by the tribe pursuant to the approved TERA, which makes sense. Liability follows responsibility. If a tribe makes the wrong decisions, it should certainly be held responsible. If the United States continues to make the leasing decisions, it will continue to be held responsible. If Indian self-determination means anything, then it is the responsibility of tribes to make their own decisions and their responsibility to the tribes to live with those decisions.

Section 2605 deals with the Federal Power Marketing Administration. This section authorizes the Bonneville Power Administration and the Western Area Power Administration to encourage Indian energy development through a variety of means. It authorizes the power administrations to purchase power from Indian tribal generators to meet their own needs or energy needs on Indian lands, and it requires that any such power purchase must not cost more than the prevailing market price.

This section also authorizes the Energy Secretary to undertake a power allocation study with a report due within 2 years of the enactment of the title.

Section 2606 deals with Indian mineral development review. This section authorizes the Interior Secretary to undertake a review of all activities conducted under the Indian Mineral Development Act of 1982 and to report the results of that review to Congress. Included in the study would be recommendations for overcoming the barriers to greater mineral development on Indian lands, such as legal barriers, physical barriers, market barriers, and others.

Section 2607 authorizes the Energy Secretary, in tandem with the Interior Secretary and the Army Corps of Engineers, to undertake a feasibility study of developing a demonstration project that uses wind energy generated by tribies and hydropower generated by the Army Corps of Engineers on the Missouri River to supply area to the Western Area Power Administration. A report of this study is due within 1 year of enactment.

That is the substance of this amendment. It is very important that the choice of the tribes is upheld, and it certainly is whether you want to participate or not.

For the record, I ask unanimous consent to have letters of support printed in the Record, including from the National Congress of American Indians which has over 300 tribal members, and the Council of Energy Resource Tribes with over 50 Members, and several letters from individual tribes, including the Cheyenne and the Cherokee.

There being no objection, the material was ordered to be printed in the Record, as follows:


Senator Ben Nighthorse Campbell, Chairman, U.S. Senate, Committee on Indian Affairs, Hart Office Building, Washington, DC.

DEAR SENATOR DOMENICI: This is to express my support of the TERA, which will provide a tremendous economic development opportunity for the Southern Ute Indian Tribe. The Tribe has already developed a series of tribal recommendations for modifying Title II. We continued with our staff and Senate Energy and Natural Resources Committee staff to discuss the tribal recommendations. Thereafter, your staff held a conference call with those representatives including the Navajo Nation, Council of Energy Resources Tribes, and the International Council on Utility Policy, and developed a series of tribal recommendations for modifying Title III. We also continued with your staff and Senate Energy and Natural Resources Committee staff to discuss the tribal recommendations. Thereafter, your staff held a conference call with those representatives and staffers from the Senate Energy and Natural Resources Committee. Although we are pleased that we were able to craft better language for the trust responsibility provisions, we are still concerned with some of the limitations.

Nonetheless, we realize that in this political climate, the language as currently revised is likely the best compromise that can be reached. We appreciate the effort of your staff and other committee staffers to negotiate language that attempts to address the tribal concerns in light of the current political environment. We want to underscore that the tribal support comes from working with a group of tribal representatives and organizations from diverse perspectives, but not all perspectives. Because of this, our revised version of your mark may not reflect the needs and desires of all tribes who wish to utilize this legislation to develop their energy resources.

We would like to thank you and your staff for all of their hard work on this very important issue. I cannot stress enough how grateful we are to your commitment to developing legislative solutions to age-old problems in Indian country. Title III is just one more example of how Indian tribes benefit from your leadership.

Sincerely, Jacqueline Johnson, Executive Director.


Hon. Pete V. Domenici, U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: On behalf of the 53 CERT member Tribes, I am writing to express CERT’s support for the Title III Indian Energy Provision of S. 14.

As you know, there are some provisions in section 2604 of the Title III of the bill as revised that CERT member Tribes. Fortunately, we believe those concerns have largely been addressed by language agreed to between Committee staff and several Indian tribes.

At this time, we believe we have reached agreement that addresses the concerns of CERT and the Southern Ute Tribe, the Western Pueblos, the Jicarilla Apache Nation, and the Navajo Nation. We expect you will hear from each of those tribes as well.

CERT has agreed to language that insures that the Tribal Energy Resource Agreements (TERA) process is a voluntary, opt-in program for development of Tribal energy resources. We have also agreed to language that insures that the public the opportunities go to the environmental and other impacts of the development and not to the terms of the business agreements themselves. CERT accepts the revised language that better describes the Secretary’s trust duties under this section. Finally, the scope of the Secretary’s NEPA review of the TERA is settled.

While drafting final language for this section has been somewhat difficult, we are pleased that the staff of both the Senate Energy and Natural Resources Committee and the Senate Indian Affairs Committee for their dedication to resolving the remaining differences between us on language relating to trust protections and environmental issues.

Again, we are pleased to support Title III with these changes to section 2604 and appreciate your steadfast support of the right of Indian Tribes to gain a better measure of control over the development of energy resources on their own lands.

Sincerely, A. David Lester, Executive Director.


Re: Indian Tribal Energy Development and Self-Determination Act of 2003; S. 14, Title III Chairman Pete V. Domenici, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN DOMENICI: Approximately one month ago, the Southern Ute Indian Tribe submitted a statement of support, but qualified, support for the Indian Tribal Energy Development and Self-Determination Act of 2003. Our Tribe’s activities have shown that tribal energy development can provide tremendous economic development opportunities for tribes while simultaneously assisting the Nation in meeting its energy demands. For tribes that have demonstrated the capability to represent themselves effectively in energy development activities, we have long-advocated legislation that would provide the option of bypassing the stifling effects of the Bureau of Indian Affairs approval requirements applicable to tribal leases, business agreements and rights-of-way. We have referenced all of those actions this very matter; however, as Section 2604 of Title III emerged from the Senate Committee of Indian Affairs and the Senate Committee on Energy and Natural Resources, it contained a number of provisions that were objectionable to the Indian community.
Over the last month, committee staff members and representatives of tribes and Indian organizations have engaged in an intense dialogue about the problems in the draft legislation, as a result of which, tireless efforts, proposed amendments have been developed that would eliminate the problems previously identified. A list of these developments is attached for references purposes. Among the different matters resolved to our satisfaction have been the following: (i) inclusion of pre-approval public notice and comments regarding the environmental impacts of a proposed tribal mineral lease, business agreement or right-of-way proposals; (ii) confirmation that Section 2604 will eliminate effective environmental protection on affected tribal lands. We want to assure the members of the Senate that this is not the case. We are greatly appreciative of the work and coordination that has been undertaken in support of this bill very well explains the amounts of energy resources situated on tribal and allotted lands. This largely untapped resource can be a boost for this country as we seek to provide jobs and diversify our economy, while helping America meet its energy needs. Please share with the rest of the world what we can do to help our support for these endeavors and if there is any information we can provide to assist you in your work please do not hesitate to call me.

Sincerely,

Wes Martin, President.

Chairman.

Native American Energy Group, LLC.


Mr. CHAIRMAN AND MR. VICE CHAIRMAN:

It has come to my attention that several changes have been made to Title V of the Energy Bill. I understand that these changes will reduce any risk to Tribes, and wish to offer the Cherokee Nation’s continued support of S. 14, the Energy Policy Act of 2003.

I thank the Committee for its hard work on this issue and for incorporating tribal recommendations into this bill. Your leadership is greatly appreciated.

Please feel free to contact my office if you have any questions or comments. I may be reached at (918) 456-0671.

Sincerely,

Chad Smith, Principal Chief,

OFFICE OF THE GOVERNOR,
THE CHICKASAW NATION,

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the points I wish to make. The first one is a novel that was written by George Orwell. You may recall that in this particular novel, George Orwell describes a terrifying future. And the principal character in his novel, Winston Smith, works at the Ministry of Truth. His job at the Ministry of Truth is to go back over old newspapers and clip out things that contradict the current line and put it in the memory hole; in other words, destroy them, so that if someone comes along and tries to determine whether there is any past support for the present position, the past has been scrubbed to the point where everything there agrees with the present position. Anything that was said previously that disagrees with the present position of Big Brother, the figure that controls the world in the novel, has been sent down the memory hole. It has been destroyed.

Keep that in mind as I take another literary allusion. This is an exact quote from Ben Bradlee, formerly editor of the Washington Post and one of
the great journalists of our time who said:

"Journalism is the first rough draft of history."

I cite those two because I want to put them together in the debate that has occurred between those who were satisfied that that is going on but in the world of the media—the debate about whether we had proper justification for going into Iraq. We are being told over and over again that the world was lied to, the American people were lied to, the Congress was lied to, and so forth. We were told that Saddam Hussein had weapons of mass destruction. And since we haven't found any, that means we were deceived at the very beginning when the justification was given to us by the Bush administration to move ahead with respect to the operation in Iraq.

I submit to you, those who make that argument have tried to reconstruct their own memory holes. They have tried to take past information and scrub it from the record and pretend it was never there. In other words, to go back to Ben Bradlee's comment that "journalism is the first rough draft of history," they are prepared, even this quickly after the journalists have reported, to try to change the first draft of history and create, virtually overnight, a new history that never existed.

Well, my memory hole has not been used. I have not scrubbed from my memory of statements or comments that have been made prior to Iraq. And I intend to go through those comments here tonight to make it clear that those who claim that the President misled the Congress, the people, and the rest of the world with respect to his reasons for going into Iraq are, in fact, trying to rewrite history.

The record is very clear. It is very firm. And unless Winston Smith is suddenly somehow materialized to change history, the record stands in firm denunciation of those who are now attacking the President on this issue.

Let's go back to the question of weapons of mass destruction. I remember going to S-407 in this building, the room on the fourth floor where we go to receive confidential, highly classified briefings from administration officials. I remember sitting there and listening to Madeleine Albright, Secretary of State, outline for us in detail the proof that she had. She said that the President had a piece of the Wall Street Journal where he made this statement: "Inspectors will never find them." Also, he pointed out that the artillery shells that had been found by the inspectors that were hollow were, in fact, a demonstration of the fact that there were weapons of mass destruction—specifically, that is, chemical and biological weapons—because when the inspectors said, oh, there is no problem here, the warheads are hollow and there is nothing there, this man who worked in Iraq to create these weapons said, of course, they are hollow: the weapons are not put into the artillery shells until just before they are to be used. The artillery shells are prepared for weapons of mass destruction—for chemical or biological weapons—and then stored hollow.

So instead of saying that the discovery of these weapons proves they don't have chemical or biological capability, in fact, the reverse is actually true. We do not have a storehouse in the American military of hollow artillery shells because we don't use chemical weapons. The Iraqis have hollow shells because they expect to put chemical agents in those shells. All of this is part of the record and was available prior to the current debate of those who just want to look back and find it.

Senator Bob Graham, who used to be chairman of the Intelligence Committee when all of this intelligence was being developed, and is still the ranking member of that committee, had this to say when Colin Powell went before the United Nations and laid out the case:

"I applaud Secretary Powell for finally making available to the world the information on which this administration has based its actions in Iraq... In my judgment, the most significant information was the confirmation of a linkage between the shadowy networks of international terrorists and Saddam Hussein, the true coalition of evil."

All of this information was available to all these individuals prior to the time we went into Iraq, and all of them were satisfied that it was real. And now the press is pretending that nobody—believed there were weapons of mass destruction in Iraq except the Bush administration, and that the evidence simply took the Bush administration at its word and now is being betrayed by the facts because we have not found enough of it to satisfy them; we have only found hollow artillery shells; we have only found chemicals that could be used for pesticides.

I wonder if anyone has done an analysis of just how many pesticides Iraqi agriculture requires. Looking at the stores of chemicals they have found, chemicals that have been discovered, yes, they could be pesticides or they could be a component part of a chemical weapon. Look at the quantities we have found and ask yourself: Do the Iraqis really need this much for pesticides? Or do they have another purpose?

We have not yet found Saddam Hussein. As Kerr Strom said today at lunch, if we don't ever find Saddam Hussein, is that proof of the fact that he doesn't exist? If we don't find him, will that be proof that the Bush administration made him up? If we don't find him, is that proof that he never was in Iraq? That same kind of reasoning is being applied here. We have not found all of the weapons of mass destruction that all of the critics would like to have as proof of their position, so our failure to do that so far is, in their logic, proof that these weapons never existed or proof that they were never in Iraq.

I think Senator Strom's question is a legitimate one. If we could prove Saddam Hussein, does that mean he never existed or he was never in Iraq? Of course not. It means something happened. Either we killed him the first night with that first strike and his remains have been removed by the SSOS—his central group of key supporters—so that his body will never be found or he has left the country or he was killed somewhere else. But we know he was there. Everybody knew he was there, and our failure to find him means he was not there when the attack began. Quite the contrary. Everybody is satisfied he was there.

The same thing applies to the weapons of mass destruction. As I have demonstrated, starting with President Clinton, we have known they were there, we have known they had them. If we cannot find them all, that means either they were destroyed by us or by Saddam. If we cannot find them, the evidence cannot go down the memory hole just to make the present arguments sound more convincing.
I read a commentator who quoted Deputy Secretary Wolfowitz, in what the commentator thought was a damning admission on this story, when he said:

Yes, we had other reasons for going into Iraq, not just weapons of mass destruction because that was the one everybody was focused on.

According to the commentator, that is a damaging admission on the part of the Secretary that we had other motives and is part of the attack that is being mounted on the floor, that the Bush administration was duplicitous: They told us they were going after weapons of mass destruction, but they had other motives. And here, Secretary Wolfowitz has admitted it; a smoking gun.

Back to my memory, I remember very clearly that the Bush administration openly and directly said they had other motives. Let me go down them as I remember them.

We had, these days, mass destruction—there are many countries that have weapons of mass destruction. If we were to go after the country in the world, other than ourselves, that has the highest stock of weapons of mass destruction, we would go after Russia. Why do we not go after Russia? Because weapons of mass destruction alone are by no means justification for attacking another nation. They must be tied to other motives. This is what I am sure Deputy Secretary Wolfowitz was talking about.

Right now President Putin and President Bush have a good relationship. Russia and the United States have a trusting relationship. Why should we attack Russia just because it has weapons of mass destruction when that relationship exists?

Iraq was ruled by a tyrant, and not just your everyday tyrant but a brutal, bloody tyrant who had demonstrated that he not only possessed weapons of mass destruction, he was willing to use weapons of mass destruction and has done so—the only person in the world whose government has employed weapons of mass destruction against anyone else—in this case it was his own people—in the last half century. So, yes, there are other motives besides possessing weapons of mass destruction. They are the man's personality and his history.

We are not just interested in nations that are threats. We are interested in brutal tyrants who will use weapons of mass destruction.

Next, Iraq was clearly a crossroads of terrorist activity. That is what Senator Graham referred to, not just al-Qaeda. Iraq was one of the principal financial supporters of the terrorist suicide bombings in Palestine. They offered a $100,000 reward to anyone who would kill himself as long as he took a few Jews with him. How many tyrants around the world are willing to harbor terrorists and support terrorists? The list gets a little smaller.

North Korea has weapons of mass destruction. North Korea is ruled by a brutal tyrant. But North Korea has not invaded any of its neighbors for half a century, and North Korea is not a haven for al-Qaeda, Hamas, Hezbollah, and the other terrorist organizations. We are closing down here on the other motives.

Attacking your neighbors. Saddam Hussein has attacked his neighbors twice in the last dozen years, set off two major wars, and is responsible for killing more Muslims than any other person on the planet. The other motives that the Bush administration had in dealing with Iraq were the totality of the situation. Yes, they wanted to deal with WMD. Yes, they wanted to deal with a tyrant who was brutalizing his own people. Yes, they wanted to deal with terrorism. And, yes, they wanted to deal with somebody who was threatening his neighbors. If you take that criteria and apply it to all the countries in the world, you come up with only one that qualifies for that.

It was not the single issue that current commentators and candidates, pundits and pollsters are talking about that prompted President Bush to give the order to go ahead in Iraq. It is a distinct and separate motive from the one again and again on the fraud that says only weapons of mass destruction drove us to go into Iraq, and it is our failure to find weapons of mass destruction in this time period in Iraq that demonstrated that.

Nobody has gone to the last part of that sentence. Nobody has said yet that we were wrong to have taken out Saddam Hussein. They come close to that in their attack on the President. They say he lied. They say he manipulated. They say he distorted. But they cannot quite bring themselves to say we were wrong to have done it, and no one will say the world would have been a better place if we had not. Why? Because we discovered some other things we did not know.

If you are going to talk about intelligence failures, our intelligence community did not know until we got into Iraq about the mass graves. We did not know about the prisons holding children who were put in there as young as 4 and 5 years of age and have been there for 5 years or more.

We did not know the details of the brutality of this man. We did not know that his own population, those who were hostile to him or, indeed, simply suspect in his eyes, as brutally as Adolf Hitler treated the Jews in World War II in Germany. We did not know that. We have discovered that now. So no one will quite go to the point of saying we made a mistake, that Bush did the wrong thing.

One commentator closed his attack on the Bush administration with this interesting quibble, in my view. He said, It was the right war but it was fought for the wrong reason. I find it very difficult to reconcile those two. If it was the right war and has achieved the right result, it was the right thing to have done, and it was the right thing to have done for all of the reasons that people who hate this administration are now conveniently forgetting all of the historical buildup to this that has gone down the memory hole that people are now conveniently saying never happened.

This is a historic Chamber, and it has seen all kinds of debates, high and low. It has seen all standards of rhetoric, good and bad, and, yes, if I may, true and false. There has been a call for the rafters here to be ringing in a discussion of the Iraqi war and America's activity. I wanted to answer that call and do what I can to see that the rafters are ringing with the truth; that the rafters are ringing with real history, not invented history; that the rafters are ringing with a recognition that what the Bush administration has done in Iraq was the right thing to have done; it was based on sound and careful analysis that ran over two administrations, that was vetted thoroughly with our allies abroad, bringing Great Britain, Australia, Poland, and others, into the fight, and the result has demonstrated that the world is a safer place.

The Iraqi people live in a safer society, and the prospects for the future are better than would have been the case if we had gone to the brink, as President Clinton did, and then changed our minds. President Clinton thought the evidence was overwhelming but decided not to act. President Bush thought the evidence was overwhelming and did act, and the rafters should ring with at least one speech that applauds that decision and that level of leadership.

I say to my colleagues, I say to the country, I say to my constituents, I believe the history is there that justifies the decision, and I believe the evidence is there after the fact that more than justifies the decision.

In this case, America and her President can stand proud before the world as having done the right thing for the right reason.

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. BENNETT. 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. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING ROBERT AND ERMA BYRD ON THEIR 60TH WEDDING ANNIVERSARY

Mr. DASCHLE. Mr. President, last Thursday marked an important—and
extraordinary—milestone in the lives of two very special members of our Senate family.

On May 29, 1937—66 years and one week ago today—Robert Carlyle Byrd and Erma Ora James were married.

The Senate was not in session on their actual anniversary, so I come to the floor today—one week later—to congratulate Senator and Mrs. Byrd on their remarkable achievement.

Robert and Erma Byrd both grew up in the hardscrabble coal country of West Virginia. They were high school sweethearts.

Of all of Senator Byrd’s tremendous achievements—and there are many—I suspect the two that mean the most to him are convincing Erma James to marry him in the first place—and staying married to her all these years.

I have heard Senator Byrd say often that he could not do this job were it not for his wife’s love and support. In his words: "She is not only my wife, but also my best counselor. She has been a strong pillar of support in all my endeavors.”

The Byrds’ marriage has brought them two wonderful daughters: Mona Byrd Fatemi and Marjorie Byrd Moore.

They have also been blessed with six grandchildren and three great-granddaughters.

After Mrs. Byrd and their family, the Senate and the Constitution, one of the things that Senator Byrd loves best—as we all know—is history—especially ancient history. So I think he may appreciate this thought from Homer:

There is nothing more admirable than two people who see eye-to-eye keeping house as man and wife, confounding their enemies, and delighting their friends.

For 66 years, Robert and Erma Byrd have done for more than delight their friends.

Together, they have created a full and rich life. They have raised a family. And they have served the people of West Virginia, and America, well. We wish them many more years of happiness together.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator Byrd and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred on March 21, 2003. In Burbank, IL, an explosion caused by a powerful fireworks-type device damaged the 1989 Ford Econoline van of a Palestinian Muslim family and shook doors and windows of neighboring homes. The blast shattered the vehicle’s windows and blew open the vehicle’s door. The man who committed the crime is being held on bond and is being charged with arson, criminal property damage, and committing a hate crime.

I believe that government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a tool that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NATIONAL HUNGER AWARENESS DAY

Mr. KENNEDY. Mr. President, the only problem I have with National Hunger Awareness Day is that it should be every day. Across the Nation, 33 million of our fellow citizens are living in poverty and they deserve our help.

In recent weeks, Congress has been focused on giving hundreds of billions of dollars in new tax breaks for the wealthiest Americans, yet we leave the cupboard bare for millions of parents and low-income families. This week, as we debate the energy bill, we are listening carefully to the concerns of big polluters like Halliburton, Exxon, and Entergy, but not nearly carefully enough to the concerns of all those who need our help the most.

It is a national scandal and disgrace that for so many millions of Americans, hunger is an issue today and every day. Since the year 2000, poverty and unemployment have been on the rise, while wages and income continue to fall. Hardworking parents have been forced to make impossible choices between feeding their children and paying the rent and medical expenses. These are choices no parent should have to make. No child should go hungry.

But every night, 13 million children go to sleep not knowing where or when they will get their next meal. As hunger and malnutrition continue, children are more likely to be absent from school to have behavioral problems, and to have trouble learning to read or do math. They are less likely to be friends with other children or learn from their surroundings, and more likely to miss school because of illness.

Clearly, we have to move to end child hunger. This year, Congress will reauthorize the Child Nutrition Act. The Act includes important initiatives, such as school breakfasts and school lunches, and food programs for summer school, after school, and childcare.

Studies demonstrate that at-risk, school-age children depend on school-based breakfasts and lunches for more than half of their daily meals. In the reauthorization, we must work to see that every child eligible for subsidized programs actually receives these important meals. Schools must be reimbursed for the cost of providing these nutritionally balanced meals. We also need these programs to provide additional resources, encourage nutrition education, and to pay school employees a living wage.

We have a choice. Congress can continue to lavish more and more tax breaks on the wealthiest individuals and companies in the Nation, or we can invest in food for hungry children. The answer should be obvious to us all. We can and must ensure that no child is allowed to go hungry.

OKLAHOMA LOSS IN OPERATION IRAQI FREEDOM

Mr. NICKLES. Mr. President, over the past few months we’ve seen the fall of Saddam Hussein’s brutal regime coupled with the dawning of a new day for the Iraqi people.

With major military combat operations in Iraq over and the security of our homeland bolstered, America and her allies are turning our efforts toward helping the Iraqi people build a free society.

Like many Americans, I was thrilled and heartened by the dramatic images of U.S. troops helping Iraqi citizens tear down statues and paintings of Saddam Hussein. The Iraqi people needed our help, our tanks, our troops, and our commitment to topple Saddam Hussein.

For the first time in their lives, many Iraqis are tasting freedom, and like people everywhere, they think it’s wonderful. I’m proud of our military and America’s commitment to make the people of the Middle East more free and secure.

Our military men and women surely face more difficult days in Iraq, and the Iraqi people will be tested by the responsibilities that come with freedom. The thugs who propped up the previous regime and outside forces with goals of their own will seek to cause problems, stir up trouble and initiation of violence. Freedom is messy—nowhere more so than in a country that has just shaken off a brutal dictatorship.

But the journey towards a democratic Iraq has now been embarked upon. Like so many nations before it, Iraq now endures the growing pains common to a fledgling democracy. The uncertainty of today’s Iraq, I am hopeful, will soon give way to the promise of a better future for the Iraqi people. And as we move closer to this goal, we must not forget those who sacrificed for this noble cause.

Today, I rise to honor a man who made the ultimate sacrifice one can make for his country and the cause of freedom.

Specialist Jose A. Perez III was killed last week when his convoy was ambushed near Baghdad. Perez’s convoy received fire from a rocket-propelled grenade while on a main supply route.

This San Diego, TX, native was stationed in Fort Sill. He came from a family with a proud military tradition who knows all to well the pain of losing a loved one. His uncle, Baldemar
simply apply existing law governing.

I believe this legislation would be a good idea in preventing guns from getting into the hands of criminals and foreign terrorists. Since its inception, the National Instant Criminal Background Check System has protected over 568,000 ineligible buyers from gaining access to guns, but many continue to slip through the gun show loophole. I urge my colleagues to join me in supporting this important piece of gun safety legislation.

FUNDING THE GLOBAL AIR TRAFFIC MANAGEMENT SYSTEM

Mr. INHOFE. Mr. President, I would like to take a moment and recognize the brave men and women who flew and supported the mission of the B-2 bomber. The B-2 is a critical asset of our U.S. military and must be supported in the future. The B-2 can carry up to 40,000 pounds of munitions and can strike up to 16 targets in a single pass. The first night of the bombing in Baghdad, 6 B-2s destroyed 92 targets on the first night. B-2s flew nonstop, 36-hour missions from Whiteman AFB in Missouri to Iraq, unscathed. The B-2s target everything from airfields to surface-to-air missiles, sometimes changing targets while airborne enroute to targets.

I urge my colleagues to join me in supporting this important piece of gun safety legislation.

FBI BACKGROUND CHECK SYSTEM

Mr. LEVIN. Mr. President, earlier this week, the Federal Bureau of Investigation released a report on the efficiency and effectiveness of the National Instant Criminal Background Check System, also known as NICS. According to the report, the FBI has improved its ability to respond quickly to gun dealer requests for criminal background checks, with only nine percent of the transactions delayed. These improvements have increased the immediate response rate from an average of 71 percent in early 2001 to 91 percent in 2002.

According to the report, in 2001 the NICS system processed 8.9 million background checks, with approximately 125,000 denials of permission to purchase a gun. While, in 2002, the system performed over 8.4 million checks and denied approximately 121,000 of these purchases. I commend the FBI for its hard work and commitment to improving this important law enforcement tool.

Despite the success of the NICS System and the FBI’s hard work, many guns are still being purchased without any background checks being performed. Under current Federal law, criminal background checks on gun purchasers are only required for sales by licensed firearm dealers. Consequently, criminals, fugitives, and terrorists are able to purchase firearms without any background check. They do this by purchasing guns at gun shows. I believe we should require a background check on every gun sale and close the loopholes in Federal law that criminals manipulate to buy and sell guns.

During the last Congress, I cosponsored the Gun Show Background Check Act introduced by Senator JACK REED. I believe this legislation would be a vital tool in preventing guns from getting into the hands of criminals and other ineligible buyers. This bill would simply apply existing law governing background checks to individuals buying firearms at gun shows. This bill is commonsense gun safety legislation that is supported by a number of major law enforcement organizations including the International Association of Chiefs of Police, the National Troopers Coalition, the International Brotherhood of Police Officers, the Police Executive Research Forum, the Major Cities Chiefs, the National Association of School Resource Officers, the National Black Police Association, the National Organization of Black Law Enforcement Executives, and the Hispanic American Police Command Officers Association.

I believe closing the gun show loophole is an important tool in reducing gun violence and preventing guns from getting into the hands of criminals and foreign terrorists. Since its inception, the National Instant Criminal Background Check System has prevented over 568,000 ineligible buyers from gaining access to guns, but many continue to slip through the gun show loophole. I urge my colleagues to join me in supporting this important piece of gun safety legislation.

INDICTMENT OF CHARLES TAYLOR

Mr. LEAHY. Mr. President, yesterday I wanted to give a statement on the indictment of Charles Taylor by the Special Court in Sierra Leone, but due to the rapidly changing events in West Africa and the lack of floor time because of extensive debates on the Defense Authorization and Energy bills, I did not get an opportunity. What follows is the statement that I sent to the State Department, Special Court, and United Nations officials yesterday, expressing my views on this serious issue.

I rise today to voice my strong support for the decision of the Special Court for Sierra Leone to indict Charles Taylor for “bearing the greatest responsibility for war crimes, crimes against humanity, and serious violations of international humanitarian law in Sierra Leone.” I commend Prosecutor David Crane, for taking this decisive action.

Since its inception, the Special Court has moved swiftly to indict key figures allegedly involved in some of the worst atrocities that occurred during the brutal civil war in Sierra Leone during the late 1990s. The Court has already made it a priority to outreach programs to further the reconciliation process and promote the rule of law throughout the country.

Despite important progress, we all know that the Court’s work would be grossly deficient if those most responsible for these crimes were not brought to justice because they were too hard to catch, were high officials of a foreign government, or no longer resided inside of Sierra Leone. It would be impossible, irrespective of where they currently reside.

This statement was later endorsed by the Conference Report to the Fiscal Year 2002 Foreign Operations bill, Report 107-58, Congress stated in unambiguous terms: “To build a lasting peace, the Committee believes it is imperative for the international community to support a tribunal in order to bring to justice those responsible for war crimes and atrocities in Sierra Leone irrespective of where they currently reside.”

Even before these reports were issued, Senators FEINGOLD, FRIED, MCCONNELL and I wrote a letter to Secretary Powell in May 2001 which stated: “Because some of the individuals most responsible for the atrocities in Sierra Leone are no longer in the country, we believe it is imperative that the tribunal has the authority to prosecute culpable individuals—including senior Liberian officials—regardless of where they reside. This will prevent such persons from escaping justice simply by leaving the country.”

I can safely say that we had one individual especially in mind when we drafted that text. I was the principal author of the letter and two Congressional reports referenced above.

The involvement of Charles Taylor in the conflict in Sierra Leone is well documented and I will not go into great detail here. I will simply say that there is no doubt in my mind that he deserves to be brought to justice before the Special Court.

To give credit where it is due, the State Department took the advice of Congress. The State Department successfully negotiated an agreement that established the Special Court for Sierra Leone and which did...
not contain geographic restrictions on the Prosecutor, allowing him to go after Charles Taylor.

Perhaps the Prosecutor for the Court, David Crane, best described the Special Court’s mandate: “My office was granted an unprecedented mandate by the United Nations and the Republic of Sierra Leone to follow the evidence impartially wherever it leads.”

Today, acting on information that Charles Taylor was traveling to Ghana, the Special Court unsealed an indictment for Charles Taylor, officially approved March 7, 2003, and served the outstanding warrant for his arrest on Ghanaian authorities and transmitted the arrest warrant to INTERPOL.

Again, I commend the prosecutor for taking this step. While I understand there are some, including in the Administration, who are concerned about the impact that this may have on the peace process now underway in West Africa. I agree with Mr. Crane’s comments on this sensitive issue:

To ensure the legitimacy of these negotiations, it is imperative that the attendees know that they are not negotiating with an indictee or war criminal. These negotiations can still move forward, but they must do so without the involvement of this indictee. The evidence upon which this indictment was approved raises serious questions about Taylor’s suitability to be a guarantor of any deal, let alone a peace agreement.

The Ghanaian government needs to act immediately. It needs to uphold the basic tenants of international law, apprehend Charles Taylor and hold him until arrangements can be made to transfer him to the Court. In addition, the State Department needs to send an unequivocal message to Accra that action on this issue is urgently needed.

This may be the only chance that we get for years to bring Charles Taylor to justice. It is imperative that, in its most recent and profound thus far, the United States and Ghana do everything in their power to apprehend Charles Taylor. If this does not occur, the world will have missed a golden opportunity to bring justice to one of the world’s worst war criminals and advance the cause of international justice.

In closing, I would like to read into the Record Mr. Crane’s statement issued today that describes the situation concerning Charles Taylor:

Today, on behalf of the people of Sierra Leone and the international community, I announce the indictment of Charles Ghankay Taylor, also known as Charles Ghankay Macarthur Doeppkan Taylor.

The indictment accuses Taylor of “bearing the greatest responsibility” for war crimes, crimes against humanity, and serious violations of international humanitarian law within the territory of Sierra Leone since 30 November 1996. The indictment was judicially approved on March 7th, 2003, was served on my request to the Court.

My office was given an international mandate by the United Nations and the Republic of Sierra Leone to follow the evidence impartially wherever it leads. It has led us unequivocally to Taylor.

Upon learning that Taylor was traveling to Ghana, the Registrar of the Special Court served the outstanding warrant for his arrest on Ghanaian authorities and transmitted the arrest warrant to INTERPOL. This is the first time that his presence outside of Liberia has been publicly confirmed. The Registrar was doing his duty by carrying out the order of the Court.

Furthermore, the timing of this announcement was carefully considered in light of the important peace process begun this week. To ensure the legitimacy of these negotiations, it is imperative that the peace process moves forward, but they are dealing with an indicted war criminal. These negotiations can still move forward, but they must do so without the involvement of this indictee. The evidence upon which this indictment was approved raises serious questions about Taylor’s suitability to be a guarantor of any deal, let alone a peace agreement.

I am aware that many members of the international community have invested a great deal of energy in the current peace process, including that in reaching my decision to make the indictment public. I have not consulted with any state. I am acting as an independent prosecutor and this decision was based solely on the law.

I also want to send a clear message to all factions fighting in Liberia that they must respect international law. Commanders are under international legal obligation to prevent their members from violating the laws of war and committing crimes against humanity.

In accordance with Security Council resolutions 1315, 1478, and 1478, now is the time for all nations to reinforce their commitment to international peace and security. West Africa will not know true peace until those behind the violence answer for their actions. This office now calls upon the international community to take decisive action to ensure that Taylor is brought to justice.

Mr. FEINGOLD. Mr. President, yesterday the Special Court for Sierra Leone unsealed an indictment of President Charles Taylor of Liberia. Taylor is accused of crimes against humanity, war crimes, and serious violations of international humanitarian law. I commend the Court for taking its mandate seriously and for following the evidence where it led—directly to a sitting head of state.

I have long been a strong supporter of accountability mechanisms in Sierra Leone—both the Special Court and the Truth and Reconciliation that will address the horrible crimes committed by the foot soldiers in the field—soldiers who were, all too often, children. I have worked to ensure that the United States provides appropriate financial support to these mechanisms, and I have raised the importance of our political will. And then we must muster the will and the means to act before the trend most recently exemplified by crisis in Cote d’Ivoire dominates the region.

OKLAHOMA LOSS IN OPERATION IRAQI FREEDOM

Mr. NICKLES. Mr. President, over the past few months, we’ve seen the fall of Saddam Hussein’s brutal regime coupled with the dawning of a new day for the Iraqi people.

With major military combat operations in Iraq over and the security of our homeland bolstered, America and her allies are turning our efforts toward helping the Iraqi people build a free society.

Like many Americans, I was thrilled and heartened by the dramatic images of U.S. troops helping Iraqi citizens tear down statues and paintings of Saddam Hussein. The Iraqi people needed our help, our tanks, our troops, and our commitment to topple Saddam Hussein.

For the first time in their lives, many Iraqis are tasting freedom, and like people everywhere, they think it’s wonderful. I’m proud of our military and America’s commitment to make the people of the Middle East more free and secure.

Our military men and women sure face more difficult days in Iraq, and the Iraqi people will be tested by the responsibilities that come with freedom. The thugs who propped up the previous regime and outside forces with goals of their own will seek to cause problems, stir up trouble and initiate displacement. But—no more so than in a country that has just shaken off a brutal dictatorship.
But the journey towards a domestic Iraq has now been embarked upon. Like so many nations before it, Iraq now endures the growing pains common to a fledgling democracy. The uncertainty of today’s Iraq, I am hopeful, will soon give way to the promise of a better future for the Iraqi people, and as we move closer to this goal, we must remember those who sacrificed for this noble cause.

Today, I rise to honor a man who made the ultimate sacrifice one can make for his country and the cause of freedom.

Staff Sergeant Aaron Dean White, 27, died May 19 when the CH–46 transport helicopter he was in crashed into a canal in central Iraq. White was an Oklahoma native. He grew up in Seminole County where he attended school until his junior year in high school. He then graduated from Shawnee High School in 1994 and immediately began his military career.

If you ask his mother, she will tell you that he had a “calling to serve people.” That call to service was put to good use in our Armed Forces.

White was trained in helicopter maintenance, but he could not get enough of flying. His pastor, Reverend Wesley Martin, explained his passion for flight: “After he got his pilot’s license, all he did was fly. He couldn’t get enough of it. He loved to fly and he loved life.”

As a result, he volunteered for the gunner position on the helicopter that crashed. “That a flight that must have been,” said Martin. “No equipment necessary—as he flew immediately into the heavens.”

As we watch the dawn of a new day in Iraq, let us never forget that the freedom we enjoy every day in America is bought at a price.

Staff Sergeant White did not die in vain. He died so that many others could live in security and freedom. And for that sacrifice, we are forever indebted. Our thoughts and prayers are with him and his family today and with the troops who are putting their lives on the line in Iraq. I yield the floor.

THE NATIONAL SECURITY ASPECT OF THE GLOBAL MIGRATION OF THE U.S. SEMICONDUCTOR INDUSTRY

Mr. LIEBERMAN. Mr. President, I rise today to express my concern about the loss to the U.S. economy of most of our high-end semiconductor chip manufacturing sector, the threat of the subsequent loss of the semiconductor research and design sectors, and the resulting serious national security implications.

The composition of the global semiconductor industry has changed dramatically in recent years. East Asian countries are leveraging market forces through their national and industrial policies to drive a migration of semiconductor manufacturing to that region, particularly China, through a large array of direct and indirect subsidies to their domestic semiconductor industry. If this accelerating shift in manufacturing overseas continues, the U.S. will lose the ability over time to reliably obtain high-end semiconductor integrated circuits from trusted sources, at a time when these advanced processing components are becoming a crucial defense technology advantage to the U.S. and intelligence sectors have made clear that relying on semiconductor integrated circuits fabricated outside the U.S., e.g. in China, Taiwan and Singapore, is not an acceptable national security option. The economic impact in the U.S. of the loss of manufacturing, research and design has equally serious implications.

I would like to direct my colleagues’ attention to a White Paper, that I am asking to be included in the CONGRESSIONAL RECORD, which outlines the fact that this off-shore migration of high-end semiconductor chip manufacturing is a result of concerted foreign government action, through an effective combination of trade and industrial policies which have taken advantage of opportunities resulting from market forces and changes in the semiconductor industry. This White Paper lists a number of possible actions the defense and intelligence communities should consider to prevent this serious loss of U.S. semiconductor manufacturing and design capability. I have also requested that the Department of Defense, the National Security Agency, and the National Reconnaissance Office submit reports and plans of action to respond to this impending national security threat. I have asked that these reports provide an analysis of the semiconductor manufacturing issues that relate to defense and national security, and also provide potential solutions that are discussed in the White Paper. I hope these reports will detail the steps that will be taken to counteract this loss of critical components for U.S. defense needs, as well as a timetable for the implementation of such steps. I note that the Armed Services Committee report on the bill we passed yesterday requests similar information.

I hope we can act promptly to avoid a potential national security crisis in terms of reliable access to cutting-edge technology necessary to the critical defense needs of our country. The loss goes beyond economics and security. What is at stake here is our ability to be preeminent in the world of ideas on which the semiconductor industry is based. A prompt, concerted effort by the defense and intelligence communities in cooperation with industry can reverse this trend of off-shore migration of manufacturing, research and design. And I am sure that will become essentially irreversible if no action is taken in the next few months.

I ask consent that my “White Paper on National Security Aspects of the Global Migration of the U.S. Semiconductor Industry” be printed in the RECORD.

There being no objection, the material was ordered to be printed in the CONGRESSIONAL RECORD.

WHITE PAPER: NATIONAL SECURITY ASPECTS OF THE GLOBAL MIGRATION OF THE U.S. SEMICONDUCTOR INDUSTRY

The U.S. is facing an imminent threat to national security as a result of foreign government actions that are changing the composition of the semiconductor industry. Our concern is the loss to the U.S. economy of the high-end semiconductor manufacturing sector, the potential subsequent loss of the semiconductor research and design sectors, and the grave national security implications that this would entail. East Asian countries are leveraging market forces through their national trade and industrial policies to drive a migration of semiconductor manufacturing to that region, particularly China, through large array of direct and indirect subsidies to their domestic semiconductor industry. If this accelerating shift in manufacturing overseas continues, the U.S. will lose the ability to reliably obtain high-end semiconductor integrated circuits from trusted sources. This will pose serious national security concerns to our defense and intelligence communities. Historically, shifts in manufacturing result over time in the loss of defense design capabilities. This is especially true of leading-edge industries such as advanced semiconductor manufacturing, which requires a tight linkage and geographic proximity for research, development, engineering and manufacturing activities. The economic impact on the U.S. of the loss of manufacturing, research and design has equally serious implications.

The Pentagon’s Advisory Group on Electronic Devices (AGED) has warned that the loss to the U.S. economy of most of our high-end semiconductor chip manufacturing sector, the threat of the subsequent loss of the semiconductor research and design sectors, and the resulting serious national security implications will become essentially irreversible if no action is taken in the next few months.
the infrastructure that connects these systems. As the military transforms to a “network-centric” force in the future, the DoD’s Global Information Grid will demand extreme coordination across the DoD. To overcome the technical barriers to a seamless communication network between terrestrial 24 and 48 color optical fiber and satellite links, there are critical requirements for high-speed encryption requirements for a secure communication system. Intelligence agencies will increasingly need the most advanced chips for signal processing and data analysis, for real-time data evaluation, for sensor input and analysis, and for encryption and decryption.

As studies for DARPA have indicated, the next several generations of integrated circuits, which emerge at roughly eighteen-month intervals as predicted by Moore’s law, are at the cutting edge in their capabilities. It is erroneous to believe that future U.S. war-fighting capability will be derived from chips one or two generations behind current state-of-the-art technology. Many of the integrated circuits and processing platforms that are coming in to use, and which are at the heart of new strategies, are already at the cutting edge in their capabilities.

With the dramatic new capabilities enabled by advanced chip technologies, DoD and the intelligence agencies will need to be first adopters of the most advanced integrated circuits, and will be increasingly dependent on advanced semiconductor technology to secure advanced chip-making capability, at the same time that these components are becoming a crucial defense technology advantage. Informed elements of the intelligence community therefore have made clear that relying on integrated circuits fabricated outside the U.S. (e.g. in China, Taiwan and Singapore) is not an acceptable national security option.

ECONOMIC IMPORTANCE AND CHANGES IN THE SEMICONDUCTOR INDUSTRY

The influence of the semiconductor industry today in the U.S. is difficult to overstate. The U.S. semiconductor sector currently employs 240,000 people in high-wage manufacturing jobs, and had sales totaling $300 billion in the global market in 2000 (50 percent of total worldwide sales). In 1999, this sector was the largest value-added industry in manufacturing in the U.S., larger than the iron, steel and motor vehicle industries combined. The productivity growth in the U.S. in the 1990s was due in significant part to the computer industry in information technology, such as Moore’s Law. The economic implications of the potential migration of high-end semiconductor design and manufacturing to off-shore facilities has the potential to cause (and, it could be argued, is already causing) long-term damage to the economic fabric of the country, with corresponding national security ramifications.

A fundamental change in the semiconductor industry has been, in very simplified form, a shift in performance and power. As a result, the industry has reduced revenue in the industry dramatically over the last decade. During the early 1980’s, and continuing until about 1994, the compounded growth rate in the semiconductor industry was 16 percent. From 1994 to the present, the growth rate has been approximately 8 percent. This situation is combined with the very large costs associated with the development of new 300 mm fabrication facilities (“fabs”), as well as the increasing size of the research and design costs as the industry must develop methods other than the traditional scaling methods (making all aspects of the chips smaller and smaller) to maintain performance. These factors, and the current recession, are driving the industry to consolidations. As these consolidations take place, new business models and alliances come into play.

A PROCESS DRIVEN BY GOVERNMENT POLICY IN REACTION TO MARKET FORCES

The principal reason that China is becoming a center for semiconductor manufacturing is the effective combination of government trade and industrial policies which have taken advantage of opportunities resulting from market forces and changes in the semiconductor industry. In a sector characterized by rapidly increasing capital costs and the need to have access to large, rapidly growing markets, such as China’s, Chinese government policies and subsidies can decisively change the terms of international competition. The impact of these incentives is accentuated by China’s anti-dumping and multi-year recession, which has sharply reduced revenue and increased the competition for markets to absorb the industry’s characteristic high fixed costs. Governments were already drawing new manufacturing capability, as well as tool and equipment makers, to its science and technology park complex. However, in the last few years, Chinese policy has resulted in a sharp upsurge in construction of fabrication facilities in that country, which will continue to increase in the near future. The U.S. high-tech industry has been in a recession the last two years, with sharply reduced sales and severe losses. The number of state-of-the-art U.S. semiconductor fabs is expected to sharply decrease in the next 3-5 years to as few as 1-2 firms that now have the revenue base to own a 300 mm wafer production fab, and likely less than a handful of firms. Although the U.S. currently leads the world semiconductor industry with a 50 percent world market share, the Semiconductor Industry Association estimates that the U.S. share of 300 mm wafer production capacity will be only approximately 20 percent in 2005, while Asian share will reach 50 percent (Japan’s and Taiwan’s combined). The remaining state-of-the-art U.S. chip-making firms face great difficulty in attaining the huge amounts of capital required to construct next generation fabs. This situation stands in contrast to that in China. To ensure that they develop the ability to build the next-generation fabrication facilities, the U.S. government has been cooperating with regional and local authorities, has undertaken a large array of direct and indirect subsidies to support their domestic semiconductor industry. The U.S. government has also developed a number of partnerships with U.S. and European companies that are cost-advantageous to the companies in the short-term in order to increase profits. This strategy, which is similar to that employed by the European Union in early 1990s, is a means of inducing substantial inflows of direct foreign investment. Indeed, much of the funding is Taiwanese, driven by the tax incentives and their need for market access, especially for commodity products such as DRAMs. These firms rely on cheaper labor, as that is a small element in semiconductor production.

The Chinese are, however, able to increasingly draw on substantially larger pools of technically trained labor as compared to the U.S., from the large cohorts of domestic engineers graduating. Graduate student output of Chinese universities is supplemented by large numbers of engineers trained at U.S. universities and micronsals who are offered substantial incentives to return to work in China. These incentives for scientists and engineers, which include subsidies to employees making facilities, extensive stock options taxed at par value, and other amenities, are proving effective in attracting expatriate labor. They also represent an important new dimension in an accelerating global competition for highly skilled IT labor.

These actions reflect a strategic decision and represent a concerted effort by the Chinese government to capture the benefits of this enabling, high-tech industry, and thereby ensure that Chinese companies will be the leading supplier of chip technologies to China. China’s “subsidies” may be only a few tens of percentage points of decrease (literally, only 20-30 percent in the manufacturing costs of the chips, but this difference appears to play an important role in driving the entire offshore migration process for these critical components. Essentially, these actions reflect a strategic decision and represent a concerted effort by the Chinese government to capture the benefits of this enabling, high-tech industry, and thereby ensure that Chinese companies will be the leading supplier of chip technologies to China. China’s “subsidies” may be only a few tens of percentage points of decrease (literally, only 20-30 percent in the manufacturing costs of the chips, but this difference appears to play an important role in driving the entire offshore migration process for these critical components.

To understand the current shift in capacity to China is not entirely the result of market forces. It is equally important to recognize that even if some residual U.S. manufacturing capacity remains, the large-scale migration takes place, the shift of the bulk of semiconductor manufacturing will severely constrain the ability of the U.S. to maintain high-end research and development capabilities. Such directed government support has proven itself to be a severe threat to the American industry. For a variety of reasons, the U.S. government has never been able to provide such coordinated support. The results of this deficit have been devastating. The idea that the government can contribute to the health and direction of such a “consumer based” industry is unfounded, particularly given the national security implications.

A PLAN OF ACTION

The stakes are real. The time for the country to react effectively is limited. There are things that can be done. If these things are taken in a timely fashion, the collective impact of the measures will be more powerful in maintaining reliable first access to high-end semiconductor chips manufacturing in the U.S. These could include:

Active Enforcement of GATT trade rules. Currently the Chinese government is protecting high-end semiconductor chips, essentially providing a large
subsidy of their domestic industry in clear violation of GATT rules. Thus, U.S.-made chips would pay a 17 percent VAT, and Chinese-made chips would pay a 3 percent VAT. Given the competition between the Chinese and the growing importance of the Chinese chip market, this is a very significant step towards ending U.S. production. It is important that GATT rules be enforced in this instance, and not allow government imposed advantages for foreign competitors to damage U.S. manufacturing. The DoD and the U.S. Trade Representative undertake prompt bilateral negotiations to remove these measures.

Joining hands. With the current downturn in the high-tech sector, it is probable that many chip manufacturing companies will be unable to acquire the necessary funding in the short term to pay for new 12-inch water advanced chip fabrication facilities, which are radically increasing in cost. Title 15 of the U.S. code (sections 4301 through 4305) gives private technology companies facing global competition the ability to enter into joint production ventures with a waiver of certain anti-trust rules. Under this Act, private companies could consolidate assets into a small number of chip fabrication plants, which can then be run by a combination of two of five companies. This cooperative investment in a fab could sharply reduce the risk and cost to each participating firm, and their joint purchase of chips from a new fab could be the basis to obtain financing. The Department could encourage this kind of venture and offer contracting opportunities to meet DoD’s own chip-making needs, thus being an additional guarantor of demand.

Business models. A variety of creative business models exist which can help the Department and intelligence agencies obtain improved access to advanced manufacturing lines. The Department and intelligence agencies can enter into agreements with a number of U.S.-based chip manufacturers within the context of one of these models to the mutual benefit of all parties. DoD should contract with selected U.S. fabs for long-term access, using any one or more types of contractual vehicles (such as “take or pay”). DoD should also direct its aerospace end users to provide funding for new U.S. advanced chip manufacturing in a coordinated way. DoD and the intelligence agencies must pursue this avenue of creative government-industry cooperation, and must do so soon, as time is not on the side of the U.S. government-industry cooperation, and must do so soon, as time is not on the side of the U.S. government-industry cooperation, and must do so soon, as time is not on the side of the U.S. government-industry cooperation, and must do so soon, as time is not on the side of the U.S. government-industry cooperation, and must do so soon, as time is not on the side of the U.S. government-industry cooperation, and must do so soon, as time is not on the side of the U.S. government-industry cooperation, and must do so soon, as time is not on the side of the U.S. government-industry cooperation, and must do so soon, as time is not on the side of the U.S. government-industry cooperation, and must do so soon, as time is not on the side of the U.S. government-industry cooperation, and must do so soon, as time is not on the side of the U.S. government-industry cooperation, and must do so soon, as time is not on the side of the U.S. government-industry cooperation, and must do so soon, as time is not on the side of the U.S. government-industry cooperation, and must do so soon, as time is not on the side of the U.S. government-industry cooperation, and must do so soon, as time is not on the side of the U.S. government-industry cooperation.

The Semiconductor Equipment and Materials Industry. Over the last decade a fair share of U.S. semiconductor tooling and equipment has migrated to the Far East. Several sources to act to stem the deterioration of advanced lithography. The migration has had a significant impact on our ability to guide growth and direct development in the chip economy as a whole. For example, when ASML (a Dutch firm) tool over SVG–L (our last cutting-edge lithograph) person base at the former SVG–L, site, in part because of the recession, was reduced, and some advanced product development was shifted to Europe. Accordingly, SVG–L, Tinsley, an SVG–L subsidiary, which is the world’s premier supplier of aspheric optical components widely used in defense and communications systems (used to guide laser beams), was acquired by ASML. Lithography patent battles that could affect sales and services to U.S. chip
THE HOLOCAUST VICTIMS' ASSETS, RESTITUTION POLICY, AND REMEMBRANCE ACT

Mrs. CLINTON. Mr. President, today I join my colleagues in support of the Holocaust Victims' Assets, Restitution Policy, and Remembrance Act.

We are motivated by a desire to achieve justice for Holocaust victims and their families, and we recognize that if such justice is to be attained, the United States must continue to lead the world by example.

The United States has provided leadership in this area ever since American troops liberated the death camps. Most recently, the United States has been the driving force behind international settlements with foreign governments, the Swiss banks, the European insurance companies, and German corporations that benefited from slave labor. This legislation recognizes that the struggle for justice demanded American leadership and that the foundation is the appropriate mechanism for that leadership.

Justice is timeless, and it is time for the United States to step forward to help Holocaust survivors reunite with their assets and belongings. For many survivors and family members, a painting, a piece of furniture, or a family heirloom is the only remaining connection between them and their loved ones who died in the Holocaust. This legislation is long overdue. I hope that it reunites many victims and families with those items that have been missing for too many years, and a reunion like that would be a bittersweet kind of justice.

The purpose of the legislation is to create a public/private foundation to integrate research that has been conducted by 23 international commissions in the area of Holocaust-era assets, to complete the research agenda that arises from that synthesis, and to stimulate the transition to a contemporary restitution policy.

The foundation will be the single most effective facilitator of the identification and return of Holocaust-era assets to their rightful owners and heirs ever supported by the U.S. Government.

If the nations of the world are to be convinced of our lasting commitment to justice for Holocaust victims and if our efforts to return them to the United States are 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. Only a year ago Suu Kyi was released from one of her numerous occasions of house arrest in Burma, this one lasting 19 months. Her release last spring came with the promise to release political prisoners and begin a new discussion with her party. That party, the National League of Democracy, legitimately won power in a 1990 election, but was denied the opportunity to take office in the government crackdown that followed.

This cruel attack is another example of a corrupt government that continues to commit flagrant human rights violations against its citizens, uses rape as a weapon of intimidation and torture against women, and forcibly enslaves child soldiers to fight their own people. This new atrocity has outraged the world, and many governments have denounced it. Stronger action by the international community is long overdue, and we must act as well. Under S. 1112, the Democratic Leadership, and again and again democracy activists is another sad and irreversible if no action is taken in the next few months. I am requesting a report and survey and make recommendations to DoD and the intelligence agencies lost on what can be done to stimulate and grow such regional and standards activities to improve future photomask infrastructure capability. The ability to benefit from such cost-saving relationships will be permanent. DoD can attempt to achieve temporary solutions such as building its own next generation government-owned chip fabrication facility, but this is likely to be both expensive and ineffective. If the best research and design capability shifts to China along with manufacturing, this approach will not work past the next generation or two of semiconductor chip production. In addition, temporary solutions are not only unworkable over time if the U.S. wishes to retain the best capability that is required for defense and intelligence needs, but will be far more expensive than the solution proposed above. This is because the opportunity to leverage off the commercial sector (an approach which the DoD and intelligence community have historically pursued) for new advances and cost savings will be lost. The U.S. policy goal should not be to seek to prevent China from obtaining significant chip-making capability in the very near future. That will happen. The issue is whether the U.S. can improve its competitive position and improve the overall distortion in order to retain significant and manufacturing capacity.

CONCLUSIONS AND FURTHER ACTION

A prompt, concerted effort by the defense and intelligence community in reverse this trend of off-shore migration of manufacturing, research, and design that is now under way and that will become essentially irreversible if no action is taken in the next few months. I am requesting a report and a plan of action from DoD and the intelligence community, based on the steps enumerated above, on how they will act to prevent the nationalism that threatens the future of the U.S. semiconductor industry will entail.

The losses go beyond economics and security. What is at stake here is our ability to be recognized as a world leader of ideas and of the semiconductor industry is based. Much of applied physical science—optics, materials, science, computer science, to name a few—will be practiced at foreign centers of excellence. This stunning loss of intellectual capability will impede our efforts in all areas of our society.

I hope that by bringing attention to this matter, we can avoid a potential national security crisis in terms of reliable access to cutting-edge technologies crucial to the critical defense needs of our country. We are being confronted by one of the greatest transfers of critical defense technologies ever observed by our government and the time for action is overdue.

AUNG SAN SUU KYI: RELEASE HER UNHARMED

Mr. KENNEDY. Mr. President, Burma's brutal and illegitimate military government committed yet another vicious atrocity last week when Aung San Suu Kyi and many members of her democracy movement were suddenly assaulted by a paramilitary group. Some of her supporters were killed and many others were wounded. She herself was taken into so-called "protective custody" by the regime but little more is known of her whereabouts, her health, or the safety of the 20 or so people arrested with her.

The violent repression of these democracy activists is another sad and infuriating example of the continuing efforts by the Burmese government to block any genuine political reform in the country.

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otherwise have no ability to do so. It will encourage policymakers to deal with contemporary restitution issues, including how best to treat unclaimed assets.

The foundation is authorized for 10 years, after which it will sunset and "spin off" its research results and materials to other appropriate public and private entities. It is able to accept private funds as well as public dollars.

The commission identified a number of policy initiatives that require U.S. leadership. These initiatives included, but are not limited to the need to: compile a report that integrates, synthesizes, and supplements the research on Holocaust-era assets that has been conducted around the world; review the degree to which other nations have implemented the principles adopted at various international conferences; work with organizations to provide for the coordinated and centralized dissemination of information about restitution programs; encourage the creation and expansion of mechanisms, including Dispute Resolution options, to assist claimants in obtaining the speedy resolution of their claims; and, support the establishment and maintenance of a computerized and searchable database of Holocaust victims’ claims for the restitution of personal property.

The foundation will also encourage, and support, the efforts of State governments to facilitate the cross match of unclaimed property records with lists of Holocaust victims. It will work with the museum community to further stimulate provenance research into European paintings and Judaica. It will promote and monitor the implementation by major banking institutions of the agreement developed in conjunction with the New York Bankers Association. Finally, it will work with the private sector to develop and promote common standards and best practices for research on Holocaust-era assets.

The impetus for the foundation comes from the work of the Presidential Advisory Commission on Holocaust Assets in the United States chaired by Edgar M. Bronfman, Sr. The commission report, “Plunder and Restitution: The U.S. and Holocaust Victims’ Assets,” was the most comprehensive examination ever conducted into how the Federal Government handled the assets of Holocaust victims that came into its possession or control.

The Congress has dealt with Holocaust issues on a nonpartisan basis, and I am confident it will consider this bill in the same spirit. I urge my colleagues to cosponsor it and look forward to its prompt adoption.

IN CELEBRATION OF THE 25TH ANNIVERSARY OF MARIN SERVICES FOR WOMEN

Mrs. BOXER. Mr. President, I take this opportunity to recognize the 25th anniversary of Marin Services for Women.

Since 1978, Marin Services for Woman MSW, has helped women recover from drug and alcohol abuse. It is the only agency that provides alcohol and drug treatment programs designed to meet the specific needs of women and their families.

MSW works tirelessly to ensure the physical and emotional health of Bay Area women by working one-on-one with individuals and providing them with special treatment. MSW’s treatment philosophy is a comprehensive, gender-specific, culturally responsible approach to alcohol and drug recovery that respects and encourages each client’s strengths and provides social, economic and political empowerment.

Throughout its 25 years of service, MSW has successfully provided a safe haven for women seeking recovery by providing female staff role models who reflect the diversity of the client population; residential and outpatient services that address the addiction patterns of women; and intensive case management to assist with employment status, access to housing, and use of outside health and social services. MSW’s success in advancing community recovery by providing specialized treatment tailored to each individual woman has set a standard for care in the Bay Area.

For 25 years, Marin Services for Women has served as a beacon for women who have nowhere else to turn. Their dedication to the community is inspiring and impressive. I congratulate Marin Services for Women on their 25th anniversary and wish them another 25 years of success.

IN RECOGNITION OF OFFICER MICHAEL SIEBERT, RECIPIENT OF THE CALIFORNIA AMERICAN LEGION LAW ENFORCEMENT OFFICER OF THE YEAR AWARD

Mrs. BOXER. Mr. President, I rise today to bring to the Senate’s attention the exemplary achievements and outstanding service of Officer Michael Siebert of the San Francisco Police Department.

The American Legion, Department of California has chosen Officer Michael Siebert as its Law Enforcement Officer of the Year. Officer Siebert is receiving this award for his dedication to the betterment of his community and to law enforcement.

Officer Michael Siebert has dedicated himself to raising funds for children with catastrophic childhood diseases. In 1998, Officer Siebert volunteered to travel to Sydney, Australia, to take part in its “Crop-A-Cop” fundraising event. This event featured officers who raise charity funds earmarked for children with cancer. As part of the event, officers would shave their heads to demonstrate to children going through the horrors of chemotherapy that it was okay to have no hair. Not only did Officer Siebert shave his head, but he also returned to “Crop-A-Cop” in Australia the following year.

Through his efforts, in 1999, this event debuted in the United States. Not only did he supervise the San Francisco Police Department and the Sheriff’s Department participate, but Officer Siebert enlisted agencies all over the State of California to take part. This year marked the fourth year of Officer Siebert’s “Buzz the Fuzz” fundraiser.

Officer Siebert is an inspiration to all. Californians are extremely proud of Officer Siebert’s dedication to his police work, the community, and to children who bravely face the devastation of cancer. He is most deserving of this award and the outpouring of admiration he receives from colleagues and friends. I am honored to pay tribute to him, and I encourage my colleagues to thank Officer Siebert for his service. Officer Michael Siebert much continued success in his law enforcement career.

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COMMEMORATING JOE CENOZ ON 50 YEARS OF SERVICE TO THE AMERICAN LEGION CALIFORNIA BOYS STATE

Mrs. BOXER. Mr. President, I would like to take a few minutes to recognize a constituent, Joe Cenoz, who will, at the end of the month, mark his 50th year of exemplary service to the American Legion California Boys State program.

Since 1935, the Boys State program has brought together high school boys from across their States to immerse them in a week of education about, and simulation of, their State government. The California program began in 1938, and Mr. Cenoz is the first counselor in the history of the California Boys State program to reach 50 years of service. His work has touched the lives of nearly 50,000 young Californians and 3,000 staff members who have served with and under his guidance.

Mr. Cenoz began his 50 years of service with the California Boys State program in 1951 as a city counselor. In 1955, he also assumed the role of political party counselor, helping to guide the Boys State delegates through the process of partisan politics. In 1961, Mr. Cenoz was elevated to the role of county counselor. In this role, he worked with the delegates of the three cities that made up the county, while continuing his role as political party counselor.

In 1974, Mr. Cenoz moved to the role of assistant chief counselor, guiding the California Boys State counseling staff and delegates through the weeklong program. He became the chief
TRIBUTE TO CAPTAIN CHARLES A. BUSH

- Mr. WARNER. Mr. President, I rise today to commend an outstanding officer, CPT Charles A. Bush, on the occasion of his retirement from the Department of the Navy. It is a great honor for me to take this opportunity to thank Captain Bush and his family for his distinguished and dedicated service to our Nation. Over the last quarter of a century, he has proudly and selflessly served his Nation in defense of freedom.

Few of us can appreciate the true awe of the U.S. aircraft carrier as well as Captain Bush can. During his career he served the aircraft carrier community in many facets: naval aviator, engineer officer, maintenance coordinator, and most recently as program manager for in-service aircraft carriers.

During his tenure as program manager, Captain Bush oversaw the construction of the USS Harry S. Truman, CVN 75, and Ronald Reagan, CVN 76, the complete refueling and complex overhaul of the first Nimitz-class carrier, USS Nimitz, CVN 68, the commencement of the second Nimitz-class carrier, USS George H.W. Bush, CVN 77, and its refueling and overhaul—the USS Dwight D. Eisenhower, CVN 69, as well as the maintenance planning for the in-service carrier force at the highest possible level of readiness.

His innovative concepts, motivational leadership, and personal energy have produced exactly what was required to support these national assets—dramatic streamlining of processes and organizations, reduced maintenance cost and cycle time, and a government and commercial workforce trained for and ready to take these concepts forward. The culmination of his efforts can be no better illustrated than by the successful surge of carriers in support of Operation Enduring Freedom and Operation Iraqi Freedom. Captain Bush's son, Nicholas, now has the distinct honor to continue the family's great service to our Nation on the board of the USS Nimitz. Nicholas is a student pilot for the Navy's VAQ-135, NAS Whidbey Island, WA, and was recently deployed in support of Operation Iraqi Freedom.

TRIBUTE TO COMPANY C 5TH BATTALION 112TH ARMOR

- Mr. PRYOR. Mr. President, I stand before you today in tribute to the Company C 5th Battalion 112th Armor currently stationed at the Pine Bluff Arsenal, along with the people of my State as well as those across the Nation. I would like to offer my sincere appreciation and farewell to this group of 238 personnel that will be relieved of their duty at the Arsenal in a transfer of authority on June 11, 2003.

This exceptional group of young men and women hailing from Arkansas and Texas came together in an unusual display of diversity in September of 2002 in order to provide security as a Chemical Site Defense Force. Under the creed, "One flag, One Team, One Fight," this company is a combination of 169 men and women from five Army Companies in Northeast Texas, as well as 69 personnel from my home State of Arkansas. For those not schooled in the procedures of the National Guard, this interstate combination is rare. On top of this is the fact that within "Tank Fantillery," which is the adopted nickname of the company, there is also an unusual mixture of tankers, infantrymen and an artillery battery. Under the direction of CDR Robert Eason, "Tank Fantillery" has shown their dedication, unity, and diversity as they have joined in the fight against terrorism by successfully fulfilling their protective duties at the Pine Bluff Arsenal Chemical Munitions facility. Now, coming to the end of their term of duty, I feel that it is appropriate for us to offer them our gratitude and appreciation on the completion of their objective.

Later this month the transfer of authority will take place, and this group of personnel will be relieved of the protective duties that they have held for the last 12 months. Such an occasion offers the chance to honor these men and women that display a level of dedication to their country that too few of us share. All of the world should be so lucky as to have such dedicated and honorable soldiers committed to their country as we have in "Tank Fantillery." It is with a clear heart that I salute these men and women and wish them luck in all of their future endeavors.
MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

The nominations received today are printed at the end of the Senate proceedings.

MESSAGES FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 361. An act 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 Trade Commission.

H.R. 1389. An act to revise the provisions of the Immigration and Nationality Act relating to naturalization through service in the Armed Forces, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 190. Concurrent resolution to establish a joint committee to review House and Senate military personnel matters assuring continuing representation and congressional operations for the American people.

The message further announced that the House has passed the following bills, with the following report of a rule entitled “Distribution of Fiscal Year 2003 Indian Reservation Roads Funds (RIN 1076–AE34)” received on June 1, 2003; to the Committee on Indian Affairs:

S. 222. An act to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes.

S. 273. An act to provide for expedited completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 361. An act 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; to the Committee on Commerce, Science, and Transportation.

H.R. 1474. An act to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system, without mandating receipt of check in electronic form, and to improve the overall efficiency of the Nation’s payments system, and for other purposes.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 177. Concurrent resolution 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.

The message further announced that the House insists upon its amendment during those operations.

The following bills were read the first time by unanimous consent, and referred as indicated:

H. Con. Res. 190. Concurrent resolution to establish a joint committee to review House and Senate military personnel matters assuring continuing representation and congressional operations for the American people; to the Committee on Rules and Administration.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 192. An act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS). At 5:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1474. An act to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system, without mandating receipt of check in electronic form, and to improve the overall efficiency of the Nation’s payments system, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 190. Concurrent resolution to establish a joint committee to review House and Senate military personnel matters assuring continuing representation and congressional operations for the American people.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).
EC-2558. A communication from the General Counsel, Department of the Treasury, transmitting, pursuant to law, the report entitled "Collateral Valuation Improvement Act of 2003'' received on May 27, 2003; to the Committee on Finance.

EC-2559. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of the Designation of an acting officer for the position of Chief Financial Officer for the Department of the Treasury, received on June 1, 2003; to the Committee on Finance.

EC-2560. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a confirmation for the position of Member, IRS Oversight Board, Department of the Treasury, received on June 1, 2003; to the Committee on Finance.

EC-2561. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Public Affairs for the Department of the Treasury, received on June 1, 2003; to the Committee on Finance.

EC-2562. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Office of the Secretary, Department of the Treasury, received on June 1, 2003; to the Committee on Finance.

EC-2563. A communication from the Under Secretary for International and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Stamp Program: Anticipating Raceland Reporting Changes (0891–AB57)'' received on May 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2564. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clothing; Pesticide Tolerance (FRL 7306–8)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2565. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Methoxyfenozide; Pesticide Tolerance (FRL 7306–6)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2566. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Imported Fire Ant; Additions to Quarantined Areas (Doc. 02–114–2)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2567. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Diseased Wake County, North Carolina" received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2568. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status Napa County, California'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2569. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Requirements for the USDA ‘Produced From’ Trademark for Shell Eggs (Doc. No. PY–02–007) (RIN 0581–AC24)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2570. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report entitled "Marketing Order Regulating the Handling of Old Cotton" received on May 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2571. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report entitled "Cottonseed Payment Program (RIN 0560–AG97)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2572. A communication from the Administrator, Cotton Program, Department of Agriculture, transmitting, pursuant to law, the report rule entitled "Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on imports (2003 Amendments) (Doc. No. CN–03–002)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2573. A communication from the Administrator, Cotton Program, Department of Agriculture, transmitting, pursuant to law, the report entitled "Raisins Produced from Grapes Grown in California; Modification to the Raisins Marketing Order; 2003–2004 Marketing Year'' received on June 1, 2003; to the Special Committee on Aging.

EC-2574. A communication from the Administrator, Fruit and Vegetable Program, Department of Agriculture, transmitting, pursuant to law, the report entitled "Raisins Produced from Grapes Grown in Washington; Establishment of Final Free and Restricted Percentages for the 2002–2003 Market Year (Doc. No. FV03–989–FIR)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2575. A communication from the Administrator, Fruit and Vegetable Program, Department of Agriculture, transmitting, pursuant to law, the report entitled "Spearpoint Oil Produce in the Far West; Increased Assessment Rate (Doc. No. FV03–995–2 FPR)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2576. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report entitled "Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2003–2004 Marketing Year (Doc. No. FV03–992–2 FIR)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2577. A communication from the Administrator, Fruit and Vegetable Program, Department of Agriculture, transmitting, pursuant to law, the report entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Increase Assessment Rate (Doc. No. FV03–982–2 FIR)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2578. A communication from the Administrator, Dairy Program, Department of Agriculture, transmitting, pursuant to law, the report entitled "Collateral Valuation Improvement Act of 2003'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2579. A communication from the Chief Operating Officer, Chemical Safety and Hazardous Materials Protection, Department of Transportation, transmitting, pursuant to law, the report rule entitled "Official Performance and Procedural Requirements for Grain Weighing Equipment and Related Grain Handling Systems'' received on May 21, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2580. A communication from the Administrator, Tobacco Programs, Department of Agriculture, transmitting, pursuant to law, the report rule entitled "Prohibitions and Regulations: Adjusting Supplemental Assessment on imports (2003 Amendments) (Doc. No. TB–02–14)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2581. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report rule entitled "Official Inspection and Official Weighing Services'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2582. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report rule entitled "2003–2004 Annual Performance Plan'' received on May 27, 2003; to the Committee on Governmental Affairs.

EC-2583. A communication from the Director, Office of Management and Budget (OMB), Executive Office of the President, transmitting, pursuant to law, OMB's second annual report relative to the agency's Information Technology security, received on May 27, 2003; to the Committee on Governmental Affairs.

EC-2584. A communication from the Deputy Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report entitled "Fiscal Year 2004 Annual Performance Plan'' received on May 27, 2003; to the Committee on Governmental Affairs.

EC-2585. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–92 "Fiscal Year 2003 Budget Support Temporary Amendment Act of 2003'' received on May 27, 2003; to the Committee on Governmental Affairs.

EC-2586. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–91 "Disposal of District Owned Surplus Real Property Temporary Amendment Act of 2003'' received on May 27, 2003; to the Committee on Governmental Affairs.

EC-2587. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–90 "Operations Endur- ing Freedom Pay Differential Extension Temporary Amendment Act of 2003'' received on May 27, 2003; to the Committee on Governmental Affairs.

EC-2588. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–89 "Disposal of District Owned Surplus Real Property Temporary Amendment Act of 2003'' received on May 27, 2003; to the Committee on Governmental Affairs.

EC-2589. A communication from the Chief Operating Officer, Chemical Safety and Hazardous Materials Protection, Department of Transportation, transmitting, pursuant to law, the report on D.C. Act 15–81 "Central Detention Facility Monitoring Temporary Amendment Act of 2003'' received on May 27, 2003; to the Committee on Governmental Affairs.

EC-2590. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–80 " ‘911’ Hazard and Risk, Fiscal Year 2003'' received on May 27, 2003; to the Committee on Governmental Affairs.

EC-2591. A communication from the Director, Employment Service, Office of Personal Management, transmitting, pursuant to law,
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 Mrs. MURRAY:
S. 1186. A bill to repeal the two-year limitation on the use of benefits under the GI Bill of Rights that are due and unpaid by the Secretary of Veterans Affairs upon the death of a veteran or other beneficiary under laws administered by the Secretary, to provide for substitution of other parties in the case of a claim for benefits provided by the Secretary when the applicant for such benefits dies while the claim is pending, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DURBIN:
S. 1189. A bill to ensure an appropriate balance between resources and accountability under the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mrs. HUTCHISON):
S. 1190. A bill to expand and enhance postbaccalaureate opportunities at Hispanic-serving institutions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY:
S. 1191. A bill to restore Federal remedies for infringements of intellectual property by States, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN (for himself and Ms. STABENOW):
S. 1192. A bill to establish a Consumer and Small Business Energy Commission to assess and provide recommendations regarding recent energy price spikes from the perspective of consumers and small businesses; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself, Mr. SMITH, and Mrs. MURRAY):
S. 1193. A bill to provide for qualified withdrawals from the Capital Construction Fund for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans, and for other purposes; to the Committee on Finance.

By Mr. DeWINE (for himself, Mr. LEAHY, Mr. GRASSLEY, Ms. CANTWELL, and Mr. DOMENICI):
S. 1194. A bill to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems; to the Committee on the Judiciary.

By Mr. KYL (for himself, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. MCCAIN, Mr. PFEIFFER, Mr. AXELROD, Mrs. LINCOLN, Mr. BUNNING, Mr. SMITH, Mr. GRAHAM of Florida, Mr. SANTORUM, Mr. KERRY, Mr. KENNEDY, and Mr. HAYRAN):
S. 1195. A bill to amend title XIX of the Social Security Act to clarify that inpatient drug prices charged to certain public hospitals are included in the best price exemptions for the medicad drug rebate program; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. BURNS, Mr. BURNS, Mr. COCHRAN, Mr. FITZGERALD, and Mr. HAGEL):
S. 1196. A bill to eliminate the marriage penalty permanently in 2003; to the Committee on Finance.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. DASCHLE, Mr. LAUTENBERG, and Mr. MURkowski):
S. 1197. A bill to amend the Public Health Service Act to ensure the safety and accuracy of medical imaging examinations and radiation therapy treatments; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:
S. 1198. A bill to establish the Child Care Provider Development and Retention Grant Program, the Child Care Provider Scholarship Program, and a program of child care provider health benefits coverage, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself, Mrs. LINCOLN, and Mr. MCCAIN):
S. 1199. A bill to amend title 38, United States Code, to improve the activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. CANTWELL (for herself, Mr. WARNER, Mr. BINGAMAN, Mr. CHAFEE, Mrs. CLINTON, Mr. HARKIN, and Mr. HOLLING):
S. 1200. A bill to provide lasting protection for inventoried roadless areas within the National Forest System; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM of South Carolina (for himself, Mr. DORGAN, Mr. BUNNING, Mr. DURBIN, Mr. ROBERTS, Mr. MURRAY, Mr. SMITH, Ms. LANDRIEU, Mr. DEWINE, Mr. CASSELLS, Mr. DASCHLE, and Mrs. LINCOLN):
S. 1201. A bill to promote healthy lifestyles and prevent unhealthy, risky behaviors among young people; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:
S. 1202. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to improve the safety of meat and poultry products; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ENZI (for himself, Mr. BINGAMAN, and Mr. CAMPBELL):
S. 1203. A bill to amend the Higher Education Act of 1965 regarding distance education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAMBLISS (for himself and Mr. MILLER):
S. 1204. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself and Ms. MURKOWSKY):
S. 1205. A bill to provide discounted housing for teachers and other staff in rural areas of States with a population less than 1,000,000 and with a high population of Native Americans or Alaska Natives; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA:
S. Res. 160. A resolution to express the sense of the Senate that the federal Government should actively pursue a unified approach to strengthen and promote the national policy on aquaculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM of South Carolina (for himself and Mr. HOLLINGS):
S. Res. 161. A resolution commending the Clemson University Tigers men's golf team for winning the 2003 NCAA Division I Men's Golf Championship; considered and agreed to.
ADDITIONAL COSPONSORS

At the request of Mrs. Murray, her name was added as a cosponsor of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

At the request of Mr. Inouye, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

At the request of Mr. Jeffords, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

At the request of Mrs. Murray, her name was added as a cosponsor of S. 296, a bill to require the Secretary of Defense to report to Congress regarding the requirements applicable to the inscription of veterans’ names on the memorial wall of the Vietnam Veterans Memorial.

At the request of Mr. Kennedy, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 373, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the medicare program.

At the request of Mr. Reid, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of S. 384, a bill to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid United States income taxes.

At the request of Mr. Reid, the names of the Senator from New Jersey (Mr. Corzine) and the Senator from Massachusetts (Mr. Kennedy) were added as cosponsors of S. 491, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

At the request of Ms. Collins, the name of the Senator from Tennessee (Mr. Alexander) was added as a cosponsor 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. Ensign, the name of the Senator from Hawaii (Mr. Akaka) 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. Voinovich, the name of the Senator from Mississippi (Mr. Lott) was added as a cosponsor of S. 610, a bill to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes.

At the request of Mr. Warner, the name of the Senator from Arkansas (Mrs. Lincoln) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

At the request of Mr. Chaffee, the name of the Senator from New Jersey (Mr. Corzine) 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. Ensign, the names of the Senator from California (Mrs. Boxer) and the Senator from Hawaii (Mr. Inouye) were added as cosponsors of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

At the request of Mr. Durbin, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 794, a bill to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency, and for other purposes.

At the request of Mr. Allard, the name of the Senator from Pennsylvania (Mr. Santorum) was added as a cosponsor of S. 811, a bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, and for other purposes.

At the request of Mr. Burns, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 877, a bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

At the request of Ms. Collins, the name of the Senator from South Dakota (Mr. Daschle) was added as a cosponsor of S. 908, a bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes.

At the request of Mr. Hollings, the name of the Senator from Wisconsin (Mr. Feingold) was added as a cosponsor of S. 970, a bill to amend the Internal Revenue Code of 1986 to preserve jobs and production activities in the United States.

At the request of Mr. Nickles, the name of the Senator from Virginia (Mr. Allen) was added as a cosponsor of S. 973, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings.

At the request of Mrs. Boxer, the names of the Senator from Louisiana (Mr. Breaux) and the Senator from Alabama (Mr. Shelby) were added as cosponsors of S. 992, 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. Campbell, the names of the Senator from Connecticut (Mr. Lieberman) and the Senator from Kentucky (Mr. Bunning) were added as cosponsors of S. 1008, a bill to provide for the establishment of summer health career introductory programs for middle and high school students.

At the request of Mr. Kohl, the name of the Senator from Nebraska (Mr. Smith) was added as a cosponsor of S. 1022, a bill to amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program.

At the request of Mr. Hollings, the names of the Senator from Delaware (Mr. Carper), the Senator from Massachusetts (Mr. Kerry), the Senator from Vermont (Mr. Jeffords) and the Senator from Florida (Mr. Nelson) were added as cosponsors of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation’s television broadcast stations.

At the request of Ms. Snowe, the name of the Senator from Missouri (Mr. Talent) was added as a cosponsor of S. 1053, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

At the request of Mr. Hagel, the names of the Senator from Minnesota
BILLS AND JOINT RESOLUTIONS

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

BY MR. BINGAMAN (FOR HIMSELF AND MRS. HUTCHISON):
S. 1190. A bill to expand and enhance postbaccalaureate opportunities at Hispanic-serving institutions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN: Mr. President, I rise today with my colleague from Texas, Senator Kay Bailey Hutchison, to introduce the Next Generation Hispanic-Serving Institution Act. This bill will strengthen provisions in Title V of the Higher Education Act, HEA, by providing our Hispanic-Serving Institutions with both graduate opportunities and reducing entry barriers.

According to the 2000 census Hispanics make up 12.5 percent of the American population. Currently Hispanics constitute 10 percent of the college enrollment. By 2050 the Hispanic population will grow to 31 percent. It is in our national interest to ensure that this population is well educated so that they will be ready to take their place as professionals, scientists, inventors, and well-informed citizens.

Hispanic-Serving Institutions, HSIs, serve students of all backgrounds and ethnicities in 13 States. Colleges and universities become eligible for HSI status if at least 50 percent of their student population receives need-based financial assistance, 25 percent is Hispanic, and 50 percent of their Hispanic population is low-income. It is at these HSIs that the largest growth in advanced degrees awarded to Hispanics is occurring. Between 1980 and 2000 the number of Hispanic students earning master’s degrees at HSIs grew 136 percent and the number of receiving doctoral degrees grew by 85 percent. Currently over 25 percent of the Hispanics who obtained these degrees did so at HSIs. As a nation, we need to expand the capacity of Hispanic-Serving Institutions, support their undergraduate programs, and encourage them to offer quality graduate and professional degree programs.

The Next Generation Hispanic-Serving Institution Act will strengthen our Hispanic-Serving Institutions by: Establishing a competitive grant program for HSIs to support their masters and doctoral degree programs. Eliminating the current requirement for HSIs to show that 50 percent of their Hispanic population is low-income. This requirement is difficult for the institutions to meet because they cannot collect the necessary student data. Eliminating the 2-year wait-out period between HSI grants allowing continuous funding of existing programs. Adding, as an authorized activity, programs that support student transfers from 2-year to 4-year institutions. Raising the funding for the Title V HSI grant program to $750,000. Allocating $125,000,000 for a new grant program to support HSI masters and doctoral programs.

The State of New Mexico houses 19 HSIs within its border. The New Mexico HSIs serve the entire State and their student populations are very diverse. Over the years these institutions have worked diligently to educate and support all students. They have graduated outstanding teachers, scientists, and other professionals. The Next Generation Hispanic-Serving Institutions Act will enable us to continue this valuable work that these and all other HSIs are currently doing and gives them new resources they need to expand their offerings.

I urge my colleagues to support this bill and 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. 1190
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 “Next Generation Hispanic-Serving Act.”

TITLE I—GRADUATE OPPORTUNITIES AT HISPANIC-SERVING INSTITUTIONS
SEC. 101. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.
(a) ESTABLISHMENT OF PROGRAM—Title V of the Higher Education Act of 1965 (20 U.S.C. 1101 et seq.) is amended—
(1) by redesigning part B as part C;
(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and
(3) by inserting after section 505 the following:

**PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS**

**SEC. 511. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) According to the United States Census, by the year 2050, 1 in 4 Americans will be of Hispanic origin.

(2) Despite the dramatic increase in the Hispanic population in the United States, the National Center for Education Statistics reported in 1999 that Hispanics are accounted for only 4 percent of the master’s degrees, 3 percent of the doctor’s degrees, and 5 percent of first-professional degrees awarded in the United States.

(3) Although Hispanics constitute 10 percent of the college enrollment in the United States, they comprise only 3 percent of instructionally faculty in college and universities.

(4) The future capacity for research and advanced study in the United States will require increased numbers of Hispanics pursuing postbaccalaureate studies.

(5) Hispanic-serving institutions are leading the Nation in increasing the number of Hispanics attaining graduate and professional degrees.

(6) Among Hispanics who received master’s degrees in 1999-2000, 25 percent earned them at Hispanic-serving institutions.

(7) Between 1991 and 2000, the number of Hispanic students earning master’s degrees at Hispanic-serving institutions grew 136 percent. The number earning doctor’s degrees grew by 85 percent, and the number earning first-professional degrees grew by 47 percent.

(8) It is in the National interest to expand the capacity of Hispanic-serving institutions to offer graduate and professional degree programs.

(9) Research is a key element in graduate education and undergraduate preparation, particularly in science and technology, and Congress desires to strengthen the role of research at Hispanic-serving institutions. University research, whether performed directly or through a university’s non-profit research institute or foundation, is considered an integral part of the institution and mission of the university.

(b) PURPOSES.—The purposes of this part are:

(1) to expand postbaccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and

(2) to expand and enhance the postbaccalaureate academic offerings of high quality that are educating the majority of Hispanic college students and helping large numbers of Hispanic students and low-income individuals complete postsecondary degrees.

**SEC. 512. PROGRAM AUTHORITY AND ELIGIBILITY.**

(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award competitive grants to eligible institutions.

(b) ELIGIBILITY.—For the purposes of this part, an ‘‘eligible institution’’ means an institution of higher education that—

(1) is a Hispanic-serving institution (as defined under section 502); and

(2) offers a postbaccalaureate certificate or degree granting program.

**SEC. 513. AUTHORIZED ACTIVITIES.**

Grants awarded under this part shall be used for 1 or more of the following activities:

(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

(2) Construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications equipment or services.

(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

(4) Support for needy postbaccalaureate students including, among academic support services, mentoring, scholarships, fellowships, and other financial assistance to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

(6) Creating or improving facilities for Internet or other distance learning academic instruction capabilities, including purchase or rental of telecommunications technology equipment or services.

(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

(8) Other activities proposed in the application submitted pursuant to section 514 that—

(A) contribute to carrying out the purposes of this part; and

(B) are approved by the Secretary as part of the review and acceptance of such application.

**SEC. 514. APPLICATION AND DURATION.**

(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as determined by the Secretary. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities for Hispanic and low-income students and will lead to such students’ greater financial independence.

(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

(c) LIMITATION.—The Secretary shall not award more than 1 grant under this part in any fiscal year to any Hispanic-serving institution.

(b) COOPERATIVE ARRANGEMENTS.—Section 524 of the Higher Education Act of 1965 (as redesignated by subsection (a)(2)) is amended by inserting ‘‘and section 513’’ after ‘‘section 503’’.

(c) AUTHORIZATION OF APPOINTMENTS.—Section 528(a) of the Higher Education Act of 1965 (as redesignated by subsection (a)(2)) is amended by inserting ‘‘and section 513’’ after ‘‘section 503’’.

(d) CONFORMING AMENDMENTS.—Title V of the Higher Education Act of 1965 (20 U.S.C. 1101 et seq.) is amended—

(1) in section 502—

(A) in subsection (a)(2), by striking ‘‘section 512(b)’’; and

(B) in subsection (b), by striking ‘‘section 512(a)’’ and inserting ‘‘section 522(a)’’;

(2) in section 521(c)(6) (as redesignated by subsection (a)(2)), by striking ‘‘section 516’’ and inserting ‘‘section 520’’;

(3) in section 526 (as redesignated by subsection (a)(2)), by striking ‘‘section 518’’ and inserting ‘‘section 528’’.

II—REDUCING REGULATORY BARRIERS FOR HISPANIC-SERVING INSTITUTIONS

**SEC. 201. DEFINITIONS.**

Section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)) is amended in paragraph (5)—

(A) in subparagraph (A), by inserting ‘‘and’’ after the semicolon;

(B) by striking ‘‘and’’ and inserting a period; and

(C) by striking subparagraph (C); and

(b) C OOPERATIVE ARRANGEMENTS.—Section 504(a) of the Higher Education Act of 1965 (20 U.S.C. 1101(b)(7)) is amended to read as follows:

(1) FUNDING.—The Secretary may award a grant to a Hispanic-serving institution under this title for 5 years.

**SEC. 202. AUTHORIZED ACTIVITIES.**

Section 503(b)(7) of the Higher Education Act of 1965 (20 U.S.C. 1101(b)(7)) is amended by striking ‘‘(from funds other than funds provided under this title)’’.

By Mr. LEAHY:

S. 1191. A bill to restore Federal remedies for infringements of intellectual property by States, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in June 1990, the United States Supreme Court issued a pair of decisions that altered the legal landscape with respect to intellectual property. I am referring to Florida Prepaid v. College Savings Bank and its companion case, College Savings Bank v. Florida Prepaid. The Court ruled in these cases that States and their institutions cannot be held liable for damages for patent infringement and other violations of the Federal intellectual property laws, even though they can and do enjoy the full protection of those laws for themselves.

Both Florida Prepaid and College Savings Bank were decided by the same five-to-four majority of the justices. The Florida Prepaid decision, for two reasons.

I believe that there is an urgent need for Congress to respond to the Florida Prepaid decisions, for two reasons. First, the decisions opened up a huge loophole in our Federal intellectual property laws. If we truly believe in fairness, we cannot tolerate a situation in which some participants in the intellectual property system get legal

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protection but need not adhere to the law themselves. If we truly believe in the free market, we cannot tolerate a situation where one class of market participants have to play by the rules and others do not. As Senator SPECTER said in August, in a floor statement that was highly critical of the Florida Prepaid decisions, they “leave us with an absurd and untenable state of affairs,” where “States will enjoy an enormous advantage over their private sector competitors.”

The second reason why Congress should respond to the Florida Prepaid decisions is that they raise broader concerns about the roles of Congress and the Court. Over the past decade, in a series of five-to-four decisions that might be called examples of “judicial activism,” the current Supreme Court majority has overturned Federal legislation with a frequency unprecedented in American constitutional history. In doing so, the Court has more often than not relied on notions of State sovereign immunity that have little if anything to do with the text of the Constitution.

Some of us have liked some of the results; others have liked others; but that is not the point. This activity by the Court has been whittling away at the legitimate constitutional authority of the federal government. At the risk of sounding alarmist, this is the fact of the matter: We are faced with a choice. We can choose to create a careful and measured way—by reinstating our democratic policy choices in legislation that is crafted to meet the Court’s stated objections. Or we can run away, abdicating our democratic-making duties to the unelected Court, and go down in history as the incredible shrinking Congress.

About four months after the Florida Prepaid decisions issued, I introduced a bill that responded to those decisions. The Intellectual Property Protection Restoration Act of 1999 was designed to restore Federal remedies for violations of intellectual property rights by States. I have continued to refine this legislation over the years, and in February 2002, as Chairman of the Judiciary Committee, I held the Committee’s first hearing on the issue of sovereign immunity and the protection of intellectual property.

Today, I am pleased to be introduced as the principal sponsor of the Intellectual Property Protection Restoration Act of 2003, which builds on my earlier proposals and on the helpful comments I have received on those proposals from legal experts across the country. I am proud to have the House leaders on intellectual property issues, Representatives Smith and Berman, as the principal sponsors of the House companion bill.

This bill has the same common-sense goal as the three statutes that the Supreme Court’s decisions invalidated: To protect intellectual property rights fully and fairly. But the legislation has been re-engineered, after extensive consultation with constitutional and intellectual property experts, to ensure full compliance with the Court’s new jurisprudential requirements. As a result, the bill has earned the strong support of the U.S. Copyright Office and the endorsements of a broad range of organizations including the American Bar Association, the Intellectual Property Law Association, the Business Software Alliance, the Intellectual Property Owners Association, the International Trademark Association, the Motion Picture Association of America, the American Photographers of America, and the Chamber of Commerce.

In essence, our bill presents States with a choice. It creates reasonable incentives for States to waive their immunity in intellectual property cases, but it does not oblige them to do so. States that choose not to waive their immunity within two years after enactment of the bill would continue to enjoy many of the benefits of the Federal intellectual property system; however, like private parties that sue States for infringement, States that sue private parties for infringement could not recover any money damages unless they had waived their immunity from liability in intellectual property cases.

This arrangement is clearly constitutional. Congress may attach conditions to a State’s receipt of Federal intellectual property protection under its Article IV immunity power just as Congress may attach conditions on a State’s receipt of federal funds under its Article I spending power. Either way, the power to attach conditions to the federal benefit is part of the greater power to deny the benefit altogether. And no condition could be more reasonable or proportionate than the condition that in order to obtain full protection for your federal intellectual property rights, you must respect those of others.

I am encouraged by the Supreme Court’s recent decision in Nevada Department of Human Resources v. Hibbs, which, although very narrow, suggests that certain Justices may be starting to realize that the Court has gone too far in sacrificing ordinary people’s rights at the altar of sovereign immunity. By upholding the Family and Medical Leave Act as applied to the States, the Hibbs case also suggests that a very carefully crafted law, which simply does what is necessary to protect important rights, will be upheld.

I hope we can all agree on the need to protect the rights of intellectual property owners. A recent GAO study confirmed that, as the law now stands, owners of intellectual property have few or no alternatives or remedies available against State infringers—just a series of dead ends.

We need this bill to assist American inventors and investors, and our foreign trading partners, that as State involvement in intellectual property becomes ever greater in the new information economy, U.S. intellectual property rights are backed by legal remedies. I want to emphasize the international ramifications here. American trading interests have been well served by our strong and consistent advocacy of effective intellectual property protections in treaty negotiations and other international fora. Those efforts could be jeopardized by the loophole in the U.S. intellectual property enforcement that the Supreme Court has created.

Senator BROWNSUCK made this point at a Judiciary Committee hearing on February 27, 2002. He said, “When states assert sovereign immunity for the purpose of infringing upon intellectual property rights, it damages the credibility of the United States internationally, and could possibly even lead to violations of our treaty obligations. Any decrease in the level of enforcement of intellectual property rights around the world is likely to harm American businesses, because of our position as international leaders in industries like pharmaceuticals, information technology, and biotechnology.”

The Intellectual Property Protection Restoration Act restores protection for violations of intellectual property rights that may, under current law, go unremedied. We, as Senate leaders in the early 1990s, but were thwarted by the Supreme Court’s shifting jurisprudence. We should enact this legislation without further delay.

I urge Senators to sign 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. 1191

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the “Intellectual Property Protection Restoration Act of 2003.”

(b) REFERENCES.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled “An Act to provide for the registration and protection of trade-marks used in commerce, to carry out further provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) help eliminate the unfair commercial advantages that States grant immunities now hold in the Federal intellectual property system because of their ability to obtain protection under the United States patent, copyright, and trademark laws while remaining exempt from liability for infringing the rights of others;

(2) promote technological innovation and artistic creation by providing for the protection of the policies underlying Federal laws and international treaties relating to intellectual property;

(3) reaffirm the availability of prospective relief against State officials who are violating or who threaten to violate Federal intellectual property laws; and

(4) abrogate State sovereign immunity in cases where States or their instrumentalities, officers, or employees violate the
SEC. 3. INTELLECTUAL PROPERTY REMEDIES EQUALIZATION.

(a) AMENDMENT TO PATENT LAW.—Section 287 of title 35, United States Code, is amended by adding at the end of subsection (a)—

"(1) the limitation would materially and adversely affect a legitimate contract-based expectation in existence before January 1, 2004; or"

"(2) the party seeking remedies was a bona fide purchaser for value of the patent, and, at the time of the purchase, did not know and was reasonably without cause to believe that a State or State instrumentality was once the legal or beneficial owner of the patent, and remains effective.".

(b) AMENDMENT TO TRADEMARK LAW.—Section 334 of title 17, United States Code, is amended by adding at the end the following:

"(d)(1) No remedies under this section shall be awarded against an officer or employee of a State or State instrumentality that violates any of the exclusive rights of a patent owner under title 35, United States Code, of a copyright owner, or owner of a mask work or original design under title 17, United States Code, of an owner or registrant of a mark used in commerce or registered in the Patent and Trademark Office under the Trademark Act of 1946, or of an owner of a protected plant variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), remedies shall be available against the officer or employee in the same manner and to the same extent as such remedies are available in an action against a State or State instrumentality under like circumstances. Such remedies may include monetary damages assessed against the officer or employee, declaratory and injunctive relief, costs, attorney fees, and destruction of infringing articles, as provided under the applicable Federal statute.

SEC. 5. LIABILITY OF STATE OR STATE INSTRUMENTALITY FOR CONSTITUTIONAL VIOLATIONS INVOLVING INTELLECTUAL PROPERTY.

(a) Due Process Violations.—Any State or State instrumentality that violates any of the exclusive rights of a patent owner under title 35, United States Code, of a copyright owner, or owner of a mask work or original design under title 17, United States Code, of an owner or registrant of a mark used in commerce or registered in the Patent and Trademark Office under the Trademark Act of 1946, or of an owner of a protected plant variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), shall be liable to the party injured in a civil action in a Federal court brought against the State or State instrumentality for compensation for the harm caused by such violation.

(b) Takings Violations.—(1) In general.—Any State or State instrumentality that violates any of the exclusive rights of a patent owner under title 35, United States Code, of a copyright owner, or owner of a mask work or original design under title 17, United States Code, of an owner or registrant of a mark used in commerce or registered in the Patent and Trademark Office under the Trademark Act of 1946, or of an owner of a protected plant variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) that takes property in violation of the fifth and fourteenth amendments of the United States Constitution, shall be liable to the party injured in a civil action in a Federal court for compensation for the harm caused by such violation.

(2) Effect on other relief.—Nothing in this section shall affect the ability of a party to obtain declaratory or injunctive relief under section 4 of this Act or otherwise.

(c) Compensation.—Compensation under subsection (a) or (b)—

"(1) may include actual damages, profits, statutory damages, attorney fees, witness fees, and attorney fees, as set forth in the appropriate provisions of title 17 or 35, United States Code, the Trademark Act of 1946, and the Plant Variety Protection Act; and"

"(2) may not include an award of treble or enhanced damages under section 284 of title 35, United States Code, section 504(d) of title 17, United States Code, section 33(b) of the Trademark Act of 1946 (15 U.S.C. 1117(b)), or section 12(b) of the Plant Variety Protection Act (7 U.S.C. 2664)."

(d) Burden of Proof.—In any action under subsection (a) or (b)—

"(1) with respect to any matter that would have to be proved if the action were an action for infringement brought under the applicable Federal statute, the burden of proof shall be the same as if the action were brought under such statute; and"

"(2) with respect to all other matters, including whether the State provides an adequate remedy for any injury to property proved by the injured party under subsection (a), the burden of proof shall be upon the State or State instrumentality.

"SEC. 4. CLARIFICATION OF REMEDIES AVAILABLE FOR STATUTORY VIOLATIONS BY STATE OFFICERS AND EMPLOYEES.

In any action against an officer or employee of a State or State instrumentality alleging a violation of sections for chapter 5 of such title, are repealed.

"(2) AMENDMENTS TO COPYRIGHT LAW.—Section 40 of the Trademark Act of 1946 (15 U.S.C. 1122) is amended—

"(A) by striking subsection (b); and"

"(B) by redesignating subsection (c) as subsection (b)."
S. 1192. A bill to establish a Consumer and Small Business Energy Commission to assess and provide recommendations regarding recent energy price spikes from the perspective of consumers and small businesses; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, today I am introducing the Consumer and Small Business Energy Commission Act. I am pleased to have the support of the Senator from Michigan, Senator Stabenow; in introducing this legislation. This legislation will allow us to better understand the causes of energy price spikes from the consumer and small business perspectives, and better address this pressing issue.

The Consumer and Small Business Energy Commission Act would establish a Consumer and Small Business Energy Commission. The members would be appointed on a bipartisan basis by the Speaker and Minority Leader of the House and the Majority and Minority Leaders of the Senate, as well as the President. The Commission would be comprised of representatives of consumer groups, the energy industry, small businesses, and the Administration. The Commission will study the causes of energy price spikes and issue recommendations on how to avert price spikes in the future.

Since 1990, residential heating oil, residential natural gas, commercial natural gas, industrial natural gas, and gasoline have all had significantly fluctuating prices. Gasoline price spikes have become commonplace in the Midwest. Escalating home heating and cooling bills have crippled family budgets in the Midwest and Northeast. Farm industries dependent on natural gas for the production of fertilizer and other chemical products have also suffered economically. Most recently, natural gas prices have skyrocketed and gasoline prices have shown little sign of falling from the historic highs of the past few months.

We need a comprehensive study of these problems. Some past studies have assessed the long-range supply and demand for energy product. The Federal Trade Commission studied gasoline price spikes in the Midwest, and Senator Levin has embarked on a series of hearings exploring gasoline pricing issues. Other studies have investigated narrow or specific abuses of market power in the energy industry, such as in California. The Consumer and Small Business Energy Commission will look at the entire picture, focusing on price fluctuations of all consumer energy products.

Specific causes that need to be studied include: insufficient inventories, supply disruptions, refinery capacity limits, insufficient infrastructure, possible regulation problems, flawed deregulation, excessive consumer-reliance on foreign supplies, insufficient investment in research and development of alternative sources, opportunistic behavior by energy companies, and abuses of market power.

We need to give consumers and small businesses a voice. When consumers go to pay their grocery bills, or their tuition bills, or even their residential electricity bills in most states, and when small businesses go to pay for raw materials, prices are fairly predictable. But when they go to pay for their heating and cooling, natural gas, or gasoline, families and businesses face the frustrating reality of wide price swings.

We need to bring consumers and small businesses to the table together with representatives of the energy industry and government. We need these groups to work collectively, and consider the range of possible causes of energy price spikes.

A measure very similar to this bill enjoyed strong, bipartisan support last year, and passage to the Senate energy bill by a vote of 69-30. The minor changes to this bill include adding direct representation of small businesses to the Commission, expanding the participation of Administration representatives in the study phase, and establishing an Executive Committee to expedite the issuance of the final report, which will include recommendations.

By enacting the Consumer and Small Business Energy Commission Act, we will be able to better understand the causes of energy price spikes and hopefully avert them in the future. I urge my colleagues to join me as a cosponsor of this important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows: S. 1192

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 "Consumer and Small Business Energy Commission Act of 2003".

SEC. 2. FINDINGS.

Congress finds that—

(1) there have been several sharp increases since 1990 in the price of electricity, gasoline, home heating oil, natural gas, and propane in the United States;

(2) recent examples of such increases include:

(A) unusually high gasoline prices that are at least partly attributable to global politics;

(B) electricity price spikes during the California energy crisis of 2001; and

(C) the Midwest gasoline price spikes in spring 2001;

(3) shifts in energy regulation, including the allowance of greater flexibility in competition and trading, have affected price stability and consumers in ways that are not fully understood;

(4) price spikes undermine the ability of low-income families, the elderly, and small businesses (including farmers and other agricultural producers) to afford essential energy services and products;

(5) energy price spikes can exacerbate a weak economy by creating uncertainties that discourage investment, growth, and other activities that contribute to a strong economy;

(6) the Department of Energy has determined that the economy would be likely to perform better with stable or predictable energy prices;

(7) price spikes can be caused by many factors, including insufficient inventories, supply disruptions, refinery capacity limits, insufficient infrastructure, over-regulation, flawed deregulation, excessive consumption, over-reliance on foreign supplies, insufficient research and development of alternative energy sources, opportunistic behavior by energy companies, and abuses of market power;

(8) consumers and small businesses have few options other than to pay higher energy costs and the prices spike, resulting in reduced investment and slower economic growth and job creation;

(9) the effect of price spikes, and possible responses to price spikes, on consumers and small businesses should be examined; and

(10) studies have examined price spikes of specific energy products in specific contexts or for specific reasons, but no study has examined price spikes comprehensively with a focus on the impacts on consumers and small businesses.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Consumer and Small Business Energy Commission established by section 4(a).

(2) CONSUMER ENERGY PRODUCT.—The term "consumer energy product" means—

(A) electricity;

(B) gasoline;

(C) home heating oil;

(D) natural gas; and

(E) propane.

(3) CONSUMER GROUP FOCUSING ON ENERGY ISSUES.—The term "consumer group focusing on energy issues" means—

(A) an organization that is a member of the National Association of State Utility Consumer Advocates;

(B) a nongovernmental organization representing the interests of residential energy consumers; and

(C) a nongovernmental organization that—

(i) receives not more than 1⁄4 of its funding from energy industries; and

(ii) represent the interests of energy consumers.

(4) ENERGY CONSUMER.—The term "energy consumer" means an individual or small business that purchases 1 or more consumer energy product.

(5) ENERGY INDUSTRY.—The term "energy industry" means for-profit or not-for-profit entities involved in the generation, selling, or buying of any energy-producing fuel in the production or use of consumer energy products.

(6) EXECUTIVE COMMITTEE.—The term "Executive Committee" means the executive committee of the Commission.

(7) SMALL BUSINESS.—The term "small business" has the meaning given the term

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“small business concern” in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

SEC. 4. CONSUMER ENERGY COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the “Consumer and Small Business Energy Commission”.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be comprised of 20 members.

(2) APPOINTMENTS BY THE SENATE AND HOUSE OF REPRESENTATIVES.—The majority leader and minority leader of the Senate and the Speaker and minority leader of the House of Representatives shall each appoint 4 members, of whom—

(A) 2 shall represent consumer groups focusing on energy issues;

(B) 1 shall represent small businesses; and

(C) 1 shall represent the energy industry.

(3) APPOINTMENTS BY THE PRESIDENT.—The President shall appoint 1 member from each of—

(A) the Energy Information Administration of the Department of Energy;

(B) the Federal Energy Regulatory Commission;

(C) the Federal Trade Commission; and

(D) the Commodities Futures Trading Commission.

(4) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(c) TERM.—A member shall be appointed for the life of the Commission.

(d) INITIAL MEETING.—The Commission shall hold its initial meeting not later than the earlier of—

(1) the date that is 30 days after the date on which all members of the Commission have been appointed; or

(2) the date that is 90 days after the date of enactment of this Act, regardless of whether all members have been appointed.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission, excluding the members appointed under subparagraphs (B), (C), and (D) of subsection (b)(3).

(f) EXECUTIVE COMMITTEE.—The Commission shall have an executive committee comprised of 15 members of the Commission except the members appointed under subparagraphs (B), (C), and (D) of subsection (b)(3).

(g) INFORMATION AND ADMINISTRATIVE EXPENSES.—The agencies specified in subsection (b)(3) shall provide the Commission such information and pay such administrative expenses as the Commission requires to carry out this section, consistent with the requirements and guidelines of the Federal Advisory Commission Act (5 U.S.C. App.).

(h) DUTIES.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a nationwide study of significant price spikes in major United States consuming sectors such as—

(i) the cement industry;

(ii) the steel industry;

(iii) the paper industry; and

(iv) automotive industries.

(B) MATTERS TO BE STUDIED BY THE COMMISSION.—In conducting the study, the Commission shall—

(1) study the causes of price spikes, including insufficient inventories, supply disruptions, capacity constraints, and market power; and

(2) make recommendations to the Federal Government to avoid future price spikes.

(2) REPORT.—Not later than 270 days after the date of enactment of this Act, the Executive Committee shall submit to Congress a report that contains—

(A) a detailed statement of the findings and conclusions of the Commission; and

(B) the report that contains—

(i) a detailed statement of the findings and conclusions of the Commission; and

(ii) recommendations for legislation, administrative actions, and voluntary actions by energy consumers and the energy industry to prevent or mitigate future price spikes in consumer energy products, including a recommendation on whether energy consumers need an advocate on energy issues within the Federal Government.

(iii) terminating the Commission on the date that is 30 legislative days after the date of enactment of this Act.

(iv) terminating the Commission on the date that is 30 legislative days after the date of enactment of this Act.

(v) terminating the Commission on the date that is 30 legislative days after the date of enactment of this Act.

(vi) terminating the Commission on the date that is 30 legislative days after the date of enactment of this Act.

(vii) terminating the Commission on the date that is 30 legislative days after the date of enactment of this Act.

(viii) terminating the Commission on the date that is 30 legislative days after the date of enactment of this Act.

(ix) terminating the Commission on the date that is 30 legislative days after the date of enactment of this Act.

(x) terminating the Commission on the date that is 30 legislative days after the date of enactment of this Act.

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(xxvii) terminating the Commission on the date that is 30 legislative days after the date of enactment of this Act.

(xxviii) terminating the Commission on the date that is 30 legislative days after the date of enactment of this Act.

(xxix) terminating the Commission on the date that is 30 legislative days after the date of enactment of this Act.

(xxx) terminating the Commission on the date that is 30 legislative days after the date of enactment of this Act.

(2) DATE OF TERMINATION.—The Commission shall terminate on the date that is 30 legislative days after the date of enactment of this Act.

Mr. WYDEN. Mr. President, I am pleased today to introduce the Capital Construction Fund Qualified Withdrawal Act of 2003. My friends and colleagues, Senator Smith and Senator Murray, join me in introducing this important bill.

In January of 2000, a fishery disaster was declared by the Secretary of Commerce for the West Coast groundfish fishery. Due to major declines in fish population, the Pacific Fisheries Management Council decreased groundfish catch limits by 90 percent.

Today, the groundfish fishery in Oregon and adjoining States in the Pacific Northwest continues to face daunting challenges as a result of this disaster. Fishery income has dropped 55 percent and over a thousand fishers face bankruptcy. The Pacific Fishery Management Council has called for a 50 percent reduction in fishing capacity as part of their strategic plan for the recovery of the fishery.

This legislation supports this effort by allowing the Capital Construction Fund to reduce the over-capacitated fleet that is now over-capitalized. The CCF’s usefulness has not kept up with the times, and now it exacerbates problems facing U.S. fisheries, including the West Coast groundfish fishery.

Now is the time to help fishers, who wish to do so, to leave the fleet.

In Oregon, the amounts in CCF accounts range from $10,000 to over $200,000. This legislation changes current law to allow fishers to remove money from their CCF for purposes other than buying new vessels or upgrading current vessels, withholds up to 70 percent of their CCF funds in taxes and penalties. This legislation changes the CCF so fishers who want to opt out of fishing are not penalized for doing so.

This bill takes a significant step towards helping fishermen and making the West Coast groundfish fishery and the commercial fishing industry sustainable by amending the CCF to allow non-fishing uses of investments. This justifies the Merchant Marine Act of 1936 and the Internal Revenue Code to allow funds currently in the CCF to be rolled over into an IRA or other types of retirement accounts, or to be used for the payment of an industry fee assessed by the Pacific Fishery reduction program, without adverse tax consequences to the account holders.

This bill will also encourage innovation and conservation by allowing fishers to use funds deposited in a CCF to develop or purchase new gear that reduces bycatch.

I look forward to working with my colleagues to pass this legislation.

By Mr. DeWINE (for himself, Mr. LEAHY, Mr. GRASSLEY, Ms. CANTWELL, and Mr. DOMENICI): S. 1194. A bill to provide for qualified withdrawals from the Capital Construction Fund for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today, along with Senators Domenici, LEAHY, GRASSLEY, and Cantwell, to introduce the Mentally Ill Offender Treatment and Crime Reduction Act of 2003. "This bipartisan measure would, among other things, create a program of planning and implementation grants for communities so they may offer more treatment and other services to mentally ill offenders. Under this bill, programs receiving grant funds would be operated collaboratively by both a criminal justice agency and a mental health agency.

The mentally ill population poses a particularly difficult challenge for our criminal justice system. People afflicted with mental illness are incarcerated at significantly higher rates than the general population. According to the Bureau of Justice Statistics, while only about five percent of the general population has a mental illness, about 16 percent of the State prison population has such an illness. The Los Angeles County Jail, for example,
typically has more mentally ill inmates than any hospital in the country. Unfortunately, however, the reality of our criminal justice system is that jails and prisons do not provide a therapeutic environment for the mentally ill and are unlikely to do so any time soon. Indeed, the mentally ill inmate often is preyed upon by other inmates or becomes even sicker in jail. Once released from jail or prison, many mentally ill will fall back on the streets. With limited personal resources and little or no ability to handle their illness alone, they often commit further offenses resulting in their re-arrest and re-incarceration. This "revolving door" is costly and disruptive for all involved.

Although these problems tend to manifest themselves primarily within the prison system, the root cause of our current situation is found in the mental health system and its failure to provide sufficient community-based treatment solutions. Accordingly, the solution will necessarily involve collaboration between the mental health system and criminal justice system. In fact, it also will require greater collaboration between the substance abuse treatment and mental health treatment communities, because many mentally ill offenders have a drug or alcohol problem in addition to their mental illness.

The "Mentally Ill Offender Treatment and Crime Reduction Act" is to foster exactly this type of collaboration at the Federal, State, and local levels. The bill provides incentives for the criminal justice, juvenile justice, mental health, and substance abuse treatment systems to work together at each level of government to establish a network of services for offenders with mental illness. The bill’s approach is unique, in that it not only increases public safety by helping curb the incidence of repeat offenders, but it also would promote public health, by ensuring that those with a serious mental illness are treated as soon as possible and as efficiently and effectively as possible.

Among its major provisions, this legislation calls for the establishment of a new competitive grant program, which would be housed at the U.S. Department of Justice, but administered by the Attorney General with the active involvement of the Secretary of Health and Human Services. To ensure that collaboration occurs at the local level, the bill would require that two entities jointly submit a single grant application on behalf of a community.

Applications demonstrating the greatest commitment to collaboration would receive priority for grant funds. If applicants can show that grant funds would be used to promote public health, as well as public safety, and if the program they propose would have the active participation of each joint applicant, and if their grant application has the support of both the Attorney General and the Secretary of Health and Human Services, then it would receive priority for funding.

Additionally, the bill would permit grant funds to be used for a variety of purposes, each of which embodies the goal of diverting mentally ill offenders from the criminal justice system. Grant funds may be used to provide courts with more options, such as specialized docket, for dealing with the non-violent offender who has a serious mental illness or a co-occurring mental illness and drug or alcohol problem. Second, grant funds could be used to enhance training of mental health and criminal justice system personnel, who must know how to deal appropriately with the mentally ill offender. Third, grant funds could be devoted to programs that divert the criminal justice system into treatment those non-violent offenders with severe and persistent mental illness. Finally, correctional facilities may use grant funds to promote the treatment of inmates and ease their transition back into the community upon release from jail or prison.

In specifically authorizing grant funds to be used to promote more options for courts to deal with mentally ill offenders, this bill builds on legislation that I introduced two years ago with my colleague from Ohio, Congressman Ted Strickland. That measure, which became law, authorized $10 million per year for the establishment of more mental health courts. I have introduced the bill again this year, which enable the criminal justice system to provide an individualized treatment solution for a mentally ill offender, while also requiring accountability of the offender. The legislation we are introducing today would make possible the creation or expansion of more mental health courts, and it also would promote the funding of treatment services that support such courts.

In addition to making planning and implementing the needed changes more feasible to communities, the "Mentally Ill Offender Treatment and Crime Reduction Act" also calls for an Interagency Task Force to be established at the federal level. This Task Force would include the Attorney General and the Secretary of Health and Human Services, as well as the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Education, the Secretary of Veterans Affairs, and the Commissioner of Social Security. The Task Force would be charged with identifying new ways that federal departments can work together to reduce recidivism among mentally ill adults and juveniles.

Finally, the bill would direct the Attorney General and Secretary of Health and Human Services to develop a list of "best practices" for criminal justice personnel to use when diverting mentally ill offenders from the criminal justice system. Ultimately, this is a good bill and one that is long overdue. I encourage my colleagues to support this important legislative measure.

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. 1194

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

SEC. 1. SHORT TITLE.

This Act may be cited as the "Mentally Ill Offender Treatment and Crime Reduction Act of 2003.

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to the Bureau of Justice Statistics, over 16 percent of adults incarcerated in United States jails and prisons have a mental illness.

(2) According to the Office of Juvenile Justice and Delinquency Prevention, approximately 20 percent of youth in the juvenile justice system have serious mental health problems, and a significant number have co-occurring mental health and substance abuse disorders.

(3) According to the National Alliance for Mental Illness, up to 40 percent of adults who suffer from a serious mental illness will come into contact with the American criminal justice system at some point in their lives.

(4) According to the Office of Juvenile Justice and Delinquency Prevention, over 150,000 juveniles who come into contact with the juvenile justice system each year meet the diagnostic criteria for at least 1 mental or emotional disorder.

(5) A significant proportion of adults with a serious mental illness who are involved in the criminal justice system are homeless or at imminent risk of homelessness; and many of these individuals are arrested and jailed for minor, nonviolent offenses.

(6) The majority of individuals with a mental illness or emotional disorder who are involved in the criminal or juvenile justice systems are responsive to medical and psychological interventions that integrate treatment, rehabilitation, and support services.

(7) Collaborative programs between mental health, substance abuse, and criminal or juvenile justice systems that ensure the provision of services for those with mental illness or co-occurring mental illness and substance abuse disorders can reduce the number of such individuals in adult and juvenile correctional facilities, while providing improved public safety.

SEC. 3. PURPOSE.

The purpose of this Act is to increase public safety by facilitating collaboration among the criminal justice, juvenile justice, mental health treatment, and substance abuse systems. Such collaboration is needed to—

(1) reduce rearrests among adult and juvenile offenders with mental illness, or co-occurring mental illness and substance abuse disorders;

(2) provide courts, including existing and new mental health courts, with appropriate mental health and substance abuse treatment options;

(3) utilize the use of alternatives to prosecution through diversion in appropriate cases involving non-violent offenders with mental illness;

(4) promote adequate training for criminal justice system personnel about mental illness and substance abuse disorders and the appropriate responses to people with such illnesses;

(5) promote adequate training for mental health treatment personnel about criminal
offenders with mental illness and the appropriate response to such offenders in the criminal justice system;

(6) promote communication between criminal justice and health agencies, and State and local officials with respect to mentally ill offenders.

SEC. 4. DEPARTMENT OF JUSTICE MENTAL HEALTH AND CRIMINAL JUSTICE COORDINATION PROGRAMS.

(a) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART HH—ADULT AND JUVENILE COLLABORATION GRANT PROGRAMS"

"SEC. 2991. ADULT AND JUVENILE COLLABORATION GRANT PROGRAMS."

"(a) Definitions.—In this section, the following definitions shall apply:

"(1) Applicant.—The term 'applicant' means States, units of local government, Indian tribes, and tribal organizations that apply for a grant under this section.

"(2) Collaboration program.—The term 'collaboration program' means a program to promote public safety by ensuring access to adequate mental health and other treatment services for mentally ill adults or juveniles that is overseen cooperatively by—

"(A) a criminal justice agency, a juvenile justice agency, or a mental health court; and

"(B) a mental health agency.

"(3) Criminal or juvenile justice agency.—The term 'criminal or juvenile justice agency' means an agency of a State or local government that is responsible for detection, arrest, prosecution, judgment, incarceration, probation, parole, or supervision of the criminal laws of that State or local government.

"(4) Diversion and alternative prosecution and sentencing.—

"(A) In general.—The terms 'diversion' and 'alternative prosecution and sentencing' mean the process of effective mental health treatment alternatives to juvenile justice or criminal justice system institutional placements for preliminarily qualified offenders.

"(B) Appropriate use.—In this paragraph, the term 'appropriate use' includes the discretion of the judge or supervising authority and the justice sanctions to encourage compliance with treatment.

"(5) Mental health agency.—The term 'mental health agency' means an agency of a State or local government that is responsible for mental health services.

"(6) Mental health court.—The term 'mental health court' means a judicial program that meets the requirements of part V of this title.

"(7) Mental illness.—The term 'mental illness' means a diagnosable mental, behavioral, or emotional disorder—

"(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

"(B) that has resulted in functional impairment that substantially interferes with or limits major life activities.

"(8) Preliminarily qualified offender.—The term 'preliminarily qualified offender' means an adult or juvenile who—

"(A) has currently been diagnosed by a qualified mental health professional as having a mental illness or co-occurring mental illness and substance abuse disorders; or

"(I) manifests obvious signs of mental illness or co-occurring mental illness and substance abuse disorder or confinement before any court; and

"(B) has faced or is facing criminal charges and is deemed eligible by a designated pretrial professional and by a magistrate or judge, on the ground that the commission of the offense is the product of the person's mental illness.

"(9) Secretary.—The term 'Secretary' means the Secretary of the Department of Health and Human Services.

"(10) Unit of local government.—The term 'unit of local government' means an agency of a State or local government that is responsible for the provision of substance abuse treatment services, where appropriate, to individuals with such illnesses.

"(B) programs that offer specialized training to officers and employees of a criminal or juvenile justice agency and mental health personnel in procedures for identifying the symptoms of mental illness and co-occurring mental illness and substance abuse disorders in order to respond appropriately to individuals with such illnesses;

"(C) programs that support cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety by offering mental health treatment services and, where appropriate, substance abuse treatment services for—

"(i) preliminarily qualified offenders with mental illness or co-occurring mental illness and substance abuse disorders; or

"(ii) involvement of individuals with mental illness during periods of incarceration, while under the supervision of a criminal justice agency, or following release from correctional facilities; and

"(D) programs that support intergovernmental cooperation between State and local governments with respect to the mentally ill offender.

"(3) Applications.—

"(A) In general.—To receive a planning grant or an implementation grant, the joint applicants shall submit a single application to the Attorney General for a nonrenewable planning grant to develop a collaboration program.

"(B) Contents.—To receive an implementation grant, the joint applicants shall—

"(i) document that at least 1 criminal or juvenile justice agency and 1 mental health agency will participate in the administration of the collaboration program;

"(ii) describe the responsibilities of each participating agency, including how each agency will use grant resources to jointly ensure that the provision of mental health treatment services is integrated with the provision of substance abuse treatment services, where appropriate;

"(iii) in the case of an application from a unit of local government, document that a State mental health authority has provided comment and review; and

"(iv) involve, to the extent practicable, in developing the grant application—

"(I) individuals with mental illness or co-occurring mental illness and substance abuse disorders; or

"(II) the families and advocates of such individuals under subclause (I).

"(C) Content.—To be eligible for an implementation grant, joint applicants shall comply with the following:

"(i) definition of target population.—Applicants for an implementation grant shall—

"(I) describe the population with mental illness or co-occurring mental illness and substance abuse disorders that is targeted for the collaboration program; and

"(II) develop guidelines that can be used by personnel of a criminal or juvenile justice agency to identify individuals with mental illness or co-occurring mental illness and substance abuse disorders.

"(ii) Services.—Applicants for an implementation grant shall—

"(I) ensure that preliminarily qualified offenders who are to receive treatment services under the collaboration program will first receive individualized, needs-based assessment to determine the most appropriate services for such individuals;
(II) specify plans for making mental health treatment services available and accessible to mentally ill offenders at the time of their release from the criminal justice system, including outside of normal business hours;

(III) ensure that preliminarily qualified offenders served by the collaboration programs have access to effective and appropriate community-based mental health services, or, where appropriate, integrated substance abuse and mental health treatment services;

(IV) make available, to the extent practicable, other support services that will ensure or preliminarily qualified offenders' successful reintegration into the community (such as housing, education, job placement, mentoring, and health care benefits, as well as the services of faith-based and community organizations for mentally ill individuals served by the collaboration programs); and

(V) include strategies to address developmental and learning disabilities and problems arising from a documented history of physical or sexual abuse.

(D) HOUSING AND JOB PLACEMENT.—Recipients of an implementation grant may use grant funds to assist mentally ill offenders complaint with the program in seeking housing or employment assistance.

(E) POLICIES AND PROCEDURES.—Applicants for an implementation grant shall strive to provide access to legal counsel by criminal defendants with mental illness who are facing charges that would trigger a constitutional right to counsel.

(F) FINANCIAL.—Applicants for an implementation grant shall—

(i) explain the applicant's inability to fund the collaboration program adequately without Federal support;

(ii) specify how the Federal support provided will be used, to supplement, not supplant, State, local, Indian tribe, or tribal organization sources of funding that would otherwise be available, including billing third-party resources for services already covered under programs (such as Medicaid, Medicare, and the State Children's Insurance Program); and

(iii) outline plans for obtaining necessary support and continuing the proposed collaboration effort following the conclusion of Federal support.

(G) OUTCOMES.—Applicants for an implementation grant shall—

(i) identify methodology and outcome measures, as required by the Attorney General and the Secretary, to be used in evaluating the effectiveness of the collaboration program;

(ii) ensure mechanisms are in place to capture data, consistent with the methodology and outcome measures under clause (i); and

(iii) submit specific agreements from affected agencies to provide the data needed by the Attorney General and the Secretary to accomplish the evaluation under clause (i).

(H) STATE PLANS.—Applicants for an implementation grant shall describe how the adult or juvenile collaboration program relates to existing State criminal or juvenile justice and mental health plans and programs.

(I) USE OF FUNDS.—Applicants that receive an implementation grant may use funds for 1 or more of the following purposes:

(i) MENTAL HEALTH COURTS AND DIVERSION/ALTERATION OF PUNITIVE SENTENCING PROGRAMS.—Funds may be used to create or expand existing mental health courts that meet program requirements established by the Attorney General and the Secretary.

(ii) TRAINING.—Funds may be used to create or expand programs, such as crisis intervention training, which offer specialized training to criminal justice system personnel to identify and respond appropriately to the unique needs of an adult or juvenile with mental illness or co-occurring mental illness and substance abuse disorders.

(iii) SERVICE DELIVERY.—Funds may be used to create or expand programs that promote public safety by providing the services described in paragraph (C)(ii) to preliminarily qualified offenders.

(iv) IN-JAIL AND TRANSITIONAL SERVICES.—Funds may be used to promote and provide mental health treatment for those incarcerated or for transitional re-entry programs for those released from any penal or correctional institution.

(v) JUDICIAL DISTRIBUTION OF GRANTS.—The Attorney General, in consultation with the Secretary, shall ensure that planning and implementation grants are awarded to roughly equal geographical regions of the United States and between urban and rural populations.

(c) PRIORITY.—The Attorney General, in awarding grants under this section, shall give priority to applications that—

(i) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

(ii) demonstrate the active participation of each co-applicant in the administration of the collaboration program; and

(iii) have the support of both the Attorney General and the Secretary.

(d) MATCHING REQUIREMENTS.—

(1) FEDERAL SHARE.—The Federal share of the cost of a collaboration program carried out by a State, unit of local government, Indian tribe, or tribal organization under this section shall not exceed—

(A) 80 percent of the total cost of the program during the first 2 years of the grant;

(B) 60 percent of the total cost of the program in year 3; and

(C) 25 percent of the total cost of the program in years 4 and 5.

(2) NON-FEDERAL SHARE.—The Non-Federal share of payments made under this section may be made in cash or in kind fairly evaluated, including planned equipment or services.

(e) FEDERAL USE OF FUNDS.—The Attorney General, in consultation with the Secretary, may require that recipients under the section, may use up to 3 percent of funds appropriated to—

(i) the research use of alternatives to prison and the death penalty in prison or jails, where little or no appropriate medical care is available for them.

(ii)沭ル拟 Millennials who cause minor offenses and who commit crimes committed in the same communities, committing a series of minor offenses. Law enforcement officers’ ever scarcer time is being occupied by these offenders, who divert them from their more urgent responsibilities. Meanwhile, offenders find themselves in prisons or jails, where little or no appropriate medical care is available for them. This bill will give State and local governments the tools to break this cycle, for the good of law enforcement, corrections officers, the public’s safety, and mentally ill offenders.

I held a Judiciary Committee hearing last June on the criminal justice system and mentally ill offenders. At that
Mr. GRASSLEY. Mr. President, I am pleased today to be once again introducing with Senator DEWINE the Mentally Ill Offender Treatment and Crime Reduction Act of 2003. This bipartisan bill was first introduced by the late Attorney General of Colorado, and it administers a grant program to assist communities in planning and implementing services for mentally ill offenders. These grants will increase public safety by fostering collaborative efforts by criminal justice, mental health, and substance abuse agencies. I have seen these types of collaborative programs work in Iowa and I know that they can work elsewhere.

We have an obligation to ensure that the public is protected from our state offenders who suffer from mental illness. The Bureau of Justice Statistics has reported that over 16 percent of adults incarcerated in U.S. jails and prison have a mental illness. In addition, the Office of Juvenile Justice and Delinquency Prevention has reported that over 20 percent of youth in the juvenile justice system have serious mental health problems. This grant program will allow States to develop programs, create or expand community-based treatment programs, provide in-jail treatment and transitional services, and for training of criminal justice and mental health system employees. The state of Iowa and a number of its counties are already leading the way in finding creative and collaborative programs to address the problems presented by these mentally ill criminals. Working together, the criminal justice, mental health, and law enforcement agencies can make a difference in the lives of this special class of offenders and also increase the safety of the public.

I want to thank Senator DEWINE for his leadership on this important issue. Under this bill, State and local governments can apply for funding to a. create or expand mental health courts or other court-based programs, which can divert qualified offenders from prison to receive treatment; b. create or expand mental health courts; c. create or expand local treatment programs that serve individuals with mental illness or co-occurring mental illness and substance abuse disorders; d. promote and provide mental health treatment for those incarcerated in or released from a penal or correctional institution.

This legislation brings together law enforcement, corrections, and mental health professionals—indeed, officials from each of these fields in Vermont have offered their advice and support in drafting this bill. They know that the States have been dealing with the unique challenges faced by mentally ill offenders for many years, and that a Federal response is overdue. I look forward to working with them, and with Senator DEWINE, Representative TED STRICKLAND, and other Members, to see this bill enacted this Congress.

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In 1997, Seattle Fire Department Captain Stanley Stevenson was murdered by an individual who had been found incompetent by the local municipal court but was released because of the lack of alternative options. This murder was the impetus for the creation of a Task Force that led directly to the formation of the King County Mental Health Court in 1999. The primary reason why this Court has been growing more effective in dealing with mentally ill offenders is that it has increased cooperation between the mental health and criminal justice systems, institutions that have traditionally not worked closely together. Building on the model of the drug court, the mental health court closely monitors compliance with treatment regimens by assembling a team proficient in dealing with the mentally ill and at using the stick of the criminal justice system to make that treatment work. The vast majority of these mentally ill individuals are responsive to treatment.

This program has progressed well and is becoming an effective means of helping mentally ill offenders, assuring public safety, and running a more cost efficient system. Yet to allow this system to continue to expand in Seattle and other communities in Washington State, as well as to allow other States to begin using these types of programs, federal grant funding is critical. That is what this bill provides.

Collaboration between mental health, substance abuse, law enforcement, judicial, and other criminal justice personnel is also critical to the success of our mental health court program in Seattle. It is only through full coordination between the criminal justice and the mental health treatment community at the Federal and the local level that these efforts will be successful.

Similarly, only through full coordination at the Federal and local level will this bill be able to make a critical difference. I believe that some additional improvements can be made to strengthen that critical coordination and I look forward to working with Senator DeWine and Senator Leahy to accomplish that goal. I welcome the introduction of this legislation and look forward to working with my cosponsors to make this bill law in the next Congress.

By Mr. KYL (for himself, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. MCCAIN, Mr. FRIST, Mr. ALEXANDER, Mrs. LINCOLN, Mr. BUNNING, Mr. SMITH, Mr. GRAHAM of Florida, Mr. SANTORUM, Mr. KERRY, Mr. KENNEDY, and Mr. HATCH):

S. 1195. A bill to amend title XIX of the Social Security Act to clarify that inpatient drug prices charged to certain hospitals are included in the best price exemptions for the Medicaid drug rebate program; to the Committee on Finance.

Mr. KYL. Mr. President, I rise today with Senators BINGAMAN, ROCKEFELLER, MCCAIN, FRIST, ALEXANDER, LINCOLN, BUNNING, SMITH, BOB GRAHAM, SANTORUM, KERRY, KENNEDY and HATCH to introduce a modest but important piece of legislation. The Safety Net Hospital Pharmacy Access Act. This legislation would correct a small error in current law that prohibits safety-net hospitals from being able to negotiate with pharmaceutical companies for the lowest prices they might pay for covered outpatient drugs. Let me provide some background on this problem. In 1990, Congress established the Medicaid drug-rebate program to ensure that the Medicaid program pays no more than a pharmaceutical manufacturer's "best price" for a covered outpatient drug. So whatever was the lowest price the manufacturer offered to anyone, this becomes the price Medicaid pays under this "best price" rule.

Unfortunately, this rule provides an incentive for pharmaceutical manufacturers not to offer deep discounts to anyone, given that these prices may become the price Medicaid pays. Given this, in 1992 Congress exempted some organizations from the Medicaid best price calculations so that pharmaceutical manufacturers would offer them lower drug prices. These organizations include the VA, the Department of Defense, and section 340B covered entities. These 340B hospitals are so called because they fall under section 340B of the Public Health Services Act, which defines 12 categories of publicly funded safety net providers. There are approximately 160 hospitals in the country that fall under the 340B program. These hospitals often bear the burden of providing a substantial amount of uncompensated care in dealing with the indigent or the uninsured.

Unfortunately, the Center for Medicare and Medicaid Services interpreted the 1992 law as only applying to outpatient drugs purchased by these entities. Therefore,除外 for inpatient use at the 340B hospitals are covered by the Medicaid best price rule. This means these hospitals actually pay more for these drugs than for drugs that can negotiate their own prices for in the outpatient setting. The legislation I am introducing today corrects this problem by allowing the 340B hospitals to also negotiate for lower drug prices in the inpatient setting.

This is an important correction since these hospitals are often providing free care to the indigent and the uninsured. And let me be clear that this legislation would not require pharmaceutical companies to provide discounts to these hospitals. All this legislation would do is allow the hospitals to negotiate for lower prices. However, in my discussion with representatives of hospitals that would be affected by this law, they believe they would be able to save money.

For instance, the Maricopa County hospital, which is the public hospital for the city of Phoenix, believes that it could save up to $1 million a year. Given the state of the economy and the difficulty many families face in making ends meet, we must make sure we do not backtrack on this important reform.

Without marriage penalty relief, the tax code provides a significant disincentive for people to walk down the aisle, and the benefits of marriage are well established. Marriage is a fundamental institution in our society and should not be discouraged by the IRS.

By Mrs. HUTCHISON (for herself, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. COCHRAN, Mr. FITZGERALD, and Mr. HAGEL):

S. 1196. A bill to eliminate the marriage penalty permanently in 2003; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a bill to provide permanent tax relief from one of the most egregious, anti-family aspects of the tax code—the marriage penalty. Relieving American taxpayers of this burden has been one of my highest priorities as a U.S. Senator.

Last week President Bush signed into law a $350 billion jobs and economic growth package to put Americans back to work and stimulate the economy. The bill provides immediate marriage penalty relief by enlarging the standard deduction and the 15 percent tax bracket for married couples filing jointly to twice that as for single filers. This provision will save 34 million married couples an average of $589 this year alone.

Enacting marriage penalty relief is a giant step for tax fairness, but it may be fleeting. The Jobs and Growth Act was just signed, but even as the ink dries a tax increase on married couples looms in the near future. Since the bill is restricted by a phase-down from currently 35 percent to 35 percent, the marriage penalty provisions will only be in effect for two years. In 2005, marriage will again be a taxable event for millions of Americans. Similar restrictions were placed on the 2001 tax cut, so, while relief will be phased in by 2009, it will disappear for good in 2011 unless we act decisively.

Millions of couples across America will be penalized once more by our tax code simply because they are married. Without marriage penalty relief, 48 percent of married couples will again pay the government an average $1,400 more in taxes.

Given the state of the economy and the difficulty many families face in making ends meet, we must make sure we do not backtrack on this important reform.

Without marriage penalty relief, the tax code provides a significant disincentive for people to walk down the aisle, and the benefits of marriage are well established. Marriage is a fundamental institution in our society and should not be discouraged by the IRS.

Children living in a married household are far less likely to live in poverty or
to suffer from child abuse. Research indicates they are less likely to be depressed or have developmental problems. Scourges such as adolescent drug use are less common in married families, and married mothers are less likely to be victims of domestic violence.

The bill I am offering would make the marriage penalty relief in the Jobs and Growth Act permanent. It also will accelerate changes to the earned income tax credit that were passed in the 2001 Jobs and Growth Act. This will reduce the marriage penalty on lower income couples.

We cannot be satisfied until couples never again must decide between love and money. Marriage should not be a taxable event.

I call on the Senate to finish the job we started and say “I do” to providing permanent marriage penalty relief today.

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. 1196

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 “Permanent Marriage Penalty Relief Act of 2003”.

SEC. 2. ACCELERATION OF MARRIAGE PENALTY RELIEF.

(a) Elimination of Marriage Penalty in Standard Deduction.—

(1) In general.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to standard deduction) is amended—

(A) by striking “the applicable percentage of the dollar amount in effect under subparagraph (D)” in paragraph (A) and inserting “200 percent of the dollar amount in effect under subparagraph (C)”;

(B) by adding “or” at the end of subparagraph (C);

(C) by striking subparagraph (C); and

(D) by redesignating subparagraph (D) as subparagraph (C); and

(2) by striking the last sentence.

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(c) Marriage Penalty Relief for Earned Income Credit.

(1) Increased phaseout amount.—

(A) In general.—Section 32(b)(2)(B) of the Internal Revenue Code of 1986 (relating to earned income credit) is amended by striking “and” at the end of subparagraph (K), by substituting “calendar year 2003” for “calendar year 1992” in subparagraph (B) of such section 1.,

(B) Effective date.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2002.

(2) Conforming Amendment.—

(A) In general.—Paragraph (2) of section 6213(g) of such Code is amended by striking “and” at the end of subparagraph (K), by striking the period at the end of subparagraph (L) and inserting “; and”, and by inserting after subparagraph (L) the following new subparagraph:

“(M) the entry on the return claiming the credit under section 32 with respect to a child if, according to the Federal Case Registry of Child Support Orders established under section 453(b) of the Social Security Act, the taxpayer is a noncustodial parent of such child.”

(B) Effective date.—The amendment made by this paragraph shall take effect on January 1, 2003.

(d) Conforming Amendments.

(1) Repeal of amendment.—Sections 393(g) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(2) Repeal of amendment.—The IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303 (other than subparagraph (g) of such section 303) of such Act (relating to marriage penalty relief).

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. DASCHLE, Mr. LAUTENBERG, and Mr. DORGAN):

S. 1197. A bill to amend the Public Health Service Act to ensure the safety and accuracy of medical imaging examinations and radiation therapy treatments; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, imagine for a moment you have gone to the doctor to have a medical condition evaluated. Uncertain as to what your injury may be, your doctor sends you to a specialist for a medical imaging examination to determine the extent of your injury and the proper course of treatment for it.

Or, imagine, having heard the dreaded diagnosis of cancer, going to the same facility for radiation therapy.

In either case, our sense of concern and anxiety about our medical condition will serve to focus our attention on ourselves, and not on the caregivers providing us with the treatment we need to recover, or in the case of cancer, to survive.

But, what would you say if you knew that the individual helping to direct your diagnosis or the one providing your course of treatment is someone who has done nothing more to earn his credentials than spend a few weeks getting some on the job training?

Imagine how you would feel and the level of trust you would have in a system that allowed such a thing to happen.

Unfortunately, that’s an all too common occurrence with the present state of our health care system.

But, it is a problem that we can solve with the passage of legislation I am introducing today.

The Consumer Assurance of Radiological Excellence, RadCARE, Act will ensure that there are coherent standards in place for those planning and delivering radiation therapy treatments.

I am pleased to be joined by my distinguished colleague from Massachusetts, Senator KENNEDY, as well as Senators DASCHLE, LAUTENBERG, and DORGAN, in this effort, which will bring peace of mind and restore the treatment of the health consumer in the treatment they receive from those who perform radiologic procedures. It will also increase awareness of the skills of these health care professionals and raise the level of visibility their profession enjoys in the public eye.

It is important that we establish standards for personnel who perform radiologic procedures because physicians depend upon medical imaging examinations to follow disease and identify and treat injuries of all kinds.

The quality of a radiologic procedure hinges upon the expertise of the professionals who assist in administering them.

Currently, 15 States as well as the District of Columbia do not regulate or register radiologic personnel.

To address that lack of attention, the RadCARE Act will strengthen the Consumer-Patient Radiation Health and Safety Act of 1990. It directs the Federal Government to establish a set of educational and credentialing standards for radiologic and medical imaging personnel. Yet many States still do not have licensing laws in place that meet the standards recommended by the Federal Government. The RadCARE Act will allow that radiologic and medical imaging personnel meet a minimum credentialing standard.

The RadCARE Act will not affect States that have a suitable licensing system or those that have mandated higher standards than required by Federal law. If a state has no meaningful
regulations or licensing system, however, then the Federal standards will apply. The RadCARE Act also has a provision to ensure access to quality healthcare in rural regions where a one-size-fits-all approach may not be applicable. Enforcement of the RadCARE Act would be achieved by restricting Medicare and Medicaid reimbursement to facilities that employ personnel who meet the minimal federal standards.

The RedCARE Act will improve the safety of radiological procedures by reducing the risk of harmful overexposure to radiation. Healthcare costs will also be lowered by decreasing the number of repeated procedures due to personnel error. Additionally, the RadCARE Act will enable radiologists and other healthcare professionals to have access to quality information so that patients receive the best health care possible.

This legislation is supported by a variety of organizations concerned with the quality of these procedures, including the American Society of Radiologic Technologists, the Society of Nuclear Medicine Technologist Section, the American Association of Medical Dosimetrists, the Nuclear Medicine Technology Certification Board, the Association of Vascular and Interventional Radiographers, and the other members of the Alliance for Quality Medical Imaging and Radiation Therapy, which represents the more than 275,000 medical imaging and radiation therapy professionals in the United States. When it comes right down to it, it’s a big enough battle to fight the cancers or the injuries to our bodies that require such invasive treatments or diagnosis. We shouldn’t have to worry about the level of competence of those who are providing us with the services so we desperately require for the maintenance of our health.

I urge my colleagues to join me in supporting and passing this much needed legislation. It respects the power of the states who have addressed this problem as it provides minimum standards for those who have not.

More importantly, its enactment into law will do a great deal to increase the level of confidence of the American health consumer in our healthcare systems.

I ask unanimous consent that the text of the bill be printed in the RECORD.

Further, no objection, the bill was ordered to be printed in the RECORD, as follows:

SEC. 2. FINDINGS AND PURPOSES.

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

(1) More than 300,000,000 medical imaging examinations and radiation therapy treatments are administered annually in the United States;

(2) Seven out of every 10 Americans undergo a medical imaging examination or radiation therapy treatment every year in the United States;

(3) The administration of medical imaging examinations and radiation therapy treatments and the effect on individuals of such procedures have a substantial and direct effect upon public health and safety and upon interstate commerce; and

(4) It is in the interest of public health and safety to minimize unnecessary or inappropriate exposure to radiation due to the performance of medical imaging or radiation therapy procedures by personnel lacking appropriate education and credentials.

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

(1) to ensure the accreditation of education programs for, and the licensure or certification of, persons who perform or plan medical imaging examinations and radiation therapy treatments; and

(2) to ensure the safety and accuracy of medical imaging examinations and radiation therapy treatments.

SEC. 3. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by adding at the end the following:

""""""Subpart 4—Medical Imaging and Radiation Therapy"

""""SEC. 335. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

(a) IN GENERAL.—The Secretary shall establish standards to assure the safety and quality of medical imaging or radiation therapy. Such standards shall include licensure or certification, accreditation, and other requirements determined by the Secretary to be appropriate.

(b) EXEMPTIONS.—The standards established under subsection (a) shall apply to physicians (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r))), nurse practitioners and physician assistants (as defined in section 1861(aa)(6) of the Social Security Act (42 U.S.C. 1395x(aa)(6))), and other practitioners according to State and the Federal Governments.

(c) REQUIREMENTS.—Under the standards established under subsection (a), the Secretary shall ensure that individuals prior to performing or planning such imaging or therapy—

(1) have successfully completed a national examination approved by the Secretary under subsection (d) for individuals who perform or plan medical imaging or radiation therapy; and

(2) meet such other requirements relating to medical imaging or radiation therapy as the Secretary may prescribe.

(d) APPROVED BODIES.—

(1) IN GENERAL.—The Secretary shall certify private nonprofit organizations or State agencies as approved bodies with respect to the accreditation of educational programs or the administration of examinations to individuals for purposes of subsection (c)(1) if such organizations or agencies meet the standards established by the Secretary under paragraph (2) and provide the assurances required under paragraph (3).

(2) STANDARDS.—The Secretary shall establish minimum standards for the certification of approved bodies under paragraph (1) (including standards for recordkeeping, the approval of curricula and instructors, the offering of reaccreditation or for undertaking examinations), and other additional standards as the Secretary may require.

(3) ASSURANCES.—To be certified as an approved body under paragraph (1), an organization or agency shall provide the Secretary with satisfactory assurances that the body will—

(A) comply with the standards described in paragraph (2);

(B) notify the Secretary in a timely manner before the approved body changes the standards of the body; and

(C) provide such other information as the Secretary may require.

(4) WITHDRAWAL OF APPROVAL.—

(A) IN GENERAL.—The Secretary may withdraw the certification of an approved body if the Secretary determines the body does not meet the standards under paragraph (2).

(B) EFFECT OF WITHDRAWAL.—If the Secretary withdraws the certification of an approved body under paragraph (A), the Secretary may reinspect the body. The Secretary shall administer an examination of the body and may inspect the body to obtain another accreditation or to complete another examination.

(c) EXISTING STATE STANDARDS.—Standards for the licensure or certification of personnel, accreditation of educational programs, and administration of examinations,
established by a State prior to the effective date of the standards promulgated under this section, shall be deemed to be in compliance with the requirements of this section unless the Secretary determines that such standards do not meet the minimum standards prescribed by the Secretary or are inconsistent with the purposes of this section.

"(f) EVALUATION AND REPORT.—The Secretary shall periodically evaluate the performance of each approved body under subsection (d) at an interval determined appropriate by the Secretary. The results of such evaluations shall be included as part of the report submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.

"(g) DELIVERY OF AND PAYMENT FOR SERVICES.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations to ensure that all programs that involve the performance of or payment for medical imaging or radiation therapy, that are under the authority of the Secretary, are performed in accordance with the standards established under this section.

"(h) ALTERNATIVE STANDARDS FOR RURAL AREAS.—The Secretary shall determine whether the standards developed under subsection (a) must be met in their entirety with respect to medical imaging or radiation therapy that is performed in a geographic area that is determined by the Secretary to be rural, and that medical imaging or radiation therapy that is performed in a geographic area that is determined by the Secretary to be a rural area. If the Secretary determines that alternative standards for such rural areas are appropriate to assure access to quality medical imaging, the Secretary is authorized to develop such alternative standards. Alternative standards developed under this subsection shall apply in rural areas in the same manner as standards developed under subsection (a) apply in other areas.

"(i) REGULATIONS.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate such regulations as may be necessary to implement this section.

"(j) DEFINITIONS.—In this section:

"(1) APPROVED BODY.—The term ‘approved body’ means a nonprofit organization or an instrumentality of State or local government, or an instrumentality of a State agency that has been certified by the Secretary under subsection (d)(1) to accredit or administer examinations to individuals who perform or plan medical imaging or radiation therapy.

"(2) MEDICAL IMAGING.—The term ‘medical imaging’ means any procedure or article, excluding those already excluded by law, intended for use in the diagnosis or treatment of disease or other medical or chiropractic conditions in humans, including diagnostic X-rays, nuclear medicine, and magnetic resonance imaging procedures.

"(3) PERFORM.—The term ‘perform’, with respect to medical imaging or radiation therapy, means—

"(A) the act of directly exposing a patient to radiation via ionizing or radio frequency radiation or to a magnetic field for purposes of medical imaging or for purposes of radiation therapy; and

"(B) the act of positioning a patient to receive such an exposure.

"(4) PLAN.—The term ‘plan’ with respect to medical imaging or radiation therapy, means the act of preparing for the performance of such a procedure to a patient by evaluating site-specific information, based on medical imaging or radiation therapy. The term ‘plan’ includes the acquisition of a diagnostic and verification of radiation dose distribution, computer analysis, or direct measurement of dose, in order to customize the procedure for the patient.

"(5) RADIATION THERAPY.—The term ‘radiation therapy’, means any procedure or arti-
wages of full-time child care workers who have a child development associate (CDA) credential by at least $1,000. A child care worker who has a Bachelors Degree in child development or a child education degree will receive a grant of at least twice as much as grants made to providers who have an Associate degree in the area of child development or an equivalent education grant. Child care providers with an AA degree shall be at least 150 percent of grants made to those with a CDA. States shall provide grants in progressively larger dollar amounts to child care providers to reflect the number of years worked as a child care provider.

Child Care Provider Scholarships: The FOCUS Act provides grants to states for child care providers who have been employed for at least a year in the child care field—maximum grant is $1,500, to further staff education and training. FOCUS Act scholarships are not counted against other federal education aid.

Health Care Coverage for Child Care Providers: The FOCUS Act provides grants to states to provide better access to health coverage for child care workers. States retain a great deal of flexibility in determining how they will improve access to health care and health coverage by child care providers.

Funding: For FY 2004, the FOCUS Act authorizes $30 million for wage and scholarship initiative and $200 million for health care initiatives. Such sums are authorized for fiscal years 2005–2008.

Outreach: The funding formula is for wage and scholarship initiatives, 67.5 percent is for grants to attract and retain a quality child care workforce and 22.5 percent is for scholarships to promote child care workforce better educated on childhood development.

Set-aside: 3 percent for Indian Tribes and tribal organizations under the NCA.

Funding formula: based on the number of children under age 5 and the percentage of children receiving free or reduced price lunch last year: 85 percent for the 1st year, 75 percent for the 2nd year; 60/20 funding 3rd year; 75/25 funding fourth and subsequent years.

By Mr. FEINGOLD (for himself, Mrs. LINCOLN, and Mr. MCCAIN):

S. 1199. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. FEINGOLD. Mr. President, today I am introducing legislation that will help to ensure that all of our veterans know about Federal benefits to which they may be entitled by improving outreach programs conducted by the Department of Veterans Affairs.

I am pleased to be joined in this effort by the Senator from Arkansas, Mrs. LINCOLN, and the Senator from Arizona, Mr. MCCAIN.

Three years ago, the Wisconsin Department of Veterans Affairs, WDVA, launched a statewide program called "I Owe You." Under the direction of Secretary Ray Boland, the program encourages veterans to apply, or to reapply, for benefits that they earned from their service in the United States military.

As part of this program, WDVA has sponsored six events and Wisconsin called "Supermarkets of Veterans Benefits" at which veterans can begin the process of learning whether they qualify for Federal benefits from the Department of Veterans Affairs, VA. These events, which are based on a similar program in Wisconsin’s County Veterans Service Officers and veterans service organizations by helping our veterans to reconnect with the VA and to learn about Federal benefits for which they may be eligible. More than 11,000 veterans and their families have attended the super-markets, which include information booths with representatives from WDVA, VA, and a wide variety of organizations, as well as a variety of Federal, State, and local agencies. I was proud to have members of my staff speak with veterans and their families at a number of these events. These events have helped veterans and their families to learn about numerous topics, including health care, how to file a disability claim, and pre-registration for internment in veterans cemeteries.

The Institute for Government Innovation at Harvard University’s Kennedy School of Government recognized the "I Owe You" program by naming it a semi-finalist for the 2002 Innovations in American Government Award. The program was also featured in the March/April 2002 issue of Disabled American Veterans Magazine.

The State of Wisconsin is performing a service that is clearly the obligation of the VA. These are Federal benefits that we owe to our veterans and it is the Federal Government’s responsibility to make sure that they receive them. The VA has a statutory obligation to perform outreach, and current budget pressures should not be used as an excuse to halt or reduce these efforts.

The legislation that I am introducing today was spurred by the overwhelming response to the WDVA’s "I Owe You" program and the super-markets of veterans benefits. If more than 11,000 Wisconsin veterans and their families are unaware of benefits that may be owed to them, it is troubling to think how many veterans around our country are also unaware of them. We can and should do better for our veterans, who selflessly served our country and protected the freedoms to which we all cherish. And it is important to address gaps in the VA’s outreach program as we welcome home and prepare to enroll into the VA system the tens of thousands of dedicated military personnel who are serving in Afghanistan, Iraq, and other places around the globe.

In order to help to facilitate consistent implementation of VA’s outreach responsibilities around the country, my bill would create a statutory definition of the term "outreach." My bill also would help to improve outreach activities performed by the VA in three ways. First, it would create separate funding line items for outreach activities within the budgets of the VA and its agencies, including the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration. Currently funding for outreach is taken from the general operating expenses for these agencies. These important programs should have a dedicated funding source instead of being forced to compete for scarce funding with other crucial VA programs.

I have long supported efforts adequate funding for VA outreach programs. We can and should do more to provide the funding necessary to ensure that our brave veterans are getting the health care and other benefits that they have earned in a timely manner and without having to travel long distances or wait more than a year to see a doctor or to have a claim processed.

Secondly, the bill would create an intra-agency structure to require the Office of the Secretary, the Office of Public Affairs, the VBA, the VHA, and the NCA to coordinate outreach activities. By working more closely together, the VA components would be able to consolidate their efforts, share proven outreach mechanisms, and avoid duplication of effort that could waste scarce funding.

Finally, the bill would ensure that the VA can enter into cooperative agreements with State Departments of Veterans Affairs regarding outreach activities and would give the VA grant-making authority to award funds to State Departments of Veterans Affairs for outreach activities such as the WDVA’s "I Owe You Program." Grants that are awarded to State departments under this program could be used to enhance outreach activities and to improve activities relating to veterans claims processing, which is a key component of the VA benefits process. State departments that receive grants under this program may choose to award portions of their grants to local governments, other public entities, or private or non-profit organizations that engage in veterans outreach activities.

I am pleased that this bill has the support of a number of national and Wisconsin organizations that are committed to improving the lives of our Nation’s veterans, including: Disabled American Veterans; Paralyzed Veterans of America; American Veterans; the National Association of County Veterans Service Officers; the National Association of State Directors of Veterans Affairs; the Wisconsin Department of Veterans Affairs; the Wisconsin Association of County Veterans Service Officers; the Wisconsin Department of Disabled American Veterans; the Wisconsin Department of Veterans of Foreign Wars; the Wisconsin Paralyzed Veterans Association; and the Wisconsin State Council, Vietnam Veterans of America.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:
Mr. GRAHAM. Mr. President, today I am happy to be joining my colleague Senator LINDSEY GRAHAM in introducing the YMCA Healthy Teen Act. Senator GRAHAM and I are introducing this bill in cooperation with Senators BUNNING, ROBERTS, MURRAY, and SMITH, Mr. DEWEY, Mr. CORZINE, Mr. DASCHLE, and Mrs. LINCOLN.

S. 1201. A bill to promote healthy lifestyles and prevent unhealthy, risky behaviors among teenage youth; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM of South Carolina (for himself, Mr. DORGAN, Mr. BUNNING, Mr. DURBIN, Mr. ROBERTS, Mrs. MURRAY, Mr. SMITH, Mr. CORZINE, Mr. DEWEY, Mr. CORZINE, Mr. DASCHLE, and Mrs. LINCOLN):
North Dakota teens. Through programs focused on education, healthy lifestyles, physical activity, leadership, and service learning, these North Dakota YMCA's helped 12,500 teens in my State develop character, build confidence, and become healthier within the larger school environment.

I have seen firsthand what a difference a safe, structured, and healthy afterschool environment can make for our youth. In those communities in North Dakota, across the country, the YMCA is a place to learn, a place to play sports, a place to meet friends, and a place to simply shed the problems that youths face every day in school and at home and just have some fun. North Dakota teens embrace the countless opportunities presented to them at their YMCA's with enthusiasm, and I have no doubt they are not alone.

While the YMCA is national in scope, they are local in control and every program is designed and evaluated to meet the communities' unique needs. I am confident that this bill will help the YMCA to reach more teens and continue to provide successful solutions for our Nation's teens and families.

To serve more teens in need of healthier lifestyles and a safe and structured afterschool programs, the YMCA has set the goal of doubling the number of teens served to one in five teens by 2005. This ambitious campaign is called "i = 2." This ambitious campaign is called of teens served to one in five teens by 2005. This ambitious campaign is called "i = 2." This ambitious campaign is called the YMCA to reach more teens and continue to provide successful solutions for our Nation's teens and families.

The bill that Senator GRAHAM and I offer today provides funding to help the YMCA reach teens who need safe and structured activities that will promote physical activity and healthy lifestyles. This piece of legislation authorizes Federal appropriations of $20 million per year for fiscal years 2004 through 2008 for the YMCA to implement its Teen Action Agenda.

The bill that Senator GRAHAM and I offer today provides funding to help the YMCA reach teens who need safe and structured activities that will promote physical activity and healthy lifestyles. This piece of legislation authorizes Federal appropriations of $20 million per year for fiscal years 2004 through 2008 for the YMCA to implement its Teen Action Agenda. This funding would in turn be distributed to local YMCA's that are located in all 50 States and the District of Columbia. Similar legislation was passed in the 105th Congress for the Boys and Girls Club and in the 106th Congress for the Police Athletic League to aid in their efforts to reach out to youth.

Each program funded through this initiative would include physical activity and nutritional education components, and could also focus on other health risks faced by teenage youths, such as tobacco, drugs, and risky behaviors that lead to injury and violence.

This bill will encourage public-private partnerships and leverage additional funding for teen programs. It contains a matching component that will be met by the YMCA through local and private support. The YMCA in 2001 raised $777 million in public contributions, double the annual contribution levels of a decade ago, and continues to grow and gain support from communities for its work. The matching component of the support, the YMCA programs receive from national corporate sponsors, will turn $20 million in Federal funds into $50 million that will be invested in proven programs that serve teens who are in need.

Adolescence is an opportune time to instill in children positive eating habits and exercise routines that will carry over into adulthood. The YMCA is an established and proven organization that is in the position to reach out and influence thousands of teenagers. This legislation is an opportunity for us to do something for the health of our Nation's teenagers, when they now face greater challenges than ever before. Again, for the sake of our children's future, I urge my Senate colleagues to join Senator GRAHAM and me in cosponsoring this piece of legislation.

By Mr. ENZI (for himself, Mr. BINGAMAN and Mr. CAMPBELL): S. 1203. A bill to amend the Higher Education Act of 1965 regarding distance education and related matters, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, one of the great benefits of the revolution in information technology has been its effect on the reform superhighway and the number of online research and information sources it has made available, modern technology and higher education have become inseparable. The notion of distance learning and the access it provides to students—especially those in rural areas—could use a little more support, however, so that is why I am introducing the Distance Learning and Online Education Act of 2003.

This legislation builds on principles already found in the Higher Education Act to help reach populations that have traditionally been excluded from attending institutions of higher education.

Wyoming is a very rural State. There is only one four year school in the entire State, and there are only seven community colleges. If you include the University of Wyoming's satellite campuses, that adds up to nine institutions of higher education in an area of nearly one hundred thousand square miles. By contrast, there are one hundred twenty nine institutions of higher education in the State of Massachusetts, which makes up an area roughly one tenth the size of Wyoming. In fact, the only State that has fewer institutions of higher education is Alaska.

Expanding access to higher education for our rural communities has been a challenge for many years. Now, the Internet has made it possible for prospective students in rural communities, far removed from the university campus, to attend college online. They may now spend their time studying, rather than commuting back and forth between school and home.

At present, the most significant barriers that distance learners and online education programs must face are those that were created by the Higher Education Act. Under current law, students attending institutions that enroll more than half of their students in distance programs are ineligible for Federal student financial assistance. As a result, many of the communities that need these programs the most have struggled to reach them. They have been excluded from sharing in its benefits, including students from rural communities, single mothers, working professionals, and a range of others who are interested in attending college but who cannot afford to do so.

The legislation that I introduce today corrects this problem by creating an avenue for online and distance educators to reach out to rural communities and non-traditional students by making them eligible for Federal student assistance. It creates an eligibility standard for these institutions that helps to ensure they will provide high quality education programs, while it also protects Federal funding from fraud and abuse.

The Distance Learning and Online Education Act ensures students will receive a high quality education by requiring online educators to become accredited by an agency that has an approval process that focuses on distance education. As provided in the Act, the accrediting body must also be recognized by the Secretary of Education as an agency that can determine the institution's eligibility under Title IV of the Higher Education Act. This is a slightly higher standard than that of the brick and mortar institutions that have been entrusted with Title IV funding since the Higher Education Act was originally passed.

My bill will also protect against any fraud and abuse of Title VI funds by requiring distance educators to demonstrate their financial responsibility. In addition to meeting the default rates already established in current law, institutions interested in becoming eligible must also have a record free from audit findings or program review findings resulting in significant penalties for a period of at least two years. Distance learning institutions must also show that they have not had their participation in Title IV limited, suspended or terminated during the previous five years, and they must create a system of assurances that the student participating in the program is the individual completing the work.

It is clear that higher education in this country is changing and it will never be the same again. We have an opportunity, through technology, to reach student populations that have been excluded from participation in higher education because they cannot afford to attend or travel to classrooms or campuses located many miles from their homes. We can change part of the equation by changing the way we view those programs that hold the greatest promise for nontraditional students. This assistance is designed to go a long way toward making a higher education available to everyone with
the interest in learning and the determination to get the job done. The Distance Learning and Online Education Act of 2003 will provide a hand-up—not a hand-out—to those whose interest in a higher education is limited only by their resources. By offering them a helping hand, we can eliminate that obstacle and help a new generation achieve their goals and live their dreams.

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. 1203

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Distance Education and Online Learning Act of 2003”.

SEC. 2. STUDENT ELIGIBILITY.

Section 496(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(b)(1)) is amended—

(1) by inserting “students at the institution that offers a degree or certificate on the relevant content of the course work programs; and” after “and” in the first sentence and inserting the following: “students enrolled in distance education programs;

(2) by striking “offering distance education programs; and students in distance education programs;” in the second sentence; and

(3) by striking “and subject services for students in distance education programs;” in the second sentence and inserting the following: “and support services for students in distance education programs;

SEC. 3. DEFINITION OF ELIGIBLE PROGRAM.

Section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)) is amended by adding at the end the following:

“(3)(A) A program that is offered predominately through distance education methods and processes (other than correspondence courses) and is an eligible program for purposes of this title if—

(i) the program was reviewed and approved by an accrediting agency or association listed—

(I) is recognized by the Secretary under subpart 2 of part H; and

(II) has evaluation of distance education programs within the scope of its recognition; and

(ii) the institution offering the program—

(I) has not had its participation in distance education programs limited, suspended, or terminated within the preceding 5 years; and

(II) has not had or failed to resolve an audit finding or program review finding under the preceding 2 years that resulted in the institution being required to repay an amount that is greater than 10 percent of the total funds the institution received under the programs authorized by this title for any award year covered by the audit or program review;

(III) has not been found by the Secretary during the preceding 5 years to be in material noncompliance with the provisions of this Act related to the submission of acceptable and timely audit reports required under this title; and

(IV) is determined to be financially responsible under regulations promulgated by the Secretary pursuant to section 486(c).

(B) the accreditation agency or association withdraws approval of the program described in subparagraph (A) or the institution fails to meet any of the requirements described in subparagraph (A)(i), then the program shall cease to be an eligible program at the end of the award year in which the withdrawal of approval or such withdrawal of approval results in or such withdrawal of approval failure to meet such requirements occurs. The program shall not be an eligible program until the provisions of subparagraph (A) (i) and (ii) are met again.

(4) The Secretary shall promulgate regulations for determining whether a program that offers a degree or certificate on the basis of competency assessments that examines the content of the course work provided by the institution of higher education, is an eligible program for purposes of this title.

SEC. 4. RECOGNITION OF ACCREDITING AGENCY OR ASSOCIATION.

Section 486 of the Higher Education Act of 1965 (20 U.S.C. 1091) is amended—

(1) in subsection (n)(3), by striking the last sentence and inserting the following: “If the agency or association requests that the evaluation of institutions offering distance education programs be limited to within its scope of recognition, and demonstrates that the agency or association meets the requirements of subparagraph (A), then the Secretary shall include the accreditation of institutions offering distance education programs within the agency or association’s scope of recognition.”; and

(2) by adding at the end the following:

“(p) DISTANCE EDUCATION PROGRAMS.—An agency or association shall evaluate the quality of institutions offering distance education programs within its scope of recognition, in addition to meeting the other requirements of this part, demonstrate to the Secretary that the agency or association as assessments—

(1) measures of student achievement of students enrolled in distance education programs;

(2) the preparation of faculty and students to participate in distance education programs;

(3) the quality of interaction between faculty and students in distance education programs;

(4) the availability of learning resources and support services for students in distance education programs; and

(5) measures to ensure the integrity of student participation in distance education programs.”.

By Mr. CHAMBLISS (for himself and Mr. MILLER):

S. 1204. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land; to the Committee on Energy and Natural Resources.

Mr. CHAMBLISS. Mr. President, I rise today to introduce the Hunting Heritage Protection Act. With the introduction of this important legislation, we are able to acknowledge our Nation’s rich heritage of hunting. The purpose of this bill is to pass that legacy on to future generations by protecting and preserving the rights of our Nation’s sportsmen and women.

In 2001 over 13 million Americans contributed over 20.6 billion to the U.S. economy while hunting—a true recreational activity. Many believe that in order to hunt you must own land, but that is not true. I believe that hunting should be available as a recreational activity for everyone.

I have been an avid outdoor sportsman since my early adulthood. I am also an avid conservationist, like most other hunters. Mr. President, recreational hunting provides many opportunities to spend valuable time with children, just as I do with my son. He has been hunting since he was a young boy, where he discovered and learned to appreciate one of the Earth’s greatest treasures, nature.

Over the years, hunters have contributed billions of dollars to wildlife conservation, by purchasing licenses, permits, and stamps, as well as paying excise taxes on goods used by hunters. Since the time of President Teddy Roosevelt, father of the conservation movement, sportsmen and women have been and will continue to be some of the greatest supporters of sound wildlife management and conservation practices in the U.S.

Hunters need to be recognized for the vital role they play in conservation in this country. The Hunting Heritage Protection Act will do just that. This bill formalizes a policy by which the Federal Government will support, promote, and enhance recreational hunting opportunities, as permitted under State and Federal law.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 1205. A bill to provide discounted housing for teachers and other staff in rural areas of States with a population less than 1,000,000 and with a high population of Native Americans or Alaska Natives; to the Committee on Indian Affairs.

Mr. STEVENS. Mr. President, on behalf of Senator MURKOWSKI, I rise to introduce the Rural Teacher Housing Act of 2003.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will have a profound effect on the retention of good teachers, administrators, and other school staff in remote and rural areas of Alaska and in the rest of our Nation.

In rural areas of Alaska, school districts face the challenge of recruiting and retaining teachers, administrators, and other school staff due to the lack of affordable housing. In one school district, they hire one teacher for every...
six who decide not to accept job offers. Half of the applicants not accepting a teaching position in that district indicated that their decision was related to the lack of housing options.

Recently, I traveled throughout rural Alaska with Education Secretary Rod Paige. I wanted him to see the challenges of educating children in such a remote and rural environment. At one rural school, the principal must sleep in his den to avoid the lack of housing in that village. In the same village, there is not enough housing for each teacher to have their own separate home—several teachers must share a single home. Therefore, there is not enough room for the teachers’ spouses. Rural Alaskan school districts also experience a high annual rate of teacher turnover due to the dearth of affordable housing. Apparently, up to 30 percent of teachers leave rural school districts what needs to be addressed in order to ensure that children in rural Alaska receive an educational experience that is second to none and is also respectful of cultural differences.

My bill authorizes the Department of Housing and Urban Development to provide funds to States to address the shortage of teacher housing in rural areas in Alaska and in the rest of our Nation. Specifically, my bill provides funds to be used to address the housing needs of 1 million or fewer people and include qualifying municipalities, which have populations of 6,500 or fewer people and also do not have direct access to either a State or interstate highway system. The appropriate State housing authority will accept such funds and will then transfer the funds to an eligible school district in a qualifying municipality. An eligible school district must be within the boundaries of an Indian reservation, or one or more Alaska Native villages or land owned by one or more Alaska Native village corporations. This legislation will allow the eligible school districts to address the housing shortage in the following ways: construct housing units, purchase and rehabilitate existing housing units, or rehabilitate housing units that are already owned by a school district. Once this phase is complete, eligible school districts shall provide the housing to teachers or other school staff under terms agreed upon by the school district and the teacher or other staff.

It is imperative that we address this important issue immediately and allow the flexibility for the disbursement of funds to be used at the local level. The quality of education of our rural children is at stake. 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. 1205

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

SECTION 1. SHORT TITLE.

The Act may be cited as the “Rural Teacher Housing Act of 2003”.

SEC. 2. DEFINITIONS.

In this Act:

(1) ELEMENTARY SCHOOL.—The term “elementary school” has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE SCHOOL DISTRICT.—The term “eligible school district” means a school district located within a qualified municipality within an eligible State and is within the boundaries of—

(A) Indian lands;

(B) 1 or more Native villages; or

(C) land owned by 1 or more Village Corporations.

(3) ELIGIBLE STATE.—The term “eligible State” means any State having a population of fewer than 1,000,000 people, based upon the most recent Government census.

(4) INDIAN LANDS.—The term “Indian lands” has the meaning given that term in section 2103 of the Revised Statutes (25 U.S.C. 81).

(5) NATIVE VILLAGE.—The term “Native village” has the meaning given that term in section 3 of the Alaska Claims Settlement Act (43 U.S.C. 1616).

(6) OTHER STAFF.—The term “other staff” means pupil service personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

(7) QUALIFIED MUNICIPALITY.—The term “qualified municipality” means a municipality or unorganized borough within an eligible State—

(A) that has a total population of 6,500 or fewer people, based upon the most recent Government census; and

(B) does not have direct access to either a State or interstate highway system.

(8) SECONDARY SCHOOL.—The term “secondary school” has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(9) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development.

(10) TEACHER.—The term “teacher” means an individual who is employed as a teacher in a public elementary or secondary school, and meets the certification or licensure requirements of the eligible State.

(11) VILLAGE CORPORATION.—The term “Village Corporation” has the meaning given that term in section 3 of the Alaska Claims Settlement Act (43 U.S.C. 1602).

SEC. 3. RURAL TEACHER HOUSING PROGRAM.

(a) GRANTS AUTHORIZED.—The Secretary shall provide funds to eligible States, in accordance with such procedures as the Secretary determines are appropriate, to be used as provided in subsection (b).

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds received pursuant to subsection (a) shall be used by the eligible State making grants to eligible school districts to be used as provided in paragraph (2).

(2) USE OF FUNDS BY ELIGIBLE SCHOOL DISTRICTS.—Grants received by an eligible school district pursuant to paragraph (1) shall be used for—

(A) the construction of new housing units within a qualified municipality;

(B) the purchase and rehabilitation of existing housing units within a qualified municipality; or

(C) the rehabilitation of housing units within a qualified municipality that are owned by an eligible school district.

(d) OWNERSHIP OF HOUSING.—All housing units constructed or purchased with grant funds awarded under this Act shall be owned by the relevant eligible school district.

(e) ELIGIBILITY.—Each eligible school district receiving a grant under this Act shall ensure that all housing units leased pursuant to subsection (d) meet all applicable State and local building codes.

(f) MATCHING REQUIREMENT.—Each State that receives Federal funds under this Act shall provide matching funds from non-Federal sources in an amount equal to 20 percent of such Federal funds.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Housing and Urban Development $50,000,000 for each of the fiscal years 2004 through 2013 to carry out this Act.

SUBMITTER RESOLUTIONS

SENATE RESOLUTION 160—TO EXPRESS THE SENSE OF THE SENATE THAT THE FEDERAL GOVERNMENT SHOULD ACTIVELY PURSUE A UNIFIED APPROACH TO STRENGTHEN AND PROMOTE THE NATIONAL POLICY ON AQUACULTURE

Mr. AKAKA submitted the following resolution: which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 160

Whereas the Food and Agriculture Organization of the United Nations determined that aquaculture is the fastest growing food sector that provides animal protein for citizens of the world;

Whereas global aquacultural production (including the production of shrimp and finfish) has increased at an average rate of 9.2 percent per year since 1970, compared with only 1.4 percent for capture fisheries and 2.8 percent for terrestrial-farmed meat production systems;

Whereas freshwater aquacultural production increased from 15,900,000 metric tons in 1996 to 22,600,000 metric tons in 2001, marine aquacultural production increased from 10,800,000 metric tons in 1996 to 15,200,000 metric tons in 2001, and total aquacultural production increased from 26,700,000 metric tons in 1996 to 37,800,000 metric tons in 2001;

Whereas economic modeling predicts that global annual consumption of fish and shellfish will increase from 21 kilograms in 2030, due to increased health consciousness and the stronger demand for seafood products;

Whereas the United States imports more than 60 percent of its seafood products, resulting in an annual seafood trade deficit of excess of 7,000,000,000 (CONGRESSIONAL RECORD — SENATE

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60,000,000,000; and

Whereas section 7109 of the Farm Security Act of 1985 (Public Law 100–242; 20 U.S.C. 2801 et seq.) until 2007, but did not adequately address emerging national issues
The current trends in aquaculture both worldwide and in the United States necessitate prompt action by the Federal Government. The contribution of aquaculture to global supplies of fish, crustaceans, and mollusks is growing by 9.21 percent annually. But aquaculture industries in China, India, Japan, Thailand, and Indonesia have outpaced those in the United States due in part to less expensive labor, lower property values, and weaker environmental regulations. In fact, the total value of aquaculture production is approximately $61 billion worldwide; of this, the $0.5 billion U.S. aquaculture industry is far outpaced by nations that have a 1 to 28 billion dollar value. Although U.S. aquaculture has been considered a minor industry over the years, it is rapidly becoming one of the fastest-growing industries and has vast, vast potential. The U.S. has two choices. We can either stand by and watch our seafood trade deficit grow larger or we can seize this opportunity to promote a strong U.S. aquaculture industry to produce healthier foods and economic benefits for our citizens.

U.S. aquaculture development can meet the growing consumer demand for quality seafood products and, at the same time, relieve the pressure on overfished stocks. More than one billion people currently derive at least 20 percent of their protein from fish, and studies have predicted that this demand for seafood will only increase over time. Meanwhile, half of the world’s main fish stocks are fully exploited or producing catches that have reached their maximum sustainable limits. A strong U.S. aquaculture industry will result in a net contribution to worldwide food availability, economic growth, and improved living standards.

In Hawaii, we are at the forefront of U.S. aquaculture through supportive research and production efforts for marine aquaculture. Hawaii first harvested offshore aquaculture products from sea cages in 1999 and the State awarded its first commercial lease for offshore aquaculture in State waters in the year 2001. The aquaculture technologies developed in Hawaii with high environmental standards can help lead the world toward environmentally sound aquaculture practices.

The U.S. needs to invest in our aquaculture industry today. This resolution recognizes the importance of aquaculture and calls for a coherent national approach to provide appropriate guidance for a sustainable aquaculture industry in different regions of the United States. This comprehensive strategy will contribute to worldwide food availability while providing much-needed economic growth within the United States. I urge my colleagues to support this measure.
Talent, Mr. Dayton, Mr. Coleman, Mr. Edwards, Mr. Crafo, 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.

SA 853. Mr. Dayton submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 854. Mrs. Boxer (for herself, Mr. Leahy, Mr. Durbin, Mrs. Feinstein, Mrs. Clinton, Mr. Jeffords, and Mr. Lautenberg) proposed an amendment to amendment SA 850 proposed by Mr. Domenici (for Mr. Bingaman) to the bill S. 14, supra; which was ordered to lie on the table.

SA 855. Mr. Domenici (for Mr. Bingaman) proposed an amendment to amendment SA 850 proposed by Mr. Domenici (for Mr. Bingaman) to the bill S. 14, supra; which was ordered to lie on the table.

SA 856. Mr. Kohl (for himself and Mr. Feingold) submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 857. Mr. Kohl (for himself and Mr. Feingold) submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 860. Mr. Domenici (for Mr. Bingaman) proposed an amendment to amendment SA 849 proposed by Mr. Domenici (for himself and Mr. Bingaman) to the bill S. 14, supra.

SA 861. Mr. McCaskill submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 862. Mr. Grassley (for himself, Mrs. Lincoln, Ms. Snowe, Mr. Baucus, Mr. Voinovich, Mr. Nunn, Ms. Landrieu, Mr. Byrd, Ms. Collins, and Mr. Nelson of Florida) proposed an amendment to the bill H.R. 1308, to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

SA 863. Mr. Grassley (for himself and Mrs. Lincoln) submitted an amendment intended to be proposed by him to the bill H.R. 1308, supra; which was ordered to lie on the table.

SA 864. Mr. Campbell proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes.

TEXT OF AMENDMENTS

SA 854. Mrs. Boxer (for herself, Mr. Lugar, and Ms. Cantwell) proposed an amendment to amendment SA 850 proposed by Mr. Domenici (for Mr. Frist) to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 8, strike lines 16 through 19 and insert the following:

"(4) Cellulosic biomass ethanol.—For the purpose of paragraph (2), 1 gallon of cellulosic biomass ethanol—"

"(A) shall be considered to be the equivalent of 1.5 gallons of renewable fuel; or

"(B) if the cellulosic biomass is derived from agricultural residue, shall be considered to be the equivalent of 2.5 gallons of renewable fuel."

SA 855. Mr. Dayton submitted an amendment intended to be proposed by him 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:

On page 454, strike lines 5 through 9.

SA 856. Mrs. Boxer (for herself, Mr. Leahy, Mr. Durbin, Mrs. Feinstein, Mrs. Clinton, Mr. Jeffords, and Mr. Lautenberg) proposed an amendment to amendment SA 850 proposed by Mr. Domenici (for Mr. Feist) (for himself, Mr. Daschle, Mr. Inhofe, Mr. Dorgan, Mr. Lugar, Mr. Johnson, Mr. Grassley, Mr. Harkin, Mr. Hagel, Mr. Dorgan, Mr. Voinovich, Mr. Nelson of Nebraska, Mr. Talent, Mr. Dayton, Mr. Coleman, Mr. Edwards, Mr. Crafo, Mr. Conrad, Mr. Dewine, Mr. Baucus, Mr. Bunning, and Mr. Bond)) to the bill S. 14, supra.

On page 150, line 4, insert the following new section and renumber accordingly:

"SECTION. REACTOR DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—For purposes of this section—

"(1) the term ‘contract holder’ means a party to a contract with the Secretary of Energy for the disposal of spent nuclear fuel or high-level radioactive waste entered into pursuant to section 302(a) of the Nuclear Waste Policy Act of 1982 (22 U.S.C. 10222(a)); and


(b) REACTOR DEMONSTRATION PROGRAM SETTLEMENT AUTHORITY.—Not later than 120 days after the date of enactment of this Act, and notwithstanding Subsection 302(a)(5) of the Nuclear Waste Policy Act of 1982 (22 U.S.C. 10222(a)(5)), the Secretary is authorized to take title to the spent nuclear fuel and ‘storage license fee’ and ‘Yucca Mountain site’ shall have the meanings given such terms in section 2 of the Nuclear Waste Policy Act of 1982 (22 U.S.C. 10301).

(c) FUNDING.—(1) For the purpose of funding a reactor demonstration program, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to contract with the Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage until the Secretary’s taking title until the Secretary removes the spent nuclear fuel from the La Crosse Boiling Water Reactor site. The Secretary’s obligation to take title or compensate the holder of the La Crosse Boiling Water Reactor spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to contract with the Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage until the Secretary’s taking title until the Secretary removes the spent nuclear fuel from the La Crosse Boiling Water Reactor site.

On page 150, line 4, insert the following and renumber accordingly:

"SEC. 442. DECOMMISSIONING PILOT PROGRAM.

(a) Provisions.—(1) The Administrator shall establish a decommissioning pilot program:

"(1) to decommission and decontaminate the sodium-cooled fast breeder test-site reactor located in northwest Arkansas in accordance with the decommissioning activities contained in the August 31, 1998 Department of Energy report on the reactor; and

"(2) to develop and demonstrate advanced state-of-the-art nuclear fuel management, storage, transportation, and eventual advanced nuclear technology disposition alternatives through a cooperative research and development agreement utilizing the demonstration reactor remaining from the Cooperative Power Reactor Demonstration Program (Pub. L. No. 87–315, Sec. 109, 75 Stat. 679), the Dairyland Power Cooperative La Crosse Boiling Water Reactor;

"(A) The Secretary shall—

"(i) establish the criteria and procedures for the acceptance schedule for such fuel.

On page 8, strike lines 16 through 19 and insert the following:

"(4) Cellulosic biomass ethanol.—For the purpose of paragraph (2), 1 gallon of cellulosic biomass ethanol—"
(2) settle any legal claims against the United States arising out of such failure.

(c) Waiver of Claims.—As a condition to the Secretary's taking of title to the La Cross Breeder Reactor spent fuel and nuclear fuel, the contract holder for such fuel shall enter into a settlement agreement containing a waiver of claims against the United States and the Public Health Service of the Federal government, under or in accordance with the provisions of this section that are not otherwise eligible for payment from the Nuclear Waste Fund.

(e) Savings Clause.—(1) Nothing in this section shall be read to require a contract holder to waive any future claim or for any past claim;

(2) Nothing in this section diminishes obligations imposed upon the Federal Government by the United States District Court of Idaho in the Matter of the United States ex rel. Melvin F. Nickerson et al. v. United States (dt No. 91–0054–S–EJL).

To the extent this Act imposes obligations on the Federal Government that are greater than those required by the contract, the provisions of this Act shall prevail.

SA 859. Mr. KOHL (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him 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:

On page 194, line 12, insert the following paragraphs:

SEC. 553. FEDERAL ENERGY BANK.

(a) Definitions.—In this section:

"(1) Bank.—The term 'Bank' means the Federal Energy Bank established by subsection (b).

"(2) Energy or water efficiency project.—The term 'energy or water efficiency project' means a project that assists a Federal agency in meeting or exceeding the energy water efficiency requirements of—

(A) this part; or

(B) section VIII.


"(d) Executive Order No. 13123.

"(A) IN GENERAL.—The Secretary of the Treasury shall transfer from the Bank to the Secretary in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget, a program loan amount made available from the Bank to a Federal agency in order to pay the costs of a project described in subparagraph (C).

"(B) Federal agency energy budgets.

"(i) IN GENERAL.—The Secretary may make loans from the Bank only for a project described in subparagraph (C) that—

(A) is energy savings performance contract, for a new or existing Federal building (including selection and design of the project);

(B) the costs of an energy or water efficiency project, or a renewable or alternative energy project, for a new or existing Federal building (including selection and design of the project); or

(C) any interest earned on investment of amounts, and loan repayment terms.

"(ii) energy savings performance contract funding is available and is acceptable to the Federal agency under title VIII.

"(C) Purposes of loan.

"(i) In general.—A loan from the Bank may be used to pay—

(A) the costs of an energy or water efficiency project, or a renewable or alternative energy project, for a new or existing Federal building (including selection and design of the project);

(B) the costs of an energy or water efficiency project, or a renewable or alternative energy project, for a new or existing Federal building (including selection and design of the project).

"(D) Repayments.

"(i) IN GENERAL.—Subject to clauses (ii) through (v), a Federal agency shall repay to the Bank the principal amount of a loan plus interest at a rate determined by the President, in consultation with the Secretary and the Secretary of the Treasury.

"(ii) Waiver or reduction of interest.—The Secretary may waive any future claim or for any past claim that, beginning not later than October 1, 2007, interest payments will be sufficient to fully fund the operations of the Bank.

"(iii) Determination of interest rate.—The interest rate determined under clause (ii) shall be at a rate that ensures that, beginning not later than October 1, 2007, interest payments will be sufficient to fully fund the operations of the Bank.

"(iv) Insufficiency of appropriations.

"(A) Request for Appropriations.—As part of the budget request of the Federal agency for any fiscal year for which appropriations are not made available from a Federal agency to make repayments under this subparagraph, the Bank shall suspend the receipt of repayments from this paragraph until such appropriations are made available.

"(B) Federal agency energy budgets.

"(i) Loan repayments for a fiscal year shall be at a rate determined under that clause is not required to be paid under clause (i) if the Secretary determines that payment of interest by a Federal agency at the rate determined under that clause is insufficient to fund the operations of the Bank.

"(iv) Suspension of repayment requirements for any fiscal year for which appropriations are not made available from a Federal agency by the President to Congress for a fiscal year shall not be reduced by the value of energy savings accrued as a result of any energy conservation measure implemented using amounts from the Bank.

"(F) No rescission or reprogramming.—A Federal agency shall not rescind or reprogram loan program amounts made available from the Bank except as permitted under guidelines and issued under subparagraph (G).

"(G) Guidelines.—The Secretary shall issue guidelines for implementation of the loan program under this paragraph, including selection criteria, maximum loan amounts, and loan repayment terms.

"(d) Selection criteria.

"(i) In general.—The Secretary shall establish criteria for the selection of projects to be awarded loans in accordance with paragraph (2).

"(ii) Selection criteria.

"(A) In general.—The Secretary may make loans from the Bank only for a project that—

(A) is technically feasible;

(B) is determined to be cost-effective using life cycle cost methods established by the Secretary;

(C) includes a measurement and management component, based on the measurement and verification protocols of the Department of Energy, to—

(i) measure energy savings and performance contract funding from the Bank is made available and is acceptable to the Federal agency under title VIII.

"(i) Purposes of loan.

"(i) In general.—A loan from the Bank may be used to pay—

(A) the costs of an energy or water efficiency project, or a renewable or alternative energy project, for a new or existing Federal building (including selection and design of the project);

(B) the costs of an energy or water efficiency project, or a renewable or alternative energy project, for a new or existing Federal building (including selection and design of the project); or

(C) any interest earned on investment of amounts, and loan repayment terms.

"(d) Selection criteria.

"(i) In general.—Subject to clauses (ii) through (v), a Federal agency shall repay to the Bank the principal amount of a loan plus interest at a rate determined by the President, in consultation with the Secretary and the Secretary of the Treasury.

"(ii) Waiver or reduction of interest.—The Secretary may waive any future claim or for any past claim that, beginning not later than October 1, 2007, interest payments will be sufficient to fully fund the operations of the Bank.

"(iii) Determination of interest rate.—The interest rate determined under clause (ii) shall be at a rate that ensures that, beginning not later than October 1, 2007, interest payments will be sufficient to fully fund the operations of the Bank.

"(iv) Insufficiency of appropriations.

"(A) Request for Appropriations.—As part of the budget request of the Federal agency for any fiscal year for which appropriations are not made available from a Federal agency by the President to Congress for a fiscal year shall not be reduced by the value of energy savings accrued as a result of any energy conservation measure implemented using amounts from the Bank.

"(B) Federal agency energy budgets.

"(i) Loan repayments for a fiscal year shall be at a rate determined under that clause is not required to be paid under clause (i) if the Secretary determines that payment of interest by a Federal agency at the rate determined under that clause is insufficient to fund the operations of the Bank.

"(iv) Suspension of repayment requirements for any fiscal year for which appropriations are not made available from a Federal agency by the President to Congress for a fiscal year shall not be reduced by the value of energy savings accrued as a result of any energy conservation measure implemented using amounts from the Bank.

"(F) No rescission or reprogramming.—A Federal agency shall not rescind or reprogram loan program amounts made available from the Bank except as permitted under guidelines and issued under subparagraph (G).

"(G) Guidelines.—The Secretary shall issue guidelines for implementation of the loan program under this paragraph, including selection criteria, maximum loan amounts, and loan repayment terms.

"(d) Selection criteria.

"(i) In general.—The Secretary shall establish criteria for the selection of projects to be awarded loans in accordance with paragraph (2).

"(ii) Selection criteria.

"(A) In general.—The Secretary may make loans from the Bank only for a project that—

(A) is technically feasible;

(B) is determined to be cost-effective using life cycle cost methods established by the Secretary;

(C) includes a measurement and management component, based on the measurement and verification protocols of the Department of Energy, to—

(i) measure energy savings and performance contract funding from the Bank is made available and is acceptable to the Federal agency under title VIII.
“(ii) are designed to significantly reduce the energy use of the Federal facility.”

“(e) REPORTS AND AUDITS.—

“(1) REPORTS TO THE SECRETARY.—Not later than 1 year after the completion of each submittal of a project that has a cost of more than $1,000,000, and annually thereafter, a Federal agency shall submit to the Secretary a report describing—

“(A) whether the project meets or fails to meet the energy savings projections for the project; and—

“(B) for each project that fails to meet the energy savings projections, states the reasons for the failure and describes proposed remedies.

“(2) AUDITS.—The Secretary may audit, or require a Federal agency that receives a loan from the Bank to audit, any project financed with amounts from the Bank to assess the performance of the project.

“(3) REPORTS TO CONGRESS.—At the end of each fiscal year, the Secretary shall submit to Congress a report on the operations of the Bank, including a statement of—

“(A) the total receipts by the Bank;

“(B) the total amount of loans from the Bank to States or agencies; and

“(C) the estimated cost and energy savings resulting from projects funded with loans from the Bank.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“[There are authorized to be appropriated such sums as are necessary to carry out this section].”

SA 860. Mr. DOMENICI (for Mr. BINGAMAN) proposed an amendment to amendment SA 840 proposed by Mr. DOMENICI (for himself and Mr. BINGAMAN) to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE XII—STATE ENERGY PROGRAMS

SEC. 1201. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 6202(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 6202(b)) is amended by striking “each of fiscal years 2001 and 2002, and $3,400,000,000 for each of fiscal years 2003 through 2006.”:

SEC. 1202. WEATHERIZATION ASSISTANCE PROGRAM.

(a) ELIGIBILITY.—Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6224) is amended—

(1) in subsection (7)(A), by striking “125” and inserting “150”, and—

(2) in paragraph (7)(C), by striking “125” and inserting “150”.

(b) AUTHORIZATION OF APPROPRIATIONS.—

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6272) is amended by striking the period at the end and inserting “$1,000,000,000 for each fiscal year 2004 and 2005 and $125,000,000 for fiscal year 2006.”.

SEC. 1203. STATE ENERGY PLANS.

(a) STATE ENERGY CONSERVATION PLANS.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended by inserting at the end the following new subsection:

“(g) The Secretary shall, at least once every 3 years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of such State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions carried out in pursuit of common energy conservation goals.”.

(b) STATE ENERGY EFFICIENCY GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended to read as follows:

“STATE ENERGY EFFICIENCY GOALS.

“Sec. 364. Each State energy conservation plan with respect to which assistance is made available under this part on or after the date of enactment of this title shall contain a goal, measured against a baseline energy use of 1985, to achieve an energy savings of not less than 25 percent or more in the efficiency of use of energy in the State concerned in calendar year 2010 as compared to calendar year 1990, and may contain the following:

(1) POLICY.—To successfully promote the development of energy efficient technologies for a safe and reliable nuclear energy, it is the policy of the United States to prevent any nuclear material, technology, component, substance, or technical information, or any related goods or services, from being misused or diverted from peaceful nuclear energy purposes.

(b) PROHIBITION OF ISSUANCE OF CERTAIN EXPORT LICENSES.—Notwithstanding any other provision of law, no Federal agency shall issue any license, approval, or authorization for the export or reexport, or the transfer or retransfer, directly or indirectly, to any country the government of which is identified by the Secretary of State as engaged in the sponsorship of terrorism activities (including any country the government of which, as of September 11, 2001, had been determined by the Secretary of State under section 702(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2377(a)), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(b)(1)), or section 40(d) of the Arms Control Act (22 U.S.C. 2794(d)) to have repeatedly provided support for acts of international terrorism) of—

(1) any special nuclear material or by-products of atomic decomposition;

(2) any nuclear production facility or utilization facility; or

(3) except as provided in subsection (c)(2), any nuclear component, technology, substance, or technical information, or any related goods or services, that could be used in a nuclear production facility or utilization facility.

(2) Authorization of appropriations.—

SEC. 365. Each State energy conservation plan with respect to which assistance is made available under this part on or after the date of enactment of this title shall contain a goal, measured against a baseline energy use of 1985, to achieve an energy savings of not less than 25 percent or more in the efficiency of use of energy in the State concerned in calendar year 2010 as compared to calendar year 1990, and may contain the following:

(1) POLICY.—To successfully promote the development of energy efficient technologies for a safe and reliable nuclear energy, it is the policy of the United States to prevent any nuclear material, technology, component, substance, or technical information, or any related goods or services, from being misused or diverted from peaceful nuclear energy purposes.

(b) PROHIBITION OF ISSUANCE OF CERTAIN EXPORT LICENSES.—Notwithstanding any other provision of law, no Federal agency shall issue any license, approval, or authorization for the export or reexport, or the transfer or retransfer, directly or indirectly, to any country the government of which is identified by the Secretary of State as engaged in the sponsorship of terrorism activities (including any country the government of which, as of September 11, 2001, had been determined by the Secretary of State under section 702(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2377(a)), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(b)(1)), or section 40(d) of the Arms Control Act (22 U.S.C. 2794(d)) to have repeatedly provided support for acts of international terrorism) of—

(1) any special nuclear material or by-products of atomic decomposition;

(2) any nuclear production facility or utilization facility; or

(3) except as provided in subsection (c)(2), any nuclear component, technology, substance, or technical information, or any related goods or services, that could be used in a nuclear production facility or utilization facility.

(2) Authorization of appropriations.—
(2) by striking ‘‘$55,000’’ in subparagraph (C) and inserting ‘‘½ of the amount of effect under subparagraph (A)’’.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 103. APPLICATION OF EGTRTRA SUNSET TO THE CREDITS.

Each amendment made by this title shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as if such Act to which such amendment relates.

TITLE II—UNIFORM DEFINITION OF CHILD

SEC. 201. UNIFORM DEFINITION OF CHILD, ETC.

Section 152 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 152. DEPENDENT DEFINED.

(a) In General.—For purposes of this subchapter, the term ‘‘dependent’’ means—

"(1) a qualifying child, or

"(2) a qualifying relative.

(b) EXCEPTIONS.—For purposes of this section—

"(1) DEPENDENTS INELIGIBLE.—If an individual is a dependent of a taxpayer for any taxable year of such taxpayer beginning in a calendar year in which the taxable year of such individual begins, such individual shall be treated as having no dependents for any taxable calendar year, such individual shall be treated as the qualifying child of the taxpayer who is—

"(i) a parent of the individual, or

"(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year,

"(B) MORE THAN 1 PARENT CLAIMING QUALIFYING CHILD.—In the case of an individual who is claimed as a dependent by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who—

"(i) is the parent with the highest adjusted gross income for such taxable year, or

"(ii) if the child resides with both parents for the same amount of time during such taxable year, the parent with the highest adjusted gross income.

"(d) QUALIFYING RELATIVE.—For purposes of this section—

"(1) IN GENERAL.—The term ‘‘qualifying relative’’ means, with respect to any taxpayer for any taxable year, an individual—

"(A) who bears a relationship to the taxpayer described in this paragraph—

"(i) a parent of the individual, or

"(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year,

"(B) whose gross income for the calendar year in which such taxable year begins is less than the exemption amount (as defined in section 151(d)),

"(C) with respect to whom the taxpayer provides over one-half of the support of such individual for the calendar year in which such taxable year begins, and

"(D) who is not a qualifying child of such taxpayer or of any other taxpayer for any taxable year of such individual in any calendar year in which such taxable year begins.

"(2) RELATIONSHIP.—For purposes of paragraphs (1)(A), (B), and (C), the taxpayer bears a relationship to the individual described in such paragraph if the individual is any of the following with respect to the taxpayer—

"(A) a child or a descendant of a child,

"(B) a brother, sister, stepbrother, or stepsister,

"(C) the father or mother, or an ancestor of either,

"(D) a stepfather or stepmother,

"(E) a son or daughter of a brother or sister of the taxpayer,

"(F) a brother or sister of the father or mother of the taxpayer,

"(G) a son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law,

"(H) an individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 703, of the taxpayer) who, for the taxable year of the taxpayer, has as such individual’s principal place of abode the home of the taxpayer and is a member of the taxpayer’s household,

"(I) an individual who is eligible to be treated as the qualifying child of the taxpayer by reason of section 152(b)(4), (5), or (10), and

"(J) who is a foster child of the taxpayer.

"(3) AGE REQUIREMENTS.—For purposes of paragraph (1)(C), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

"(1) the individual is—

"(A) a child of the taxpayer or a descendent of such a child, or

"(B) an individual who is receiving, a brother, sister, stepbrother, or stepsister of the taxpayer or a descendent of any such relative,

"(2) by striking ‘‘30 years of age’’ in paragraphs (1)(B), (C), and (D) and inserting ‘‘19 years of age’’.

"(3) EXCEPTED.—For purposes of paragraph (1)(D), in the case of—

"(A) a child (other than a qualifying child) who is attending a full-time educational institution, the term ‘‘support’’ shall not include educational assistance provided to such child by the Department of Education, provided such child is attending an educational institution located in the United States with which the Department of Education has an agreement under section 1503 to provide educational assistance to students.

"(4) SPECIAL RULE RELATING TO 2 OR MORE QUALIFYING CHILDREN.—

"(A) IN GENERAL.—For purposes of paragraph (1)(B), the gross income of an individual who is claimed as a dependent by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who is—

"(i) a parent of the individual, or

"(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year,

"(B) MORE THAN 1 PARENT CLAIMING QUALIFYING CHILD.—In the case of an individual who is claimed as a qualifying child by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who—

"(i) is the parent with the highest adjusted gross income for such taxable year, or

"(ii) if the child resides with both parents for the same amount of time during such taxable year, the parent with the highest adjusted gross income.

"(d) QUALIFYING RELATIVE.—For purposes of this section—

"(1) IN GENERAL.—The term ‘‘qualifying relative’’ means, with respect to any taxpayer for any taxable year, an individual—

"(A) who bears a relationship to the taxpayer described in this paragraph—

"(i) a parent of the individual, or

"(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year,

"(B) whose gross income for the calendar year in which such taxable year begins is less than the exemption amount (as defined in section 151(d)),

"(C) with respect to whom the taxpayer provides over one-half of the support of such individual for the calendar year in which such taxable year begins, and

"(D) who is not a qualifying child of such taxpayer or of any other taxpayer for any taxable year of such individual in any calendar year in which such taxable year begins.

"(2) RELATIONSHIP.—For purposes of paragraphs (1)(A), (B), and (C), the taxpayer bears a relationship to the individual described in such paragraph if the individual is any of the following with respect to the taxpayer—

"(A) a child or a descendant of a child,

"(B) a brother, sister, stepbrother, or stepsister,

"(C) the father or mother, or an ancestor of either,

"(D) a stepfather or stepmother,

"(E) a son or daughter of a brother or sister of the taxpayer,

"(F) a brother or sister of the father or mother of the taxpayer,

"(G) a son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

"(3) AGE REQUIREMENTS.—For purposes of paragraph (1)(C), a child is any individual—

"(1) who has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins, or

"(2) who is a student who has not attained the age of 24 as of the close of such calendar year,

"(4) SPECIAL RULE RELATING TO 2 OR MORE QUALIFYING CHILDREN.—

"(A) IN GENERAL.—For purposes of paragraph (1)(B), the gross income of an individual who is claimed as a dependent by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who is—

"(i) a parent of the individual, or

"(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year,

"(B) MORE THAN 1 PARENT CLAIMING QUALIFYING CHILD.—In the case of an individual who is claimed as a qualifying child by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who—

"(i) is the parent with the highest adjusted gross income for such taxable year, or

"(ii) if the child resides with both parents for the same amount of time during such taxable year, the parent with the highest adjusted gross income.

"(5) SPECIAL RULE RELATING TO HANDICAPPED DEPENDENTS.—

"(A) IN GENERAL.—For purposes of paragraph (1)(B), the gross income of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during such taxable year, such individual shall be treated as the qualifying child of the taxpayer who—

"(i) is a parent of the individual, or

"(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year,

"(B) MORE THAN 1 PARENT CLAIMING QUALIFYING CHILD.—In the case of an individual who is claimed as a qualifying child by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who—

"(i) is a parent of the individual, or

"(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year,

"(C) is a qualifying child of such taxpayer, or

"(D) is an individual who is a qualifying child of such taxpayer under section 152(c)(1)(A), (B), or (C), and

"(E) is a student who has not attained the age of 19 as of the close of the calendar year in which such taxable year begins, and

"(F) is a student who has not attained the age of 24 as of the close of such calendar year.

"(6) SPECIAL RULES FOR SUPPORT.—For purposes of this subsection—

"(A) payments to a spouse which are includible in the gross income of such spouse under section 71 or 78 shall not be treated as a payment by the payor spouse for the support of any dependent,

"(B) amounts expended for the support of a child which are received from the noncustodial parent (as defined in subsection (e)(3)(B)) to the extent that such parent provided amounts for such support, and

"(C) in the case of the remarriage of a parent, support of a child received from the parent’s spouse shall be treated as received from the parent.

"(e) SPECIAL RULE FOR DIVORCED PARENTS.—

"(1) IN GENERAL.—Notwithstanding subsection (c)(4) or (d)(1)(C), if—

"(A) a child receives over one-half of the child’s support during the calendar year from the child’s parents—

"(B) who are divorced or legally separated under a decree of divorce or separate maintenance,
‘‘(ii) who are separated under a written separation agreement, or

‘‘(iii) who live apart at all times during the last 6 months of the calendar year, and

‘‘(B) is either—

(i) a household member of the taxpayer, or

(ii) the foster child of the taxpayer."

(2) REQUIREMENTS.—For purposes of paragraph (1), the requirements described in this paragraph are met if—

(A) a decree of divorce or separate maintenance agreement is in effect between the parents, and such child is in the custody of 1 or both of the child's parents for more than 1/2 of the calendar year;

(B) the foster child is being cared for by someone who is not a member of the family of such child or the taxpayer, and

(C) the child is not treated as having the same principal place of abode as the taxpayer for more than one-half of the period of such year before the date of the placement agreement, shall be treated as having the same principal place of abode at the same time as the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.

(3) PLACE OF ABODE.—An individual shall be treated as having the same principal place of abode as the taxpayer if at any time during the period that the child is kidnaped, shall be treated as the qualifying relative of the taxpayer for purposes of determining—

(i) the earned income credit under section 32.

(4) TERMINATION OF TREATMENT.—Subparagraphs (A) and (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).

(5) CROSS REFERENCES.—

"For provision treating child as dependent of both parents for purposes of certain provisions, see sections 105(b), 132(h)(2)(B), and 213(d)(5)."

SEC. 202. MODIFICATIONS OF DEFINITION OF HEAD OF HOUSEHOLD.

(a) HEAD OF HOUSEHOLD.—Clause (I) of section 2(b)(1)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

"(I) a qualifying child of the individual (as defined in section 152(c)), and

(B) a child who is not a member of the family of the taxpayer, and

(C) a brother or sister of the taxpayer."
Section 32(c)(1) of the Internal Revenue Code of 1986 is amended by striking subparagraph (C) and redesignating subparagraphs (D), (E), (F), and (G) as sub paragraphs (C), (D), (E), and (F), respectively.

Section 32(c)(4) of such Code is amended by inserting "(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)" after "section 152".

Section 32(m) of such Code is amended by striking "subsections (c)(1)(F)" and inserting "subsections (c)(1)(E)".

SEC. 206. MODIFICATIONS OF DEDUCTION FOR PERSONAL EXEMPTION FOR DEPENDENTS.

Subsection (c) of section 151 of the Internal Revenue Code of 1986 is amended to read as follows:

"(c) ADDITIONAL EXEMPTION FOR DEPENDENTS.—An exemption of the exemption amount for each individual who is a dependent (as defined in section 152) of the taxpayer for the taxable year.

SEC. 207. TECHNICAL AND CONFORMING AMENDMENTS.

(1) Section 2(a)(1)(B)(I) of such Code is amended by inserting ", determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof" after "section 152".

(2) Section 21(e)(5) of the Internal Revenue Code of 1986 is amended—

(a) by striking "paragraph (2) or (4) of" in subparagraph (A), and

(b) by striking "within the meaning of section 152(c)(3)" and inserting "as defined in section 152(e)(3)(A)".

(3) Section 21(e)(6)(B) of such Code is amended by striking "section 151(c)(3)" and inserting "section 152(e)(3)(A)".

(4) Section 23(b)(1)(B) of such Code is amended by striking "151(c)(4)" and inserting "152(f)(1)".

(a) Paragraphs (A) and (B) of section 51(i)(1) of such Code are each amended by striking "paragraphs (1) through (8) of section 152(a)" both places it appears and inserting "subparagraphs (A) through (G) of section 152(d)(2)".

(b) Section 51(i)(1)(C) of such Code is amended by striking "152(a)(9)" and inserting "152(f)(1)".

(c) Section 213(d)(11) of such Code is amended by striking "paragraphs (1) through (8) of section 152(a)" and inserting "subparagraphs (A) through (G) of section 152(d)(2)".

(d) Section 2032A(c)(7)(D) of such Code is amended by striking "section 151(h)(4)" and inserting "section 152(f)(1)".

(e) Section 7702B(1)(C)(11) of such Code is amended by striking "paragraphs (1) through (8) of section 152(a)" and inserting "subparagraphs (A) through (G) of section 152(d)(2)".

(f) Section 7703(b)(1) of such Code is amended—

(A) by striking "151(c)(3)" and inserting "152(f)(1)"; and

(B) by striking "paragraph (2) or (4) of".

SEC. 208. EFFECTIVE DATE.

The amendments made by this title shall apply to taxable years beginning after December 31, 2003.

TITLE III—CUSTOMS USER FEES

SEC. 301. EXTENSION OF CUSTOMS USER FEES.


SA 863. Mr. GRASSLEY (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 1308, to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes; which was ordered to lie on the table as follows:

Amend the title as to read: 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.

SA 864. Mr. CAMPBELL proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

Page 101, line 1, strike "electricity Indian tribal land" and all that follows through line 24, and insert:

"(4) electify Indian tribal land and the homes of tribal members."

(2) CONFORMING AMENDMENTS.

(a) The table of contents of the Department of Energy Organization Act (42 U.S.C. sec. 7101) is amended—

(A) in the item relating to section 209, by striking "Section" and inserting "(a)"; and

(B) by striking the items relating to sections 213 through 216 and inserting the following:

"(b) Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended to read as follows:

"(A) The term "Indian energy" means—

(A) any land located within the boundaries of an Indian reservation, pueblo, or rancheria;

(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

(i) in trust by the United States for the benefit of an Indian tribe;

(ii) by an Indian tribe, subject to restriction by the United States against alienation; or

(iii) by a dependent Indian community; and

(C) land conveyed to a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1610 et seq.).

(B) The term "Indian reservation" includes—

(A) an Indian reservation in existence in any State or States as of the date of enactment of this paragraph;

(B) a public domain Indian allotment; and

(C) any former reservation in the State of Oklahoma.

(C) a parcel of land owned by a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1610 et seq.) located within the borders of the United States, regardless of whether the community is located—

(i) on original or acquired territory of the community; or

(ii) within or outside the boundaries of any particular State.

(D) the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(E) the term "Native Corporation" has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(F) the term "organization" means a partnership, joint venture, limited liability company, or other unincorporated association or entity that is established to develop Indian energy resources.

(2) the term "Program" means the Indian energy resource development program established under section 202(a).

(3) the term "Secretary" means the Secretary of the Interior.

(4) the term "tribal energy resource development organization" means an organization of 2 or more entities, at least 1 of which...
is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the organization to apply for a grant, loan, or other guarantee authorized by sections 2002 or 2003 of this title.

(18) The term ‘tribal land’ means any land or interests in land owned by any Indian tribe or tribal entity, including allotments, pueblos, communities, rancheria, colony or other group, title to which is held in trust by the United States or which is subject to a restriction against alienation, or which is subject to a Federal Indian trust estate.

(19) The term ‘vertical integration of energy resources’ means any project or activity related to the location, acquisition, exploration, development, and production of a facility (including any pipeline, gathering system, transmission system or facility, or electric transmission facility), on or near existing or new access to refines, generate electricity from, or otherwise develop energy resources on, Indian land.

SEC. 2602. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT

(a) DEPARTMENT OF THE INTERIOR PROGRAM.—

(1) To assist Indian tribes in the development of energy resources and further the goal of Indian self-determination, the Secretary shall establish and implement an Indian energy resource development program to assist and tribal energy resource development organizations in achieving the purposes of this title.

(b) GRANTS.—The Secretary shall—

(A) provide development grants to Indian tribes and tribal energy resource development organizations for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land; and to properly account for results and projects and process, use, or develop those energy resources, on Indian land, and

(B) provide low-interest loans to Indian tribes and tribal energy resource development organizations for use in the promotion of energy resource development and vertical integration or energy resources on Indian land.

(3) There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2004 through 2014.

(b) INDIAN ENERGY EDUCATION PLANNING AND PARTICIPATION PROGRAM.—

(1) The Director shall establish programs to assist Indian tribes in meeting energy education, research and development, planning, and management needs.

(2) In carrying out this section, the Director may provide grants, on a competitive basis, to an Indian tribe or tribal energy resource development organization for use in carrying out—

(A) energy, energy efficiency, and energy conservation programs;

(B) studies and other activities supporting tribal acquisition of energy supplies, services, and facilities;

(C) projects to construct, development, operation, maintenance, and improvement of tribal electrical generation, transmission, and distribution facilities located on Indian land; and

(D) development, construction, and interconnection of electric power transmission facilities with the electric transmission facilities of the United States.

(3)(A) The Director may develop, in consultation with Indian tribes, a formula for providing grants under this section.

(B) In providing a grant under this subsection, the Director shall give priority to an application received from an Indian tribe with inadequate electric service as determined by the Director.

(4) The Secretary of Energy may promulgate such rules and regulations as necessary to carry out this subsection.

(5) There is authorized to be appropriated to carry out this subsection $30,000,000 for each of fiscal years 2004 through 2014.

(c) LOAN GUARANTEE PROGRAM.—

(1) Subject to paragraph (3), the Secretary of Energy may provide loan guarantees (as defined in the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) for not more than 90 percent of the unpaid principal and interest charges on any Indian tribe for energy development.

(2) A loan guaranteed under this subsection shall be made by—

(A) a financial institution subject to examination by the Secretary of Energy; or

(B) an Indian tribe, from funds of the Indian tribe.

(3) The aggregate outstanding amount guaranteed by the Secretary of Energy at any time under this subsection shall not exceed $2,000,000,000.

(4) The Secretary may promulgate such regulations as the Secretary of Energy determines are necessary to carry out this subsection.

(5) There are authorized to be appropriated such sums as are necessary to carry out this subsection, to remain available until expended.

(6) Not later than 1 year from the date of enactment of this section, the Secretary of Energy shall report to the Congress on the financing requirements of Indian tribes for energy development on Indian land.

(d) INDIAN ENERGY PREFERENCE.—

(1) In purchasing electricity or any other energy resource from an organization or a Federal agency or department may give preference to an energy and resource production enterprise, partnership, consortium, corporation, or other type of business organization the majority of the interest in which is owned and controlled by 1 or more Indian tribes.

(2) In carrying out this subsection, a Federal agency or department shall—

(A) pay more than the prevailing market price for an energy product or byproduct; and

(B) obtain less than prevailing market terms and conditions.

SEC. 2603. INDIAN TRIBAL ENERGY RESOURCE REGULATION

(a) GRANTS.—The Secretary may provide grants to Indian tribes and tribal energy resource development organizations, on an annual basis, grants for use in developing, administering, implementing, and enforcing tribal laws (including regulations) governing the development and management of energy resources on Indian land.

(b) USE OF FUNDS.—Funds from a grant provided under this section may be used by an Indian tribe or tribal energy resource development organization for—

(A) the development of a feasibility study or other report necessary to the development of energy resources on Indian land;

(B) the development of a project to construct, development, operation, maintenance, and improvement of tribal electrical generation, transmission, and distribution facilities located on Indian land; and

(C) the development of a project to construct, development, operation, maintenance, and improvement of tribal electrical generation, transmission, and distribution facilities located on Indian land.

(3) The development and enforcement of tribal laws, regulations, standards, and rules of tribal infrastructure to protect the environment under applicable law; or

(4) the training of employees that—

(A) are engaged in the development of energy resources on Indian land; or

(B) are responsible for protecting the environment.

(c) OTHER ASSISTANCE.—To the maximum extent practicable, the Secretary and the Secretary of Energy shall make available to Indian tribes and tribal energy resource development organizations scientific and technical data for use in the development and management of energy resources on Indian land.

SEC. 2604. LEASES, BUSINESS AGREEMENTS, AND RIGHTS-OF-WAY INVOLVING ENERGY DEVELOPMENT OR TRANSMISSION

(a) LEASES AND AGREEMENTS.—Subject to the provisions of this section—

(1) an Indian tribe may, at its discretion, enter into a lease or business agreement for the purpose of energy development, including a lease or business agreement—

(A) for the construction or operation of an electric generation, transmission, or distribution facility located on tribal land; or

(b) the term of the lease or business agreement does not exceed—

(i) 30 years; or

(ii) in the case of a lease for the production of oil and gas resources, 10 years and as long thereafter as oil or gas is produced in paying quantities; and

(c) the Indian tribe has entered into a tribal energy resource agreement with the Secretary, as described in subsection (e), relating to the development of energy resources on tribal land (including an annual trust asset evaluation of the activities of the Indian tribe conducted in accordance with the agreement).

(b) RIGHT-OF-WAY FOR PIPELINES OR ELECTRIC TRANSMISSION OR DISTRIBUTION LINES.—An Indian tribe may grant a right-of-way over tribal land for a pipeline or an electric transmission or distribution line without specific approval by the Secretary if—

(1) the right-of-way is executed in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e);

(2) the term of the right-of-way does not exceed 30 years;

(3) the pipeline or electric transmission or distribution line is owned and controlled by an Indian tribe; and

(c) LEASES, BUSINESS AGREEMENTS, OR RIGHTS-OF-WAY GRANTED OR AUTHORIZED.—An Indian tribe may enter into a lease or business agreements or a right-of-way on tribal land, including an annual trust asset evaluation of the activities of the Indian tribe conducted in accordance with the agreement.

(d) RENEWABLES.—A lease or business agreement entered into or a right-of-way granted by an Indian tribe under this section may be authorized by the Indian tribe in accordance with this section.

(e) VALIDITY.—No lease, business agreement, or right-of-way relating to the development of tribal energy resources pursuant to the provisions of this section shall be valid unless the lease, business agreement, or right-of-way is authorized in accordance with this section.

June 5, 2003
‘(c) TRIBAL ENERGY RESOURCE AGREEMENTS.—

(1) On promulgation of regulations under paragraph (8), an Indian tribe may submit to the Secretary of the Interior an Indian tribe energy resource agreement governing leases, business agreements, and rights-of-way under this section.

(2) Not later than 180 days after the date on which the Secretary receives a tribal energy resource agreement submitted by an Indian tribe under paragraph (1) (or such later date as may be agreed to by the Secretary and the Indian tribe), the Secretary shall approve or disapprove the tribal energy resource agreement.

(3) The Secretary shall approve a tribal energy resource agreement submitted under paragraph (1) if—

(i) the Secretary determines that the Indian tribe has demonstrated that the Indian tribe has sufficient capacity to regulate the development of energy resources of the Indian tribe; and

(ii) the tribal energy resource agreement includes provisions that, with respect to a lease, business agreement, or right-of-way under this section, including—

(A) ensure the acquisition of necessary information from the applicant for the lease, business agreement, or right-of-way; (B) require the lease, business agreement, or right-of-way to be made directly to the Indian tribe, documented by the Secretary of the Interior; (C) the terms of the lease; or business agreement; or (D) provide for public notification of the terms of the lease, business agreement, or right-of-way; and

(4) The Secretary shall—

(A) notify the Indian tribe in writing of the basis for the disapproval; (B) identify what changes or other actions are necessary to address the concerns of the Secretary; and (C) provide the Indian tribe with an opportunity to revise and resubmit the tribal energy resource agreement.

(5) If an Indian tribe executes a lease or business agreement, or grants a right-of-way in accordance with a tribal energy resource agreement submitted by the Indian tribe, the Indian tribe shall, in accordance with the process and requirements set forth in the Secretary's regulations adopted pursuant to subsection (e), establish a process for consultation and any Indian tribe.

(6) The Secretary shall—

(A) notify the Indian tribe in writing of the basis for the approval; (B) identify what changes or other actions are necessary to address the concerns of the Secretary; and (C) provide the Indian tribe with an opportunity to revise and resubmit the tribal energy resource agreement.

(6) Nothing in this section shall absolve the United States from any responsibility to the United States as appropriate under applicable law.

(7)(A) If the Secretary determines that an Indian tribe has sufficient capacity to regulate the development of energy resources on tribal land by the Indian tribe, the Secretary shall—

(i) issue such regulations as may be necessary to enable the Secretary to discharge the trust responsibility for the Indian tribe; (ii) establish requirements for environmental reviews; (iii) provide for public notification of the terms of the lease, business agreement, or right-of-way under this section; (iv) establish requirements for environmental reviews; and (v) establish procedures for consultation and any Indian tribe.

(8) The Secretary shall—

(A) provide the Indian tribe with an opportunity to revise and resubmit the tribal energy resource agreement; (B) provide the Indian tribe with an opportunity to revise and resubmit the tribal energy resource agreement; and (C) provide the Indian tribe with an opportunity to revise and resubmit the tribal energy resource agreement.

(9)(A) Nothing in this section shall absole the United States from any responsibility to the United States as appropriate under applicable law.

(B) The Secretary shall continue to have a trust obligation to ensure that the rights of an Indian tribe are protected in the event of any future leases, business agreements, or right-of-way under this section, including—

(ii) the lease, business agreement, or right-of-way executed pursuant to and in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e)(2); (iii) the lease, business agreement, or right-of-way executed pursuant to and in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e)(2); and (iv) the lease, business agreement, or right-of-way executed pursuant to and in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e)(2).

(10) If the Secretary determines that an Indian tribe has sufficient capacity to regulate the development of energy resources on tribal land by the Indian tribe, the Secretary shall—

(a) establish requirements for environmental reviews; (b) establish procedures for consultation and any Indian tribe.

(b) The Secretary shall—

(A) establish requirements for environmental reviews; (B) establish procedures for consultation and any Indian tribe.

(11) If the Secretary determines that an Indian tribe has sufficient capacity to regulate the development of energy resources on tribal land by the Indian tribe, the Secretary shall—

(a) establish requirements for environmental reviews; (b) establish procedures for consultation and any Indian tribe.

(12) If the Secretary determines that an Indian tribe has sufficient capacity to regulate the development of energy resources on tribal land by the Indian tribe, the Secretary shall—

(a) establish requirements for environmental reviews; (b) establish procedures for consultation and any Indian tribe.

SEC. 2005. FEDERAL POWER MARKETING ADMINISTRATION AUTHORIZATION.

(a) DEFINITIONS.—In this section—

(1) the term ‘Administrator’ means the Administrator of the Bonneville Power Administration; (2) the term ‘power marketing administration’ means—

(A) the Bonneville Power Administration; (B) the Western Area Power Administration; and (C) any other power administration the Secretary of the Interior determines is used for the benefit of an Indian tribe located in the State of Washington to which such action is necessary to compel compliance, including—

(1) suspending a lease, business agreement, or right-of-way under this subsection; (2) suspending a lease, business agreement, or right-of-way under this subsection; and (3) suspending a lease, business agreement, or right-of-way under this subsection.
Sec. 2604. INDIAN MINERAL DEVELOPMENT.—Each Administrator shall encourage Indian tribal energy development by taking such actions as are appropriate, including administration of programs of the Bonneville Power Administration and the Western Area Power Administration, in accordance with this section.

(a) IN GENERAL.—The Secretary shall conduct a review of all activities being conducted under the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.) as of that date.

(b) REPORT.—Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary shall submit to the Congress a report that includes—

(1) the results of the review;

(2) recommendations to ensure that Indian tribes have the opportunity to develop Indian energy resources and land (including legal, fiscal, market, and other barriers), along with recommendations for the removal of those barriers.

‘Sec. 2607. Wind and hydropower feasibility study.

(1) STUDY.—The Secretary of Energy, in coordination with the Secretary of the Army and the Secretary of the Interior, shall conduct a study of the costs and development of a demonstration project that would use wind energy generated by Indian tribes and hydropower generated by the Army Corps of Engineers on the Missouri River to supply firming power to the Western Area Power Administration.

(2) SCOPE OF STUDY.—The study shall—

(A) determine the blending of wind energy and hydropower generated from the Missouri River dams operated by the Army Corps of Engineers;

(B) review historical purchase requirements and projected purchase requirements for firming and the patterns of availability and use of firming energy;

(C) assess the wind energy resource potential on tribal land and projected cost savings through a blend of wind and hydropower over a 30-year period;

(D) determine seasonal capacity needs and associated transmission upgrades for integration of tribal wind generation; and

(E) include an independent tribal engineer as a study team member.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study, including—

(1) an analysis of the potential energy cost or benefits to the customers of the Western Area Power Administration through the blend of wind and hydropower;

(2) an evaluation of whether a combined wind and hydropower system can reduce reservoir fluctuation, enhance efficient and reliable energy production, and provide Missouri River management flexibility;

(3) recommendations for a demonstration project that could be carried out by the Western Area Power Administration in partnership with an Indian tribal government or tribal energy resource development organization to demonstrate feasibility and potential of using wind energy produced on Indian land to supply firming energy to the Western Area Power Administration or any other Federal power marketing agency; and

(d) FUNDING.—

(1) There is authorized to be appropriated to carry out this section $500,000, which shall remain available until expended and shall not be reimbursable.

(2) Costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(3) Conforming Amendments.—The title of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by striking items relating to Title XXVI, and inserting:

Sec. 2607. Wind and hydropower feasibility study.

4. Indian mineral development review.

(a) In General.—The Secretary shall conduct a review of all activities being conducted under the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.) as of that date.

(b) Report.—Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary shall submit to the Congress a report that includes—

(1) the results of the review;

(2) recommendations to ensure that Indian tribes have the opportunity to develop Indian energy resources and land (including legal, fiscal, market, and other barriers), along with recommendations for the removal of those barriers.

(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $750,000, which shall remain available until expended and shall not be reimbursable.

Sec. 2606. INDIAN MINERAL DEVELOPMENT REVIEW.

(a) IN GENERAL.—The Secretary shall conduct a review of all activities being conducted under the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.) as of that date.

(b) REPORT.—Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary shall submit to the Congress a report that includes—

(1) the results of the review;

(2) recommendations to ensure that Indian tribes have the opportunity to develop Indian energy resources and land (including legal, fiscal, market, and other barriers), along with recommendations for the removal of those barriers.

Sec. 2606. Indian mineral development review.

Authority for committees to meet

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 5, 2003, at 10 a.m. to conduct an oversight hearing on 'Reauthorization of the Defense Production Act.'

The PRESIDING OFFICER. Without objection, it is so ordered.

Committee on Commerce, Science, and Transportation

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet in open Executive Session during the session on Thursday, June 5, 2003, in Room SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

Committee on Foreign Relations

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet in open Executive Session during the session on Thursday, June 5, 2003, at 1:30 p.m. to hold a hearing on Life Inside North Korea.

The PRESIDING OFFICER. Without objection, it is so ordered.

Committee on Governmental Affairs

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, June 5, 2003, at 10:30 a.m. for a nomination hearing to consider the nominations of C. Stewart Verdery, Jr., to be Assistant Secretary for Policy and Planning, Border and Transportation Security Directorate, Department of Homeland Security; Michael J. Garcia to be Assistant Secretary for the Bureau of Immigration and Customs Enforcement, Department of Homeland Security; and Joe D. Whitley to be General Counsel, Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

Committee on Governmental Affairs

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, June 5, 2003, at 8:30 p.m. to hold a hearing on 'Reauthorization of the Defense Production Act.'

The PRESIDING OFFICER. Without objection, it is so ordered.

Committee on the Judiciary

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to conduct a markup on Thursday, June 5, 2003, at 9:30 a.m. in Dirksen Room 226.
I. NOMINATIONS
R. Hewitt Pate to be Assistant Attorney General, Antitrust Division, U.S. Department of Justice; David B. Rivkin to the Foreign Claims Settlement Commission; Richard C. Wesley 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. Hafstein to be United States District Judge for the Western District of Pennsylvania; Mark R. Krakov to be United States District Judge for the District of Connecticut; David B. Rivkin to be United States District Judge for the District of Maine.

II. BILLS
S. Res. 116. A resolution commemorating the life, achievements and contributions of Al Lerner.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION
Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, June 5, 2003, at 2:00 p.m., to conduct a hearing on Senate Rule XXII and proposals to amend this rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY
Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to meet on Thursday, June 5 at 9:30 a.m. to conduct a hearing regarding S. 485, the Clear Skies bill, to examine emissions-control technologies and utility-sector investment issues.

The hearing will take place in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE
Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine be authorized to meet on Thursday, June 5, 2003, on Intercity Passenger Rail Financing at 10 a.m. in Room SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR
Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today’s Executive Calendar. Calendar No. 203. I further ask unanimous consent to proceed to executive session to consider the nomination of Michael Chertoff to be United States Circuit Judge for the Second Circuit; provided further that there then be 30 minutes for debate equally divided in the usual form prior to a vote on the confirmation of the nomination, with no intervening action or debate. If further ask consent that following the vote, the President be immediately notified of the Senate’s action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, this will be the 128th judge that this Senate has approved during the term of this President. This will be the 25th circuit judge that has been approved. I want the record to make sure everyone understands that, 128 to 2. Two have been held up.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I would make a comment before I proceed to the next consent request. With respect to Mr. Chertoff, I became well acquainted with Mr. Chertoff when he served as counsel to the special committee created by Senate resolution to investigate the Whitewater matter. I found him competent, direct, thorough, well prepared, and a delightful human being. I probably will not get into the debate, the amount of time being limited, but I want the record to show how highly I esteem him and how enthusiastically I will vote to confirm him for the circuit court position to which he has been nominated.

EXECUTIVE SESSION

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today’s Executive Calendar. Calendar No. 203. I further ask unanimous consent to proceed to executive session to consider the nomination of Michael Chertoff to be United States Circuit Judge for the Second Circuit; provided further that there then be 30 minutes for debate equally divided in the usual form prior to a vote on the confirmation of the nomination, with no intervening action or debate. If further ask consent that following the vote, the President be immediately notified of the Senate’s action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, this will be the 128th judge that this Senate has approved. I want the record to make sure everyone understands that, 128 to 2. Two have been held up.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I would make a comment before I proceed to the next consent request. With respect to Mr. Chertoff, I became well acquainted with Mr. Chertoff when he served as counsel to the special committee created by Senate resolution to investigate the Whitewater matter. I found him competent, direct, thorough, well prepared, and a delightful human being. I probably will not get into the debate, the amount of time being limited, but I want the record to show how highly I esteem him and how enthusiastically I will vote to confirm him for the circuit court position to which he has been nominated.

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The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, this will be the 128th judge that this Senate has approved. I want the record to make sure everyone understands that, 128 to 2. Two have been held up.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I would make a comment before I proceed to the next consent request. With respect to Mr. Chertoff, I became well acquainted with Mr. Chertoff when he served as counsel to the special committee created by Senate resolution to investigate the Whitewater matter. I found him competent, direct, thorough, well prepared, and a delightful human being. I probably will not get into the debate, the amount of time being limited, but I want the record to show how highly I esteem him and how enthusiastically I will vote to confirm him for the circuit court position to which he has been nominated.

The assistant legislative clerk read as follows:

A resolution (S. Res. 116) commemorating the life, achievements, and contributions of Al Lerner.

There being no objection, the Senate proceeded to consider the resolution.

Mr. VOINOVICH. Mr. President, I rise today to honor Alfonso Lerner, Al, as he was called. I knew him best, was a man of great success and wealth but also great compassion and charity.

Al was born in New York City, graduated from Columbia College and proudly served in the Marine Corps as an officer and pilot from 1955 through 1957. The son of Russian immigrants, Al Lerner had an amazing sense of patriotism and was so proud to accept the Ellis Island Medal in honor of his immigrant heritage and individual achievements in 2002.

My personal relationship with Al developed because of the fondness we shared for the city of Cleveland, and Cleveland is a better place because of Al Lerner. His generosity was seen in well known ways such as his contributions to Rainbow Babies and Children’s Hospital, where the Lerner Research Institute was founded, and to the Cleveland Clinic. In fact, Al Lerner’s $100,000,000 contribution to the Cleveland Clinic was one of the largest donations to academic medicine in the history of the United States. Al gave so much of himself to these institutions, serving as president and trustee of the Cleveland Clinic Foundation and establishing the Lerner Research Institute at the Clinic to conduct research of new treatments for cancer, coronary artery disease and AIDS.

Al Lerner also understood how important professional football is to the city of Cleveland, and due in large part to his business savvy, Lerner and his partners, Carmen Policy, were able to reestablish a football team in Cleveland.

He was subsequently appointed chairman of the National Football League Finance Committee, and I am confident that the Cleveland Browns’ 2002 playoff appearance, just 4 years after returning to the league, had a great deal to do with Al’s leadership.
and guidance. I am not sure Cleveland would have its Browns today without Al Lerner’s dedication and determination.

Despite his amazing success as the founder, chairman, and chief executive of MBNA, Al Lerner remained grounded. He helped raise funds through the company and the Cleveland Browns, for the “Cleveland Brown Hero Fund” to aid families from the New York City Fire and Police Department who suffered the loss of a parent in the tragic September 11, 2001, terrorist attacks. Al also answered President Bush’s call in the aftermath of September 11, and was a member of the President’s Foreign Advisory Board.

Throughout his lifetime, many of Al’s other achievements could also be observed in quieter ways that were never heralded. His dedication to his family was remarkable. He married his high school sweetheart and best friend, Norma. They shared 47 glorious years together and raised two children, Randy and Nancy. My wife Janet and I talked often about how Al and Norma seemed to love each other and genuinely enjoyed each other’s company. Perhaps the greatest contribution that the two of them made was the strong example of a good marriage for their children, seven grandchildren, and anyone who know Al and Norma Lerner.

I also have known and worked with Al Lerner and am confident that his legacy will remain an example of hard work, philanthropy, and genuine kindness for generations to come.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 116) was agreed to.

The preamble was agreed to. The resolution (S. Res. 116), with its preamble, reads as follows:

Whereas Al Lerner passed away on October 13, 2003, the Senator from Ohio, Mr. DeWine, moved the following:

That the Senate—

Whereas Al Lerner made extremely generous contributions to local and national charities, including a contribution of $10,000,000 in 1993 to Rainbow Babies and Children’s Hospital in Cleveland, a donation of $16,000,000 to support construction of the Lerner Research Institute, and a donation of $100,000,000 to the Cleveland Clinic—the largest donation ever made in the history of the United States;

Whereas Al Lerner served as president and trustee of the Cleveland Clinic Foundation where the Lerner Research Institute was established to conduct research of new treatments for cancer, coronary artery disease, and AIDS;

Whereas Al Lerner, along with his business partner Carmen Policy, reestablished a National Football League team in Northern Ohio when he purchased the expansion Cleveland Browns football organization in 1996, worked hard to make the people of Cleveland and Northern Ohio proud of their football team, and was subsequently appointed chairman of the National Football League Finance Committee;

Whereas the Cleveland Browns, on the strength of Al Lerner’s leadership, reached the National Football League playoffs following the 2002 season, only 4 years after returning to the league;

Whereas Al Lerner served as founder, chairman, and chief executive of MBNA Corporation, which employs thousands of people in Ohio and is the nation’s largest issuer of independent credit cards;

Whereas Al Lerner served as vice chairman, trustee, and benefactor of Columbia College, which is now known as Columbia University, and also served as a trustee for Case Western Reserve University and New York Presbyterian Hospital;

Whereas Al Lerner helped raise funds, through his affiliation with MBNA and the Cleveland Browns, for the “Cleveland Browns Hero Fund” to aid families from the New York City Fire and Police Departments who suffered the loss of a parent in the tragic September 11, 2001, terrorist attacks;

Whereas Al Lerner was appointed in 2001 by President Bush as 1 of 15 members of the President’s Foreign Intelligence Advisory Board, which advises the President concerning the quality and adequacy of intelligence collection, intelligence analysis and estimates, counterintelligence, and other intelligence activities;

Whereas Al Lerner is survived by his wife, partner, and best friend, Norma, their son Randy, their daughter Nancy, and 7 grandchildren;

Whereas Al Lerner passed away on October 23, 2002, and the contributions he made to his family, his community, and his Nation will not be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life, achievements, and contributions of Al Lerner;

(2) extends its deepest sympathies to the family of Al Lerner for the loss of a great and generous man.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 161) commending the Clemson University Tigers men’s golf team for winning the 2003 National Collegiate Athletic Association Division I Men’s Golf Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNETT. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 161) was agreed to.

The preamble was agreed to. The resolution, with its preamble, reads as follows:

S. Res. 161

Whereas on Friday, May 30, 2003, the Clemson University Tigers men’s golf team won the 2003 NCAA Division I Men’s Golf Championship, the first National Championship for the Clemson men’s golf team;

Whereas the Tigers were the only team to secure qualification to the 2003 National Tournament with a four-round total of 1119 strokes, for 39 shots over par, beating the second place Oklahoma State University Cowboys by two strokes;

Whereas the Tigers won the National Championship on the home course of Oklahoma State University, one of the most decorated golf schools in the Nation;

Whereas the Clemson golf team was the first in NCAA history to win its conference championship, a NCAA regional title, and the National Championship in the same year;

Whereas the Tigers started the year and ended the year as the number-one ranked team in the Nation;

Whereas the Tigers finished the season with a 128-8-3 record against opponents ranked in the top 25 teams in the country, which amounts to an incredible winning percentage of 93 percent, by far the best in the Nation and the best in Clemson history;

Whereas all of the Tigers players who participated in the NCAA Championship are native-born South Carolinians;

Whereas players D.J. Trahan, Jack Ferguson, and Matt Hendrix were honored as All-Americans for the 2002-03 season;

Whereas Head Coach Larry Penley won the Golf Coaches Association of America’s Dave Williams Award as the National Coach of the Year;

Whereas the Clemson University men’s golf team has displayed outstanding dedication, teamwork, and sportsmanship throughout the season in achieving collegiate golf’s highest honor; and

Whereas the Tigers have brought pride and honor to the State of South Carolina: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Clemson University Tigers men’s golf team for winning the 2003 National Collegiate Athletic Association Division I Men’s Golf Championship;

(2) recognizes the achievements of all the team’s players, coaches, and staff and invites them to the United States Capitol Building to be honored in an appropriate manner; and

The resolution was agreed to.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 161) commending the Clemson University Tigers men’s golf team for winning the 2003 National Collegiate Athletic Association Division I Men’s Golf Championship.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 161) was agreed to.

The preamble was agreed to. The resolution, with its preamble, reads as follows:

S. Res. 161

Whereas Al Lerner and his high school sweetheart, best friend, and partner in life, Norma, have been married for 47 years of marriage and were deeply committed to their 2 children, Randy and Nancy;
ORDERS FOR MONDAY, JUNE 9, 2003

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon, Monday, June 9; I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until the hour of 1 p.m. with the time equally divided between the two leaders or their designees; provided that at 1 p.m. the Senate resume consideration of S. 14, the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. For the information of all Senators, the Senate will reconvene on Monday. On Monday, the Senate will resume consideration of S. 14, the Energy bill. The chairman and ranking member will be here and are encouraging Members to come forward with their amendments. In addition, we will continue to try to reach an agreement to limit amendments to the Energy bill. Next week, we will have a busy session as the Senate continues to make progress on this important legislation.

As a reminder to all Senators, on behalf of the leader, I announce that the next rollcall vote will occur at 5:45 on Monday in relation to the confirmation of Michael Chertoff to be a United States circuit court judge.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The absent legislative clerk proceeded to call the roll.

Mr. BENNETT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—H.R. 1308

The PRESIDING OFFICER. Under the previous order, the Chair appoints the following conference on the tax bill on the part of the Senate: Mr. Grassley, Mr. Nickles, Mr. Lott, Mr. Baucus, and Mrs. Lincoln.

ADJOURNMENT UNTIL MONDAY, JUNE 9, 2003

Mr. BENNETT. If there is no further business hour be before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:47 p.m., adjourned until Monday, June 9, 2003, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 9, 2003:

DEPARTMENT OF JUSTICE

KARIN J. IMMENHOUT, OF OREGON, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS, VICE MICHAEL W. MORMAN, LANCE ROBERT OLSON, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE JOHN EDWARD QUIND.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT AS PERMANENT COMMISSIONED OFFICERS IN THE UNITED STATES COAST GUARD IN THE RANK INDICATED UNDER TITLE 14, U.S.C. SECTION 231:

To be lieutenant

MARY ANN C. GOSLING, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C. SECTION 12203:

To be rear admiral (lower half)

CAPT. RAYMOND K. ALEXANDER, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C. SECTIONS 12203 AND 12212:

To be colonel

JAMES B. BURKHART, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C. SECTIONS 12203 AND 12212:

To be colonel

CHARLES M. BELISILE, 0000

GREGORY J. BRENNER, 0000

JOHN II. MULVEY, 0000

WILLIAM S. RIGGINS JR., 0000

DANIEL M. SKOTTH, 0000

BRYTT J. WYDEWE, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C. SECTIONS 12203 AND 12212:

To be colonel

GLynn D. ADISSON, 0000

ALAN J. BARBER, 0000

JAMES B. BECK JR., 0000

CHARL W. BLANKENSHIP, 0000

KEVIN W. BRAND, 0000

JOSEPH J. BRANDENBECHER, 0000

GARY L. BRINNEN, 0000

DONALD E. CARMANS, 0000

KENT S. COOK, 0000

JOHN J. CONLEY III, 0000

WILLIAM J. CROMER JR., 0000

MICHAEL L. CUNNIF, 0000

CHARLES R. DAUGHERTY JR., 0000

JOHN M. DILLSFORD, 0000

JAMES O. KIRSTET, 0000

ROGER R. ENGELBERG, 0000

JON F. FAGO, 0000

KELVIN G. FINDLEY, 0000

ANTHONY P. GERMAN, 0000

MARGARET A. GIBSON, 0000

PATRICK D. GINNAN, 0000

RONALD E. GISTTA, 0000

STEVEN D. GREGG, 0000

ROBERT A. HAMRICK, 0000

DAVID C. HARRISON, 0000

KENNETH M. HATCHES, 0000

SAMUEL G. HEALD, 0000

DANIEL R. HENDERSON, 0000

MICHAEL E. HEPSE, 0000

DONALD D. BOLLE, 0000

RUDOLPH L. HORN, 0000

DALE M. HOWARD, 0000

JOHN P. HICKEN II, 0000

EDWARD W. JOHNSON, 0000

NORMAN B. JOHNSON, 0000

DONALD P. JONES, 0000

TAIO K. JONES, 0000

EARL K. JUSKOWIAK, 0000

SCOTT L. KELLY, 0000

WILLIAM T. KETTIE, 0000

WAYNE D. LAMAR JR., 0000

WILLIAM T. MITCHEL, 0000

HARRY D. MONTGOMERY JR., 0000

KATHLEEN M. PATTERSON, 0000

HOWARD R. PLASTER, 0000

DAN A. FLOWMAN, 0000

BRUCE W. PRUNE, 0000

JOHN W. PUTTLE, 0000

KINNETH C. RAMAGE, 0000

LEON S. RICE, 0000

HARRY M. ROBERTS, 0000

CLARK T. ROBERD, 0000

RUSSELL A. RUSHE, 0000

ANDREW E. SALAS, 0000

ANTHONY E. SCHIAV, 0000

JAMES W. SCHROEDER, 0000

CHARLES L. SMITH, 0000

DAVID J. SMOKER, 0000

JOHN R. SPENCER JR., 0000

SCOTT K. STACY, 0000

GARY STOFA, 0000

JAMES R. SUMMERS, 0000

WARREN E. THOMAS, 0000

THOMAS F. TRALONGO, 0000

JEFFREY R. TUCKER, 0000

DANIEL C. VANN, 0000

ERIC W. VOLLMICKE, 0000

BRIAN L. WEBSTER, 0000

DANIEL J. ZACHMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C. SECTIONS 624:

To be lieutenant colonel

THOMAS K. HUNTER JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C. SECTIONS 12203:

To be colonel

JAMES A. DRCAMP, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C. SECTION 12203:

To be colonel

PETER D. KEISLER, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

CONFIRMATION

Executive nomination confirmed by the Senate June 5, 2003:

DEPARTMENT OF JUSTICE

PETER D. KEEHLER, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.
Mr. Walker's Essay

HON. MARSHA BLACKBURN
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mrs. BLACKBURN. Mr. Speaker, I applaud Mr. Walker for this wondrous achievement. His essay is an example of the exceptional scholarship from the young men and women of our great nation.


FREEDOM’S OBLIGATION
(By Logan Walker)

On a cold, breezy day, a cool wind whips through the air unfurling the flag in the midday sun. The breeze heightens to a gust and in the furious waves, the flag flutters like a crack like a whip. The crack resounds through the air reminding all who hear it of the flag's presence. But what does that flag mean? It means one thing: freedom. In America we pride ourselves on our institutions of checks and balances, all created with the purpose of maintaining freedom. But with freedom comes responsibility and obligations, but what is freedom's obligation?

This complex question is answered rather simply. Freedom's obligation to protect principle over property, to guard ideas over oil, to defend the helpless, not the helpful. This is freedom's obligation.

For thousands of years people have been fighting for freedom in North America. This struggle for resources in a region, but America is more than that. Freedom demands of us to overlook our petty, selfish needs to satisfy the calling of a higher government: The government of humanity. Freedom is not about money, capitalism, oil, or land. It is about ideas, people, happiness, and liberty.

In the past twenty years a massive amount of criticism has risen against the United States for the wars it has participated in. Many claim our participation has been based not just on money rather than morals. Other critics claim that we simply make up moral justifications for fighting wars that are really only interested in for monetary or political gains. For example the Korean War and the Gulf War. Both Yugoslavia and Kuwait were strategic oil suppliers. On the other hand, the United States gave detailed moral justifications for its involvement. Perhaps it is time that critics examine the fact that if you fight for any moral cause, you will most likely help your own, and the world economy, because any economy operates better and more effectively when it is not under the iron hand of a repressive regime.

But freedom's obligation is not just to one country, our own United States, but to all forms of democracy around the world. Many critics suggest that the United States is too much of a policeman in the world, but how could one assume so? What is America about? It is about freedom for all of mankind and justice for everyone. When someone is ten feet outside of our borders, do they become any less human? No. Then do they deserve any less protection than we would give another human life within our borders? Freedom's obligation is not merely to protect any specific people's freedom, but to help people to understand that any group's cry for freedom is paramount to a regime's sovereignty.

A sad example, Taiwan is in a constant state of protest over democratization, but China, a repressive Communist relic, refuses to let them break away. Should the people of the United States simply sit back and take the money of the Chinese Government while ignoring the wails for freedom sounded by the people of Taiwan?

Freedom is not about Gross Domestic Product, the Stockmarket, or Armies. It is about people, principles, and morality. Freedom gives all the benefits, but it also demands great sacrifice. The crack of the flag is not just there to remind us that we are Americans. It is there to remind us that we are a free people! A regime demands no sacrifice because it does what it wants at the expense of the helpless. Freedom, however, demands that we give up something of ourselves so that others, anywhere in the world, can share at least a fraction of what we have here. That is what brave American forces have been fighting for.

The Bible, the Quran, the Torah, and the Book of Buddhist Principles all suggest that you give something of yourself, whether it be your time or your money, to help someone else. That all nations and moral and spiritual rewards of sacrifice. But there is another document that preaches the benefits of sacrifice: the Constitution, because wherever freedom resides, sacrifice must flow, because freedom is love and love is sacrifice.

TRIBUTE TO MR. TED RAVELO OF NORTH MIAMI

HON. KENDRICK B. MEEK
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. MEEK. Mr. Speaker, I rise to pay tribute to a wonderful human being and a magnificent activist symbolized by North Miami community leader Ted Ravelo, a Filipino-American. On Saturday, June 7, 2003, at the Design Center of the Americas (DCOTA) in Broward County, he will be honored by the Philippine American Community of America (PACAMA) in Broward County, Saturday, June 7, 2003, at the Design Center of the Americas (DCOTA) in Broward County.

Mr. Ravelo was given to serve.
His candidacy for public office was named to the North Miami Community Development Board in 1997, he has held the presidency of the Central North Miami Homeowners Association and vice-presidency of the North Miami Mayor's Economic Task Force, and has likewise held memberships on the Miami-Dade County Asian-American Advisory Board, Greater North Miami Chamber of Commerce and Asian-American Federation of Florida.

His involvement with the above organizations motivated his desire to run for the Mayor's seat of North Miami during the 1999 mayoral elections. Though he eventually lost his race, he ran a strong and credible campaign by focusing on the crucial issues impacting the well-being and equality of opportunity for his fellow citizens. His candidacy for public office has truly maximized his role as the consummate community activist who lives by the dictum that those who have less in life, through no fault of their own, should have more from those fortunate enough to have received the greater blessings from God. The collective testimonies of the parents, community leaders and residents of North Miami and beyond represent an unequivocal testimony of the utmost respect and gratitude he now enjoys.

With the gala tribute to him on the historic celebration of the 105th Philippine Independence Day, the Filipino-American community in
my District will honor him for his undaunted leadership and utmost perseverance. I am truly privileged to represent Mr. Ravelo and his family in the Congress, and I am grateful that he continues to teach us to live by the noble ethic of loving God by serving our fellowmen. Above all, his caring and compassion for other immigrants in Florida’s 17th Congressional District appeal to the noblest character of our common humanity. My pride in sharing his friendship is only exceeded by my deep gratitude for all that he has done to uplift the honor and dignity of Filipino-Americans and other immigrants in North Miami and beyond.

This is the remarkable legacy with which we will always honor and respect the wonderful leadership and magnificent advocacy of Mr. Ted Ravelo.

TED RAVENO

DIABETES

HON. JOE BACA
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. BACA. Mr. Speaker, I rise today to voice my concerns about the effect that Diabetes is having on the Latino Community. Right now, 16 million people in the United States are suffering with Type 2 Diabetes. About 3 million of them are Latinos. Due to diet and genetics, Latinos are twice as likely as the rest of the population to contract Type 2 Diabetes. I am horrified by the statistic that one in ten Latinos will contract Diabetes at some point in life, but I am even more horrified by the fact that most often the disease is preventable.

Both of my parents died from complications related to Diabetes. As the parents of 15 children, I believe that they didn’t have the time or the resources to adequately care for themselves. With all of those mouths to feed, I believe that they were too busy trying to simply put food on the table to worry about proper nutrition. While that is undoubtedly noble, stories like this must change. My parents, because they did not have the proper care, suffered loss of vision, amputations, and eventually death.

We must make sure that Latino families are educated about prevention and have the resources to combat the disease. Prevention is key to fighting this disease but we cannot ignore the fact that eleven million Latinos still lack health insurance. How can a person get tested for Diabetes when they are uninsured? How can a person seek out a doctor when they are uninsured? How can a person get the insurance they need to combat this disease long-term? If we want to combat Diabetes, we must focus on prevention, education, and cultural changes. No one is saying that as a culture we can’t enjoy our frijoles and tortillas. We simply must learn and teach our children, that moderation is the best approach.

We must educate our communities. We must spread the word about prevention. And we must help the uninsured. If we do not make these necessary changes, we will have to worry about one in ten Latinos having Diabetes, we will have to worry about one in five.

A TRIBUTE TO ELVIS HERNANDEZ

HON. EDOLPHUS TOWNS
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Elvis Hernandez in recognition of his outstanding accomplishment in this year’s 75th Precinct Council Spelling Bee competition. Elvis is currently in the fifth grade at Blessed Sacrament in Brooklyn, New York. He finished in first place in the spelling bee.

Mr. Speaker, Elvis Hernandez has demonstrated that he is committed to his academic studies and is an excellent speller. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring him and his accomplishment.

A PROCLAMATION HONORING MR. DANIEL D. SCHNEIDER

HON. ROBERT W. NEY
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

WHEREAS, Daniel Schneider helped the lives of children by co-founding the Big Brothers Association and through his work at the Public Children Services Association of Ohio; and

WHEREAS, Daniel Schneider demonstrated a firm commitment to improving welfare services in the state of Ohio; and

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WHEREAS, Daniel Schneider demonstrated a firm commitment to improving welfare services in the state of Ohio; and

Whereas, Daniel Schneider demonstrated a firm commitment to improving welfare services in the state of Ohio; and

Therefore, I join with the residents of the entire 18th Congressional District in mourning the loss of our friend, Daniel D. Schneider.

PERSONAL EXPLANATION

HON. JOE WILSON
OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. WILSON of South Carolina. Mr. Speaker, on rollcall numbers 229, 228, and 227, on June 2, 2003, and on numbers 232, 231, and 230 on June 3, 2003, I was unable to cast my vote because I was part of a Congressional Delegation to North Korea. Had I been present, I would have voted the following:

Rollcall number 232—H. Res. 159—Expressing Profound Sorrow on the Occasion of the death of Irma Rangel, I would have voted yea.

ZUNI INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 2003

SPEECH OF

HON. TOM UDALL
OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of S. 222, The Zuni Indian Tribe Water Rights Settlement Act of 2003. This legislation puts to rest long-standing water rights disputes between water users in the Little Colorado River basin in Arizona. It is important, that this bill would also provide the Zuni tribe with the financial resources to acquire water rights in the Little Colorado River basin and to restore the riparian environment that existed previously at Zuni Heaven Reservation. Recently, a delegation of Zuni tribal leaders and members visited my office here in Washington. They told me that Zuni Heaven, a riparian area along the Little Colorado River, is central to the Zuni religious and cultural traditions and is the place where Zuni deities and ancestors have resided from time immemorial. This sacred riparian area is the home of the Kachina, one of the highest religious orders in Zuni culture, and was in historical times, a very lush riparian area with willow, cottonwood, cattails, turtles, and waterfowl. Ever since the 1877 Presidential order diminished the Zuni cultural homelands and established the current Zuni Reservation in New Mexico, the Zuni people have maintained the practice of making a pilgrimage to Zuni Heaven Heaven for four years. Zunis from western New Mexico trek over 50 miles to Zuni Heaven, located in northeast Arizona, to perform religious ceremonies during the summer solstice period. This pilgrimage is very important because it helps sustain and rejuvenate Zunis’ cultural and religious traditions. The Zuni Water Rights Settlement will help the Zuni people restore their sacred Zuni Heaven to the way it was as described in ancient traditional historical accounts. Furthermore, it will help them develop wetlands for water plants, birds and other animals so important and necessary in carrying on the Zuni Kachina religion. Considering the above, I strongly encourage my colleagues to join me today and support this very important legislation.

TRIBUTE TO THE MOTHER BETHEL FOUNDATION

HON. ROBERT A. BRADY
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor the Mother Bethel Foundation as it begins its $20,000,000 campaign to preserve and celebrate the Mother Bethel African Methodist Episcopal Church. Situated in my District, Mother Bethel is the first home of the African Methodist Episcopal Church. The land on which it sits has been owned by African-
Americans longer than any property in the United States. Founded in 1794, Mother Bethel Church is the oldest incorporated African-American church in the country.

The foundation has launched an ambitious effort to construct a new facility that will house an expanded Richard Allen museum, an interactive learning center, and archives focused on the story of Richard Allen. The ultimate goal of the Mother Bethel Foundation is to celebrate and affirm what the Church and its founder have meant to generations of Americans.

In honoring the established Foundation, one must not forget to honor Mother Bethel’s distinguished founder, Richard Allen, for whom the Richard and Sarah Allen Center is named. Richard Allen was a man who overcame tremendous obstacles to foster change for the betterment of African-American people. Born into slavery, Mr. Allen purchased his freedom through an agreement with his master.

Rev. Allen eventually responded to a call to preach and became a regular preacher at St. George’s Methodist Episcopal Church. Due to segregationist practices at St. George’s Church, Rev. Allen founded Mother Bethel Church.

While Rev. Allen is best known for founding Mother Bethel Church, he provided more to the African-American community. He was a critical member in the formation of the Free African Society, an organization to offer security and the benefits of association to Philadelphia’s free blacks. He also joined with Absalom Jones to organize the Black Legion, a group of 2,500 men who defended Philadelphia against the British during the War of 1812.

Mr. Speaker, Philadelphia is America’s most historic city. But, Mother Bethel stands out as one of our most cherished sites. It is a privilege to recognize an organization with such an admirable goal. I ask you and my other distinguished colleagues to join me in commending the Mother Bethel Foundation as it begins its admirable goal. I ask you and my other distinguished colleagues to join me in commending the Mother Bethel Foundation as it begins its admirable goal. I ask you and my other distinguished colleagues to join me in commending the Mother Bethel Foundation as it begins its admirable goal.

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**LET’S KEEP ALL REPRESENTATIVES ELECTED**

**HON. RON PAUL**

**OF TEXAS**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, June 4, 2003

Mr. PAUL. Mr. Speaker, the privately funded and privately constituted “Continuity of Government Commission” has recently proposed that, for the first time in our Nation’s history, we should allow the appointment of members of the U.S. House of Representatives. Not only does this proposal fail to comport with the intention of the founders of this nation, but, even worse, it advocates a solution that has been repeatedly rejected by this body.

The so-called “Commission” makes clear that while the Senate has, from time to time, voted to pass constitutional amendments allowing for the appointment of House members, this body has always jealously guarded its status as “the people’s House” by failing to pass such amendments. A brief historical review may be in order at this point. First, our Nation has been under attack from foreign powers in the past, such as in its nascent years when the British were constantly “coming.” In our own century, we faced an attack on Pearl Harbor as well as the very real threat of nuclear annihilation. Now, because we have learned that our Capitol was a potential target in a terror plot, there is an outcry from some corners regarding our vulnerability. Our government leaders are no more able to maintain security than they were 20 years ago. Our top-flight military makes us, in many ways, less vulnerable to attack and the assassination of our leaders than we were 200 years ago.

Even if we are to sustain such a devastating attack, the nightmare scenario painted in the first report of the “commission” is not only far-fetched, but also admits of a plethora of potential solutions already existent in our current constitutional structure. Though the report endeavors to cast doubt on the legitimacy of those structures, it is unsuccessful. Moreover, what could be more offensive to our republican form of government and of more questionable legitimacy, than to have a slew of un-elected “representatives” outvote elected people on behalf of our U.S. House? Let’s face it: we can scare people and doom-say anything we wish, but it would only be in the case of a nearly complete annihilation that our government would fail to function. In such an instance there is no “system” that will preserve our democracy. On the other hand, if we surrender the right to elect people to the U.S. House of Representatives, under any circumstances, we will get on a slippery slope away from the few remaining vestiges and most precious principles of the government left to us.

In the event that this “proposal” gets more serious and is given long-term attention, I will place in the record more detailed statements defending the notion of an all-elected House of Representatives, and explaining the fallacies and illogic found in this report. For now, Mr. Speaker, I simply wish to go on record as among those who will fight to the last to preserve the principle of a House of Representatives consisting entirely of members elected by the people.

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**HONORING DOUGLAS PERRY**

**OF CALIFORNIA**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, June 4, 2003

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor the life of Douglas Perry and to recognize his lifelong contributions to his community. He was born on February 8, 1920 in Somerville, Massachusetts and passed away earlier this week, on June 2, 2003.

Doug was much more to me than a resident of my Congressional District, he was my friend. I first met Doug and worked with him when I served on the San Diego City Council. I immediately noticed his enthusiasm and his seemingly unlimited energy on behalf of the San Ysidro community where he lived. Because of his work, he was known as the unofficial “Mayor of San Ysidro”.

He moved to California in 1936 and served in the U.S. Navy in both Afters and the Philippines, from 1942 to 1946. He met and married Jean Weslady in 1949, and they lived in the Inland Empire until their move to San Ysidro in 1974.

Doug was Chair of the San Ysidro Redevelopment Project Area Committee, Vice President of the San Ysidro Senior Center, Chair and Vice Chair of the Southern Area Committee, Board Member of the South Bay YMCA, and Vice President of the San Ysidro Senior Center. He made possible communication cable at the Senior Center, soliciting a free donation from Cox Cable. He was a member of the Park and Recreation Council, Doug represented the San Ysidro Recreation Council, supported their Annual Christmas events, acquired a big screen TV by soliciting donations, and raised funds for the La Mirada School Joint Use Turf Project. He played a significant role in opening the building at Larsen Sports Field, Cesar Chavez Community Center. He worked in obtaining Beyer Undeveloped Park.

He further obtained funding for the Coral Gate Neighborhood Park and the Larsen Field Parking Lot expansion, security lights and ball field renovation. All in all, he raised tens of thousands of dollars for projects and special events in San Ysidro. He worked to get donations for the Annual Food Drive. As you can see, Doug’s commitment was to the community as a whole.

Doug was joined in all of his endeavors by his wife of 52 years. Together, they had four children: Philip Perry of Escondido, California, Kim McCormick of Rancho Cucamonga, California, Brooke Barbey of Alta Loma, California, and Craig Perry of Upland, California. His six grandchildren are Steven Barbey, Paige Flick, Brandy Barbey, Michael Perry, Christopher McCormick, and Scott Perry—and his two great-grandchildren are Tessa and Jacob Weir.

My condolences go to Doug’s fine family. He will be missed, but his memory will live on in his beloved community of San Ysidro.

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**A TRIBUTE TO ALAJANDRA PENA**

**HON. EDLOPHUS TOWNS**

**OF NEW YORK**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, June 4, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Alajandra Pena in recognition of her outstanding accomplishment in this year’s 75th Precinct Council Spelling Bee competition.
A PROCLAMATION RECOGNIZING

LEANNA MOON

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. NEY. Mr. Speaker, Whereas, LeAnna Moon has devoted herself to serving others through her membership in the Girl Scouts; and

Whereas, LeAnna Moon has shared her time and talent with the community in which she resides; and

Whereas, LeAnna Moon has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, LeAnna Moon must be commended for the hard work and dedication she put forth in earning the Girl Scout Gold Award; Therefore, I join with the Girl Scouts, the residents of Glenford and the entire 18th Congressional District in congratulating LeAnna Moon as she receives the Girl Scout Gold Award.

HONORING THE CITY OF ST. PETERSBURG, RUSSIA ON THE OCCASION OF HER 300TH ANNIVERSARY

HON. JOE WILSON
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to pay tribute to the people of St. Petersburg, Russia, on the 300th Anniversary of the founding of their grand city.

St. Petersburg was founded by Peter the Great on May 27, 1703, and boasts an illustrious history, impressive architectural achievements, and a rich culture. Under the leadership of Catherine the Great, St. Petersburg became one of the cultural capitals of Europe.

The people of St. Petersburg suffered greatly under the brutal regimes led by Lenin and Stalin. Following the death of Vladimir Lenin and under the iron fist of communism, the city was renamed Leningrad. The city suffered further when during World War II the German Army led the Siege of Leningrad on September 8, 1941. During this 900-day siege, over 600,000 Russian citizens died, but Hitler never prevailed to take over the city due to the valiant defense by its residents.

Indeed, despite the devastation of war and the cruelty of communism, the spirit of the St. Petersburg people persevered. With the crumbling of communism, in 1991 the city reclaimed the name of St. Petersburg.

In 1995 I saw firsthand the beautiful city reflecting the extraordinary culture of the "Venetian of the North." I was hosted by the parents of Maxim Kidalov, who in 1993 as a student at the University of South Carolina was the first Russian page to serve in the Senate of South Carolina. He is now a respected attorney in Washington, D.C. Dr. Vladimir Mikhailov Kidalov and Mrs. Lyudmila Mikhailovna Kidalova were gracious hosts, and they brought to life warm Russian hospitality.

It is fitting now for all Americans to salute the achievements of the people of St. Petersburg and wish Godspeed for its bright future as a valued participant in the democratic family of nations.

TRIBUTE TO JOANNE CARLIN

HON. SHERROD BROWN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. BROWN of Ohio. Mr. Speaker, It is my privilege to pay tribute to the life of Joanne Carlin, a lifelong resident of the Cleveland area, who died on May 14 after a courageous battle against cancer.

Joanne’s giving spirit was shaped by her experiences growing up in Cleveland’s Tremont area. A product of St. Augustine Catholic School, she eventually moved to Garfield Heights, where she graduated from high school.

Joanne owned and operated a beauty salon on Cleveland’s west side. Her former customers praised her as a loyal and generous person.

She later sold her business and moved to Medina County to become a full-time homemaker. An excellent cook, Joanne enriched the lives of her family and friends as the consummate hostess during family gatherings and holidays.

Our hearts go out to her husband and best friend, James; her four stepchildren and three grandchildren; and legions of family and friends who recall the memories of these gatherings and the tremendous influence Joanne had in their lives.

TRIBUTE TO DR. MATORY

HON. DONNA M. CHRISTENSEN
OF THE VIRGIN ISLANDS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to pay an outstanding doctor, educator, and mentor who is the eye of his retirement Director of Continuing Medical Education and Professor of Surgery at Howard University.

Mr. Speaker, Dr. Matory has had a distinguished career as a surgeon and a researcher and is well known in the Washington, D.C. metropolitan area for his contributions to trauma and burn care.

His hospital activities included the directorship of the Emergency Care Area at both the Freedmen’s Hospital and Howard University Hospital from 1980 to 1982, at a time when those facilities were the leading hospital emergency systems in Washington, D.C.

During his tenure, Dr. Matory reorganized the ambulatory care system at Howard to ease emergency care follow-up and to facilitate continuity of patient care. He introduced vascular access as a service in 1970 in preparation for the Howard University Hospital chronic dialysis and renal transplantation programs.

Dr. Matory received the Distinguished Surgeon Award from the Southeastern Surgical Congress in 1998. He has been a Member of the National Academy of Science, and the Robert Wood Johnson Committee which encouraged the establishment of the “911” emergency response system throughout the country.

Mr. Speaker, Dr. Matory also developed the Howard University Family Practice Program, and served as its first chairman from 1970 to 1979; a program in which I had the honor of being a student, and the privilege of being taught and mentored by Dr. Matory, an experience which has shaped my medical and overall career. He was also co-founder of the Physician Assistant Training Program at Howard in 1972.

As an educator, he has been a leader in the continuing medical education of physicians from all over the world, who attend Howard to keep abreast of the ever changing medical landscape. He is a founder of the CME program at Howard, the first in the Washington, D.C. area to be certified by the American Medical Association, the Liaison Council on Continuing Medical Education and currently the Accreditation Council for Continuing Medical Education.

During his illustrious career, he has also served as Assistant Dean for Clinical Affairs at the College of Medicine, Assistant Medical Director of Postgraduate Affairs at Howard University Hospital and Chairman of the Washington, D.C. Board of Medicine.

He has been a member of several medical societies to include the Medico-Chirurgical Society of the District of Colombia, the Medical Society of the District of Columbia, the American College of Surgeons, the National Medical Association and the American Medical Association.

Mr. Speaker, aside from his medical accomplishments, Dr. Matory served as a captain in the U.S. Air Force in Japan from 1955 to 1957. He has also authored 16 publications and produced 130 surgical and general medical videotapes in continuing medical education.

Mr. Speaker, I would like to say a resounding thank you to Dr. William Earle Matory for his tireless dedication to his community and his inspiration to us all.

CONDEMNING THE ATTACK ON NOBEL PEACE PRIZE LAUREATE AND DEMOCRACY ACTIVIST AUNG SAN SUU KYI AND HER COLLEAGUES IN BURMA

HON. CURT WELDON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to condemn in the strongest possible terms the violent crackdown on Daw Aung San Suu Kyi and the National League for Democracy (NLD). The Nobel Peace Prize winner was concluding a month
long speaking tour in Burma. The NLD won Burma’s last democratic election in 1990, however, Burma’s military regime has refused to honor the election results. I’m outraged to learn that Ms. Suu Kyi may have been seriously injured and many of her supporters killed.

I want to express my solidarity with the peoples of Burma and their struggle for democracy. As Ronald Reagan once said, “Regimes planted by bayonets do not take root”. Now is the time for the United States to express our support for freedom in Burma.

Mr. Speaker, we should immediately move to increase pressure against this despicable regime.

A TRIBUTE TO DENNIS COOPER
HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Dennis Cooper in recognition of his outstanding accomplishment in this year’s 75th Precinct Council Spelling Bee competition. Dennis is currently in the fifth grade at P.S. 306 in Brooklyn, New York. He received a third place award in the spelling bee.

Mr. Speaker, Dennis Cooper has demonstrated that he is committed to his academic studies and is an excellent speller. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join us in honoring him and his accomplishment.

A PROCLAMATION RECOGNIZING MELANIE NEWLAND
HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. NEY. Mr. Speaker, Whereas, Melanie Newland has devoted herself to serving others through her membership in the Girl Scouts; and

Whereas, Melanie Newland has shared her time and talent with the community in which she resides; and

Whereas, Melanie Newland has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Melanie Newland must be commended for the hard work and dedication she put forth in earning the Girl Scout Gold Award; therefore, I join with the Girl Scouts, the residents of Kingston and the entire 18th Congressional District in congratulating Melanie Newland as she receives the Girl Scout Gold Award.

COMMENDING BULGARIA
HON. JOE WILSON
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. WILSON of South Carolina. Mr. Speaker, I rise in support of House Concurrent Resolution 177 commending the men and women of our Armed Forces, our leaders and our allies for the courage and dedication displayed during Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq. Since that fateful day in September 2001 we have been at war. In one of the few instances in our history when our homeland was directly attacked, our President responded decisively by declaring a global war on terrorism.

That September night while the world watched in horror, the President directed the full power and might of the United States to bring the terrorists to justice and asked for our friends and allies to join us in the war against terrorists. Over 70 nations responded to his call to arms and one, the Republic of Bulgaria, has stood with us since that fateful day, sharing in the dangers and the determination to fight the global war on terrorism.

Since September 11, 2001 the Republic of Bulgaria has acted firmly and convincingly as a friend and a de facto ally of the United States. In the world councils, Bulgaria has supported the NATO decisions to help patrol our skies after the September 11, 2001, and backed the European Union’s Plan of Action in support of the United States. As an important non-permanent member of the United Nations Security Council, the Republic of Bulgaria has contributed constructively to all of the resolutions to bring the terrorist networks to justice. With Bulgaria’s help, UN Resolutions 1386 and 1390 to bring pressure on the Al Qaeda and Taliban networks were quickly passed, thereby cutting off any material aid to the Taliban regime that was providing safe havens for Osama Bin Laden’s terrorists and their training camps.

But the Republic of Bulgaria has done more than just support us in international councils. It has come to our assistance both at home and in the theaters of war. Within days of our warning to the Taliban regime in Afghanistan, Bulgaria granted our air forces blanket over-flight rights for any United States aircraft participating in Operation Enduring Freedom. As the tempo of air operations increased, Bulgaria extended its support to provide a base for our aircraft at Sarafino. To assist other NATO nations which were providing troops to Operations in Afghanistan, Bulgaria volunteered a security company to the peacekeeping missions in Bosnia and Kosovo. And Bulgaria came to our direct assistance in Operation Enduring Freedom by providing a Decontamination Company to the International Security and Assistance Force (ISAF) in Afghanistan. That force has been in place constructively working with U.S. and other allied forces since January 2002.

When the issue of Iraqi arose Bulgaria again stood with us both at the United Nations and at the battle front. Bulgaria took an active part in the passage of United Nations Resolution 1441 and has remained committed to the disarming of Iraq. When it became clear that Iraq had no intention of abiding by the United Nations Constraints, Bulgaria acted quickly to once again provide unfettered overflight, temporary basing and transit rights over its territory. Once again U.S. air forces soon found themselves a friendly base at Sarafino. When that moment of decision arrived, Bulgaria stood steadfast with our determined President and sent a Nuclear, Biological and Chemical Protection Company to join our forces in Operation Iraqi Freedom and help protect them against Iraqi weapons of mass destruction.

I wish to point out that the Republic of Bulgaria has conducted itself as a staunch and committed ally to the United States and its support should not go unnoticed by this great deliberative body. So I ask my colleagues to join me in recognizing that the Republic of Bulgaria is one of the handful of nations that we are here today commending for having stood shoulder-to-shoulder with us in these two campaigns in the global war on terrorists.

TRIBUTE TO MARK WETZEL
HON. SCOTT MCINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. McINNIS. Mr. Speaker, I have the distinct privilege today to pay tribute to an extraordinary individual with ties to my district. Mark Wetzel, a hitting coach from Omaha, Nebraska, travels to Western Colorado several times a year to work with the baseball team at Delta High School. He has done so for the past four years, and the results have been impressive. The Delta Panthers have raised the team batting average .424, ranking in the top five in Colorado. Five players are hitting above .500, and confidence is high across the lineup.

Although Mark has played an important role in the team’s success, he hasn’t played the game since the age of 14. Disease forced him to quit playing, and for years Mark thought he didn’t have anything to offer. When his son started playing the game, Mark eventually tried to impact his son’s performance, and the results were readily apparent. That led to Mark helping the rest of the team, and before long word got out around Omaha about this hitting coach who could help improve performance when other coaches could not. Players he had never met, including some minor leaguers, began seeking out Mark for advice. Soon he was trading hitting philosophies with baseball legend Tony Gwynn and hitting coaches from the San Diego Padres.

What is so unique about Mark as a coach? Players and coaches say he has the ability to see things other coaches miss. One coach says that while he will concentrate on a problem and not find the cause, Mark will look at the end result and identify what is wrong.

Mark’s ability to see what other coaches cannot is not the most unique thing about him, however. Mark is almost completely blind. The disease that caused him to quit playing baseball as a teenager also took away his vision. Yet he will tell you that losing his sight is the best thing that ever happened to him, because it taught him how to outreach others, stay positive, and be tenacious. It also has made him an inspiration to others, including the baseball team at Delta High School.

Mr. Speaker, it is my pleasure to honor Mark Wetzel today by telling his amazing story to this Congress. He is a true asset to the Panthers baseball team, and I congratulate him on his success, commend him for his inspiring example, and thank him for his contribution to the youth of Delta, Colorado.
HONORING THE 75TH ANNIVERSARY OF GOUGLERSVILLE FIRE COMPANY

HON. JIM GERLACH
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. GERLACH. Mr. Speaker, I rise today to honor the Gouglersville Fire Company of Gouglersville, PA during its 75th anniversary celebration.

Without a fire company of its own, the people of Gouglersville, PA had to rely on companies located in neighboring communities. On March 8, 1928, citizens of Gouglersville attended a town meeting to discuss the formation of their own company. Over the next few months, the Gouglersville Fire Company was created. Members were recruited, officers were elected and the company constitution and by-laws were adopted. Finally, on September 4, 1928, the Berks County Court of Common Pleas granted a charter to the Company.

Over the next few years, the Company purchased a firehouse and its first apparatus. As time went on, the Company outgrew its original building and purchased a larger space to accommodate its increased membership and growing fleet of vehicles. The charter and by-laws of the Company were amended on August 3, 1950 to permit women to join. A Junior Brigade was started in 1972. As time has passed and the Company has changed, one thing that has not altered is the dedication of the firefighters to their duties.

For the past 75 years, the citizens of Gouglersville have been able to depend on the courageous men and women of Gouglersville Fire Company. I encourage my colleagues to join me in saluting Gouglersville Fire Company on reaching this milestone.

TRIBUTE TO MR. JOHNNY ALBINO

HON. JOSE´ E. SERRANO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. SERRANO. Mr. Speaker, I am pleased to pay tribute to Mr. Johnny Albino, who will be honored this weekend as Yaucono del Año 2003. Mr. Albino is a renowned singer and songwriter who has recorded more than 300 records. He has traveled around the world sharing the gift of his music, in Latin America, the Caribbean, and Europe, as well as places as far away as Japan, Hong Kong, Singapore, Egypt and Israel, among others.

Mr. Albino was born in Yauco, Puerto Rico, on December 19, 1919. He was one of seven children. He went to school in Guayama, Puerto Rico, and planned to pursue law studies at the University of Puerto Rico, but in 1940 he enlisted in the United States Armed Forces. He served in the Corps of Engineers and studied to become a telegraph operator. During his tenure in the military, he also found a way to pursue his interest in music by forming a quartet and singing in U.S.O. sponsored events for servicemen. He served in the military for seven years, retiring as a Lieutenant.

When he returned to Yauco, he formed El Trio San Juan with Chago Alvarado and Ola Martinez. They used to rehearse at a house on Tendal Street, on the way to Barrios Quebrada and Sierra Alta.

During his musical career as part of the famous Trio Los Panchos, with Alfredo Gil and Chucu Navarro, Albino traveled around the world seven times and had the opportunity to perform in luminaries such as Frank Sinatra, Sammy Davis Jr., Nat King Cole and Eydie Gorme. He also shared the stage with world-renowned figures like Xavier Cugat and Johnny Carson. He has been one of Puerto Rico's most talented musical ambassadors. He has been married for 43 years to Mrs. Maria Albino, who is also his manager.

Mr. Speaker, I ask my colleagues to join me in congratulating Johnny Albino, an accomplished musician, for his achievements and for giving to the Hispanic community and to the world the gift of beautiful music.

CELEBRATING A LIFETIME OF ACHIEVEMENT AND THE LONGEVITY OF A LEWISTON LANDMARK

HON. MICHAEL H. MICHAUD
OF MAINE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. MICHAUD. Mr. Speaker, I rise today to share with you the wonderful story of Toni Orestis and her lifetime of achievement. Marois Restaurant, a Lewiston landmark since 1919, is closing on May 31, 2003. Started by Antoinette Marois Orestis' grandfather, carried on by her father Leon, and now run by Toni for more than 35 years, Marois is a first class restaurant that has anchored the downtown area of Lewiston for almost 85 years.

Marois started as a lunch counter business and expanded over the decades into the full service restaurant that it is today. During the Second World War, the restaurant was open 24 hours a day, 7 days a week, feeding the shipbuilders and other workers involved in supporting the war effort from home. When Lewiston and Maine had a need, Marois was always there to meet it.

Toni started working in the restaurant at the age of thirteen. She and her three sisters worked for their grandfather and father all through the years. In fact, no one knows the restaurant business better than Toni. Throughout the past 65 years she has performed every role, from starting as a helper, to becoming a server, then cook, and now owner and executive. Toni and Marois are an example of downtown Lewiston at its finest.

Along with her remarkable work ethic and business acumen, Toni has also been there for so many people in the community. From baptisms to bar mitzvahs, from weddings to anniversaries, from office and retirement parties to Christmas parties, and yes for funerals too, Toni is always on hand with wonderful food and hospitality. So many people remember fondly the food, the dessert cart, the French and Greek menus, the formal and correct table service, but most of all, the genuine and generous personality that is Toni Marois Orestis. No one ever went away hungry and everyone went away happy.

Now Toni, at 78 years young, is finally retiring. When asked if she wanted to keep working, she said "Yes, but part time, maybe 35 or 40 hours a week". That is the true mark of dedication; a life lived purposefully and well. Mr. Speaker, please join me and the residents of Lewiston in congratulating Toni Orestis on her retirement and thanking her for all she has done for her community.

TRIBUTE TO MR. JOHNNY ALBINO

HON. MAC COLLINS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. COLLINS. Mr. Speaker, I would like to recognize a remarkable woman on the occasion of a very special anniversary. In 1993, Mrs. Rebecca Sue Spears, of Fayetteville, Georgia, was diagnosed with breast cancer. This year marks the tenth anniversary of Mrs. Spears being “cancer free.”

Today, a woman is diagnosed with breast cancer approximately every 2 minutes. Thanks to the efforts of people like Mrs. Spears, we are making great strides to eradicate this devastating disease. As a breast cancer survivor, Mrs. Spears continues to raise money and awareness to fight breast cancer and is a true servant leader.

In 2002, at the age of 59, Mrs. Spears participated in the Avon 3-Day Breast Cancer
Walk in Atlanta, Georgia. During this inspiring event, Mrs. Spears walked twenty-miles per day for 3 days and represented women everywhere that are battling this terrible disease. Recently, in Atlanta, she walked in the Susan G. Komen Race For The Cure; an event that is celebrating its 20th Anniversary and is now the largest series of 5K races in the world. Thanks to dedicated volunteers like Mrs. Spears, the Susan G. Komen Breast Cancer Foundation has raised over $250 million for education, research, screening and treatment. On June 7, 2003, Mrs. Spears will walk again in her quest to fight cancer, here in our Nation’s Capital, in the National Race For The Cure.

I am honored to recognize Mrs. Rebecca Sue Spears on this momentous occasion. She is an inspiration to her husband, James E. Spears, her two daughters, Kathryn and Karen, her two sons Jimmy and Steven, her six grandchildren, and countless others who are battling this disease. In her own words she describes her relentless determination by saying, “I will continue to walk until a cure is found with hopes and prayers that my daughters, grandchildren, other family members and friends, as well as millions of others, will never have to be told—you have cancer.”

**INTRODUCING DISTRICT OF COLOMBIA DISTRICT ATTORNEY ESTABLISHMENT ACT OF 2003**

**HON. ELEANOR HOLMES NORTON**
**OF THE DISTRICT OF COLUMBIA IN THE HOUSE OF REPRESENTATIVES**  
Wednesday, June 4, 2003

Ms. NORTON. Mr. Speaker, today I introduce the District of Columbia District Attorney Establishment Act of 2003 continuing a series of bills that I will introduce this session to ensure a continuation of the process of transition to full democracy and self-government for the residents of the District of Columbia.

This bill will establish an Office of District Attorney for the District of Columbia, to be headed by a District Attorney elected by D.C. residents. Accordingly, this bill would move the city a quantum leap toward full home rule for the District of Columbia and equality with other Americans. This bill effectuates a November 2002 referendum where D.C. voters overwhelmingly (82%) approved a locally elected D.A.

This important legislation is designed to put the District of Columbia on par with every other local jurisdiction in the country by allowing D.C. residents to elect an independent District Attorney to prosecute local criminal and civil cases handled by the U.S. Attorney, a federal official. Instead the new District Attorney would become the city’s chief legal officer.

There is no issue of greater importance to our citizens and no issue on which residents have less stake than the prosecution of local crimes. A U.S. Attorney has no business in the local criminal affairs of local jurisdictions. No other citizens in the United States are treated so unfairly on an issue of such major importance. This bill would simply make the D.A. accountable to the people who elect him or her as elsewhere in the country.

In addition to issues of democracy and self-government, such as congressional voting rights and legislative and budget autonomy that we are entitled to as American citizens, district residents are determined to make every effort to achieve each and every other element of home rule. Amending the Home Rule Act with a local D.A. provision would be a dramatic demonstration of our goal of achieving true self-government. I urge my colleagues to support this important measure.

**CONGRATULATING MISS UNIVERSE AMELIA VEGA**

**HON. CHARLES B. RANGEL**
**OF NEW YORK IN THE HOUSE OF REPRESENTATIVES**  
Wednesday, June 4, 2003

Mr. RANGEL. Mr. Speaker, I rise to congratulate Ms. Amelia Vega of the Dominican Republic on being crowned Miss Universe in ceremonies held in Panama City, Panama on June 3, 2003. She was selected for this honor in a competition that featured more than 70 of the most beautiful young women in the world. It was also a good night for the women of the Caribbean, who earned the pageants other honors. Miss Dominican Republic, in addition to winning the big prize, was voted as the best dressed contestant while Miss Puerto Rico, Carla Tricoli, was awarded the title of Miss Photogenic and Miss Antigua and Barbuda, Kai Davis, was honored as Miss Congeniality.

Miss Vega, who is the first Dominican to win the beauty pageant, won the crowd and the judges over with a humble confidence that extended beyond her 18 years of age. She intends to spend the next year pursuing her dreams of an entertainment career and leading fundraising efforts on behalf of AIDS research and awareness.

The Miss Universe title opens doors for both its winner and her country of origin. As the native country of the current Miss Universe, Panama was able to host this year’s pageant, helping to generate what government officials say could be as much as $60,000,000 in revenue. Perhaps as important, it is also a source of national pride and inspiration for all those associated with the Dominican community, abroad and in the United States. As a representative of a district that contains the largest concentration of Dominicans outside of Quisqueyana, I join the people of Washington Heights as they bask in the joy of seeing one of their own succeed on such a competitive world stage.

Miss Vega understands that alongside the numerous “once in a lifetime opportunities,” her fame will allow her to affect the image that the world has of the Dominican people and its culture. Although potentially daunting, it is a responsibility that she is excited to accept. As she told the crowd last night, “I didn’t come here just for the crown, but also to make my country proud.” Undoubtedly, she is on her way.

**TRIBUTE TO SUZANNE NEWLIN**

**HON. SCOTT McINNIS**
**OF COLORADO IN THE HOUSE OF REPRESENTATIVES**  
Wednesday, June 4, 2003

Mr. McINNIS. Mr. Speaker, it gives me great pleasure to stand and pay tribute to an outstanding educator from my district. Suzanne Newlin, a teacher at Montrose High School in Montrose, Colorado, is the recipient of this year’s high school teacher of the year award from the National Association for Sport and Physical Education. Suzanne is an innovative teacher with an uncanny ability to motivate students, and I am honored to recognize her commitment and dedication to education today.

Suzanne has made it her life’s work to get her students hooked on physical activities that they can enjoy throughout their lives. Most kids won’t take part in team sports as adults, so she introduces them to other activities such as bicycling, rock climbing and power walking. Suzanne not only participates with her students, but she teaches them how to get the most out of their workouts and individualize the sessions by including heart-rate monitors. Suzanne does teach traditional team sports as well, though she does so by personally demonstrating skills and techniques to make the experience more meaningful.

Mr. Speaker, Suzanne’s positive spirit, creativity and innovation make her a true asset to the students of Montrose High School, and it is my pleasure to recognize her efforts here today. She not only touches the lives of her students, but she gives them the tools to succeed later in life. That is a precious gift, and it is a great honor to speak of her inspirational accomplishments before this body.

**HON. MARÍA ELENA DURAZO**
**OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES**  
Wednesday, June 4, 2003

Ms. SOLIS. Mr. Speaker, I rise today to pay tribute to Ms. Maria Elena Durazo who is receiving the 2003 Paul Wellstone Citizen Leadership Award for her outstanding service to the Hotel Employees and Restaurant Employees Union of Los Angeles.

As President of the Hotel Employees and Restaurant Employees Union (H.E.R.E.) Ms. Durazo has helped the union emerge as a vital force in the life of Los Angeles residents, representing over 250,000 workers in the hospitality industry in the U.S. In 1996, she also became the first Latina to be elected to the national leadership of the H.E.R.E. International Union and has long served as a role model for other Latina leaders.

Ms. Durazo has worked tirelessly to obtain justice for the mostly immigrant-based union in Los Angeles, adopting a policy of bilingualism for its union meetings and newspaper. Furthermore, she has empowered countless bilingual employees to acquire positions and benefits they deserve. Under her leadership, the union has been widely recognized as one of the most active rank and file unions in southern California, striving to build valuable coalitions among community, church, academic, ethnic, and political organizations throughout the local area.

Maria Elena has further advanced the Hotel Employees and Restaurant Employees Union by securing and improving citywide hotel contracts, increasing wages and benefits for thousands of hotel workers in downtown Beverly Hills and the Westside. Maria Elena now serves as National Director of the Immigrant
Workers' Freedom Ride, campaigning to improve immigration laws in the United States. With these accomplishments, it is fitting that she will receive the Paul Wellstone Citizen Leadership Award. I urge my colleagues to join me in honoring Ms. Maria Elena Durazo for her diligent work in improving labor conditions for the workers of southern California.

Honoring Tess Carmichael

Hon. Scott McInnis of Colorado

In the House of Representatives

Wednesday, June 4, 2003

Mr. McInnis. Mr. Speaker, I am honored to stand before this body of Congress today to recognize a dedicated educator from my district. Tess Carmichael recently retired from Mesa State College in Grand Junction after teaching mass communications for over 30 years. We should all be inspired by the many years of service Tess has given to her students and it is my pleasure to highlight a few of her outstanding accomplishments here today.

Tess began her education at Western State College, receiving five Bachelor's Degrees. She went from there to the University of Colorado where she earned her Master's degree in Journalism and Mass Communications. Tess found her way to Mesa State in 1973, and through the years her passion and dedication to her students has remained steadfast. Her impact at Mesa State spans the entire campus, as she has taught courses in business, theater, speech, English, and mass communications. Just think of the countless number of lives Tess has touched. She not only has lent her talents but also passion to her work and, by so doing, she has given her students an awesome gift—the opportunity to succeed.

Mr. Speaker, I am proud to stand before this Congress today to express my gratitude and reverence for Tess Carmichael's many years of service. This is a chance to remind us all of the importance teachers play in guiding our youth and of the admiration and respect they deserve. Teaching is truly a noble calling and youth and of the excellence and reward(v) for this endeavor. Tes Carmichael has answered that call. Thank you, Tess, for your many years of dedicated and selfless public service.

In Special Recognition of Cory M. Sinning on His Appointment to Attend the United States Air Force Academy

Hon. Paul E. Gillmor of Ohio

In the House of Representatives

Wednesday, June 4, 2003

Mr. Gillmor. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Cory M. Sinning of Van Wert, Ohio, has been offered an appointment to attend the United States Military Academy.

Mr. Speaker, Cory's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet class of 2007. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Cory brings a special mix of leadership, service, and dedication to the incoming class of West Point cadets. While attending Van Wert High School, Van Wert, Ohio, Cory has attained a grade point average of 3.81, which places him twenty of one hundred sixty-nine students. During his time at Van Wert High School, Cory has received several commendations for his superior scholastic efforts. Cory's accomplishments include being a four year Renaissance Card Holder and a member of the National Honor Society.

Outside the classroom, Cory has distinguished himself as an excellent athlete. On the fields of friendly strife, Cory participated in basketball where he earned his Varsity Letter and served as a team captain for three years. In addition to his athletic accomplishments, Cory proved himself a dedicated citizen of Van Wert through his volunteerism for Elementary Basketball Camps, Junior High Basketball Camps, YMCA, and Served as a Mentor for At-Risk Students.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Cory M. Sinning. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Cory will do very well during his career at United States Military Academy and I wish him the very best in all of his future endeavors.

Tribute to Mr. and Mrs. Anthony Rose, Sr.

Hon. Kendrick B. Meek of Florida

In the House of Representatives

Wednesday, June 4, 2003

Mr. Meek of Florida. Mr. Speaker, I rise today to congratulate an exceptional couple, Mr. and Mrs. Anthony Rose, Sr., as they celebrate their 50th Wedding Anniversary on Friday, June 6, 2003.

Mr. Anthony Rose and his wife, Mrs. Francis Rose, are the proud parents of nine children, one of which lives in my Congressional District.

Their children are outstanding members of the communities in which they reside. Several are business owners and one son is a professional basketball player. They have nineteen grandchildren and one great-grandchild who are truly the "apples of their eyes." The Roses have made invaluable contributions to our society and are commended for their achievements and commitments.

Mr. Rose is a decorated Veteran. He served with distinction in the United States Army, which included fighting in the Korean War. Mrs. Rose was employed for 18 years with Eastman Kodak where she worked in a lab until her retirement.

Today, the Roses are active members of Memorial A.M.E. Zion Church in Rochester, NY where they have worshiped for the last 52 years. They are also current volunteers at the local Soup Kitchen and the YMCA. I ask my colleagues to join me in congratulating Mr. and Mrs. Anthony Rose on 50 years of a loving relationship. They are truly examples of what all married couples strive for—a lifelong partnership.

I wish them continued success and more happy years.

The F.C.C. Decision

Hon. Chris Van Hollen of Maryland

In the House of Representatives

Wednesday, June 4, 2003

Mr. V. Van Hollen. The health of our democracy depends on a full and open airing of ideas and opinions. Monday's action by the Federal Communications Commission will limit the range of voices and opinions Americans will hear in the marketplace of ideas. With marginal media coverage and little solicited public participation, the FCC's vote to relax media ownership rules has made possible the further concentration of the print and broadcast media in the hands of only a small number of powerful corporations.

This action will simply deepen existing concerns about an industry plagued by accusations of homogeneity and fears that the news and views Americans hear is dominated and controlled by a few powerful voices. Years ago, Congress debated the rules that regulate the cable industry. One of the strongest arguments in support of cable at that time was that the medium would increase the opportunity for a diversity of voices in an arena where only a few corporations controlled America's access to information. Yesterday, the FCC said its decision to allow greater media concentration was motivated largely by the dearth of choices offered by the cable industry today. They argue that the current rules are outdated and discourage competition. But they ignore the fact that the lofty aspirations set years ago for the cable industry have fallen short of the mark. Today an alarmingly small number of corporations like General Electric, AOL Time Warner, Viacom and Disney control not only the conduits through which information flows to the public, but increasingly, the program content as well. The FCC's decision will only continue this trend.

This is a dangerous road we are on. As media concentration has grown over the years, we have watched as more and more voices have been pushed from the public stage. Not only minority voices and alternative viewpoints, but increasingly even local community voices are silenced as corporate executives adjust program schedules to maximize their bottom lines.

Despite the best efforts of the FCC and those in the media who stand to gain the most financially, the public has been able to make its opposition to this change known. Members of Congress have received thousands of calls from angry constituents who, already concerned about the lack of choice, fear that the FCC's decision will mean a further erosion of choice. Today an alarmingly small number of corporations like General Electric, AOL Time Warner, Viacom and Disney control not only the conduits through which information flows to the public, but increasingly, the program content as well. The FCC's decision will only continue this trend.

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It now falls to the Congress to serve the public interest and work to reverse this effort to dumb down the American media. The public interest is not served by a cookie-cutter approach to important policy issues. At stake is the loss of competition, local community perspectives and diversity. I look forward to working with my colleagues on both sides of the aisle to reverse the most troubling aspects of the FCC decision.

HONORING RENEE MULLIKEN
HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. McINNIS. Mr. Speaker, it is my pleasure to rise today to pay tribute to a young woman from my district who exemplifies the positive attitude it takes to succeed in life. Renee Mulliken of Palisade, Colorado has known for some time that she wanted to be a gymnast. In fact, she began gymnastic classes at the age of three and has been competing in meets since she was 10. Her drive and determination escalated her up the gymnastic ranks, leading her to level nine, one step below the national level. While warming up on a trampoline for a high school meet, Renee under-rotated on a flip and fractured her neck. The injury led to weeks in traction and several more in a stabilizing brace called a halo. The doctors told Renee that she would recover, but most thought her career as a gymnast was over. Renee set out to prove them wrong, and five days after she got the halo off, Renee was back competing.

It took some time and hard work for Renee to achieve her previous ability, but I am glad to say she has recently competed in the level eight state gymnastics meet. Renee’s favorite event is the floor routine, where she can express herself through her movements and choice of music. Renee has made it clear to everyone who doubted her that she will continue her gymnastics career and wish her the best in all of her future endeavors.

TRIBUTE TO JOHN N. ARGER ON THE OCCASION OF HIS RETIREMENT FROM TEACHING
HON. BART STUPAK
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. STUPAK. Mr. Speaker, I rise today to recognize the work and achievements of John Arger, a dear, close friend of mine who has challenged the thinking of literally thousands of students in his Marinette High School government and social studies classes since 1974. John retired June 2, after 29 years of instructing at Marinette High School class council.

John grew up in Marquette, MI, where his mother Rose still lives. He attended Marquette High School and graduated from Northern Michigan University, NMU, in Marquette in 1970. He then earned his teaching certificate in 1971. In later years, he went on to earn two master’s degrees, one in political science and a second in guidance and counseling.

In 1994, John was honored as an outstanding alumnus when NMU presented him its Alumni Service Award. The award recognizes his work in support of higher education, his service on the NMU Alumni Board and his tireless efforts as a regional NMU alumni coordinator.

I have heard rumors that when John was in high school and college, he was a Goldwater Republican. I jest this misguided but most likely well-intentioned position as soon as he began teaching. On one morning—I imagine the sun was shining and blue birds were singing—he woke up to the realization that the Republican party was not the party of the average American. He has been an unashamed liberal ever since.

However, in his early years as a teacher, he also prided himself on the fact that none of his students could tell what his political preferences were, even after a year spent discussing government and how it works. John has contributed countless hours to the life of his community, through public service and in political campaigns at several levels. He and his wife Janice have lived in Menominee since their marriage in 1984, when he finally coaxed Jan away from her teaching career in West Bend to Menominee after years of dating.

Jan herself is a great asset not just to their happy and long-lived marriage, but to the Menominee community. She has been a special education teacher with the Menominee Intermediate School System since joining John in Menominee. She received her master's degree from the University of Wisconsin-River Falls and specializes in speech pathology.

On Saturday, June 7, along with many other friends and colleagues of John's, I will be in Menominee to celebrate John's achievements and wish him well. Although his dad Nick passed away when John was still a young man, I know that Nick will be there in spirit, along with his mother Rose, Jan and a roomful of friends, to lift a glass of retsina with us as we say “Opà” to John in his retirement.

Mr. Speaker, John Arger is the kind of American who inspires our work here in this House. I ask you and my colleagues to join me in giving him our heartfelt congratulations and best wishes for a full and happy retirement.

IN SPECIAL RECOGNITION OF GEOFFREY J. WIGHTMAN ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY
HON. PAUL E. GILLMOR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio’s Fifth Congressional District. I am happy to announce that Geoffrey J. Wightman of Amherst, Ohio, has been offered an appointment to attend the United States Military Academy.

Mr. Speaker, Geoffrey’s offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet class of 2007. Attending one of our nation’s military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Geoffrey brings a special mix of leadership, service, and dedication to the incoming class of West Point cadets. While attending Firelands High School in Henrietta Township, Ohio, Geoffrey has attained a grade point average of 3.6, which places him eighteenth in his class of one hundred fifty-four students. During his time at Firelands High School, Geoffrey has received several commendations for his academic efforts. Nathan’s accomplishments include being on the honor roll, being inducted into the National Honor Society, serving as the Historian in the National Honor Society, and First Place in the Science Fair in the field of Engineering. Outside the classroom, Geoffrey has distinguished himself as an excellent athlete, student and dedicated citizen of Amherst. On the fields of friendly strife, Geoffrey participated in Football, Wrestling in which he is a three year letter winner, cross country, and Track where he was again a three year letter winner. In addition to his athletic accomplishments, Geoffrey is an active member in his community participating in the Boy Scouts of America where he became an Eagle Scout, he has remained active in his Church, and an active member of North Coast Pipe Band, Buckeye Boys State, and a member of the Firelands High School class council.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Geoffrey J. Wightman. Our service academies offer the finest education and military training available anywhere in the world. I am sure
that Geoffrey will do very well during his career at United States Military Academy and I wish him the very best in all of his future endeavors.

HONORING BRAD KOHRMANN

HON. SCOTT McINNIS
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. McINNIS. Mr. Speaker, I stand before this body of Congress today to praise a man who has volunteered his time to help solve the mystery behind the unfortunate explosion of the space shuttle Columbia. This event was a tragic moment in our nation’s history, but I am proud to know that our country and its citizens are making every effort to ensure the future safety of our brave astronauts. Brad Kohrmann, a volunteer fire fighter from Eagle, Colorado, searched the state of Texas for debris from the shuttle in hopes of obtaining clues into this mysterious catastrophe.

Brad became part of an 18-person team designed and put together by the Forest Service to recover shuttle debris. Brad selflessly left his home and family to help since he understood that a firefighter’s training would be of use to NASA in their search. Brad has worked to hone his attention to detail, which made him an ideal candidate for the search party.

Brad’s team found many pieces from the shuttle; the biggest was a chunk of the bulkhead, which was four feet long and over six feet wide. The smallest piece they found was no bigger than a quarter inch. When a piece was discovered, the recovery team would mark the area, and transmit the coordinates to a Global Positioning Satellite. Brad estimated that his team walked about eight miles a day, covering farm country, creeks, and some swampland.

Mr. Speaker, I am honored to speak before this Congress to highlight the contributions of Brad Kohrmann. He has sacrificed to assure the future safety of our astronauts as we lead the world in exploring the heavens. His actions exemplify the character and pride great Americans show in times of need by putting their country first. Thank you, Brad, for your work. You have done your country a tremendous service.

HON. PAUL E. GILLMOR
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young woman from Ohio’s Fifth Congressional District, Jennifer L. Lewis of Ottoville, Ohio, who has been offered an appointment to attend the United States Military Academy this fall with the incoming cadet class of 2007. Attending one of our Nation’s military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Jennifer’s offer of appointment poises her to attend the United States Military Academy this fall with the incoming cadet class of 2007. Attending one of our Nation’s military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives. Jennifer brings a special mix of leadership, service, and dedication to the incoming class of West Point cadets. While attending Perkins High School, Sandusky, Ohio, Jennifer has attained a grade point average of 4.284, which places her first in her class of 152 students.

During her time at Perkins High School, Jennifer has received several commendations for her superior scholastic efforts. Jennifer’s accomplishments include being on the honor roll for all four years, placing third of fifty-four in the Greater Toledo Council of Teachers of Mathematics Integrated Math I exam and fourteenth of two hundred and four in the Greater Toledo Council of Teachers of Mathematics Geometry Exam.

Outside the classroom, Jennifer has distinguished herself as an excellent musician, athlete, and dedicated citizen of Sandusky. On the fields of friendly strife, Jennifer participated in Track and Karate. In addition to her athletic accomplishments, Jennifer is an active member in her community participating in Huron Township Conservation Club.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Jennifer L. Lewis, our Ohio’s Fifth Congressional District. I am happy to announce that Jennifer will do very well during her career at the United States Military Academy and I wish her the very best in all of her future endeavors.

HON. PAUL E. GILLMOR
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio’s Fifth Congressional District. I am happy to announce that Aaron M. Wurst of Ottoville, Ohio, has been offered an appointment to attend the United States Military Academy.

Mr. Speaker, Aaron’s offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet class of 2007. Attending one of our Nation’s military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives. Aaron brings a special mix of leadership, service, and dedication to the incoming class of West Point cadets. While attending Ottoville High School, Ottoville, Ohio, Aaron has attained a grade point average of 4.0. During his time at Ottoville High School, Aaron has received several commendations for his superior scholastic efforts. Aaron’s accomplishments in the Academic Letters, being awarded the Voice of Democracy School winner, was selected to participate in several highly selective mathematics competitions, as well as being inducted into the National Honor Society.

Outside the classroom, Aaron has distinguished himself as an excellent athlete. On the fields of friendly strife, Aaron participated in Cross Country where he earned his Varsity Letter, Basketball, and Track. In addition to his
athletic accomplishments, Aaron is an active member in the student council where he served as his Class President and the drama club.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Aaron. Mr. Speaker. Our service academies offer the finest education and the finest military training available anywhere in the world. I am sure that Aaron will do very well during his career at the United States Military Academy and I wish him the very best in all of his future endeavors.

SMOKELESS TOBACCO

HON. HENRY A. WAXMAN
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. WAXMAN. Mr. Speaker, the United States Tobacco Company has requested that it be allowed to market certain dangerous and addictive products as less harmful than cigarettes. UST would like to market these products immediately without regulation by a health agency.

I recently obtained UST documents that speak to the clear need for effective and comprehensive regulation prior to any health claims for smokeless tobacco. Because it is in the public's interest to review the content of these documents, I am inserting them into the public record, along with a "dear colleague" letter I recently circulated, the UST response, and a letter I sent yesterday to House Committee on Energy and Commerce Chairman Billy Tauzin on this matter.


Should Smokeless Tobacco Be Marketed as "Reduced Risk"?

Dear Colleague: In recent weeks, the United States Smokeless Tobacco Company, Incorporated (UST), the country's largest manufacturer of smokeless tobacco products, has begun to lobby Congress for permission to test to customers that using smokeless tobacco is safer than smoking cigarettes. The request follows a prior petition to the Federal Trade Commission (FTC), which UST dubbed "the product which UST proposed telling consumers: "Many researchers in the public health community have expressed the opinion that the use of smokeless tobacco involves significantly less risk of adverse health effects than smoking cigarettes."

It would be a serious mistake for Congress to endorse "reduced risk" claims made by UST outside of effective regulation of tobacco products. Attached are two documents from the Campaign for Tobacco-Free Kids on (1) smokeless tobacco and (2) UST's recent request to Congress. I would draw your attention to several key points:

Reduced risk claims need to be scrutinized carefully. If new claims that smokeless tobacco is safer than cigarettes cause fewer smokers to quit tobacco altogether, or if these claims encourage non-tobacco users—especially young people—to begin using smokeless tobacco products, any theoretical benefit to those switching from cigarettes to smokeless tobacco products may be undermined. That's why the Institute of Medicine and other experts who favor risk reduction strategies, including several tobacco control advocates cited by UST, actually believe that such claims should be made only with regulatory oversight. A regulatory system would allow close monitoring of health claims and assessment of the true impact on death and disease rates.

The Swedish model does not necessarily apply to the United States. UST points to Sweden where relatively high levels of smokeless tobacco use and relatively low levels of cigarette smoking. Yet Sweden's situation is considerably different. First, it is a different product from the one that UST makes. Second, Sweden has also suffered from problems in tobacco products, including flouting restrictions on marketing to children. Third, Sweden does not allow health claims to be made for smokeless tobacco products.

UST does not have a responsible track record. The U.S. National Cancer Institute, and other major scientific and public health agencies have concluded that smokeless tobacco poses significant health risks, causes oral cancer and other noncancerous oral conditions, and can lead to nicotine addiction. UST, however, has recently asserted that "smokeless tobacco has not been shown to be a cause of any human disease." The company also has a long history of marketing to children, including flouting restrictions on marketing to children, advertising to minors, and other flavorings that increase their products' appeal to youth. This record indicates the need for close regulatory oversight of any health claims made by the company.

With cigarette smoking responsible for more than 400,000 deaths in the United States each year, the time for reason to consider non-conventional strategies to save lives. However, these strategies should be based upon science and carefully monitored in a regulatory scheme to ensure that they do not cause more harm than good.

If you would like more information, please do not hesitate to contact Josh Sharfstein on the minority staff of the Government Reform Committee (202) 225-5240.

Sincerely,

Henry A. Waxman, Ranking Minority Member.
market, which is both the largest segment of the smokeless tobacco market and the only segment that has recently grown.

**STRATEGIES TO HOOK KIDS**

According to internal company documents, UST is spending some time preparing for hooking new smokeless tobacco users, which means kids. As one document states: “New users of smokeless tobacco—atracted to the product for reasons that are most likely to begin with products that are milder tasting, more flavored, and/or easier to control in the mouth. After a period of time there is a progression from switching to brands that are more full-bodied, less flavored, have more concentrated tobacco taste” than the entry brand.”

Following a 1983 UST introduction of Skoal Bandits and Skoal Long Cut, designed to “graduate” new users from beginning strength, to stronger, more potent products, a 1985 internal UST newsletter indicates the company’s desire to appeal to youth: “Skoal Bandits is the introductory product, and then we look towards establishing a normal graduation process.”

In 1993, cherry flavoring was added to UST’s Skoal Long Cut, another starter product. A former UST sales representative revealed that “Cherry Skoal was sold for people who like the taste of candy, if you know what I’m saying.”

Smokeless tobacco products have been marketed to youth through a number of channels, including sports events like auto racing and rodeos that are widely attended by kids. Although the state tobacco settlement agreements have limited UST and other companies to continue to do brand-name sponsorships of events and teams, UST continues to be a promotional sponsor of both professional motorsports and bull riding. In recent years, UST sponsors are Skoal Racing funny car team on the National Hot Rod Association circuit. In rodeo and bull riding, UST supports the Rodeo Cowboys Association circuit. In rodeo and bull riding, UST sponsors are Skoal Racing.

Continuing its efforts to lure and maintain young people, UST, a full-color advertising insert for its Rooster brand smokeless tobacco in the Daily Aztec, the college paper at San Diego State University. The ad has a cost of $1.50, paid for by the college and its sponsors. The insert contained an offer to pay $50,000 and also pay for a parallel ad insert opposing smokeless tobacco use.

From 1985 to 1999 (the most recent year with available data), the total marketing expenditures of the top-five smokeless tobacco companies in the United States (Conwood Company, National Tobacco Company, Swedish Match America, Inc., Swisher International, and United States Tobacco Company) have more than doubled, as have their sales revenues. In 1999, these smokeless tobacco companies spent more than $2 billion to advertise and market their deadly products. Some of these funds pay for smokeless tobacco ads in magazines with high youth readership, such as Sports Illustrated and Rolling Stone. In fact, despite the restrictions placed on youth advertising by the Smokeless Tobacco Master Settlement Agreement, UST has consistently heavily advertised in youth-oriented magazines. For the period 1997-2001, UST’s expenditures in youth magazines increased from $3.6 million to $12.8 million, a 338 percent increase.

In August 2001, UST announced plans to market a brand new smokeless tobacco product called Revel. UST is marketing the new product as a way to consume tobacco in places or situations when smoking is not allowed or is not socially acceptable. Public health organizations have warned that this new product may lure even more kids into smokeless tobacco use and addiction — both because of its novelty and the misconception that it is a form of tobacco use, and because it can be consumed much less conspicuously than either cigarettes or existing smokeless tobacco products.

There is also a concern that some current cigarette smokers who might ultimately quit because of the social stigma associated with tobacco use caused by smoking restrictions at work and elsewhere, or a desire to protect their family and friends from secondhand smoke will switch to Revel or other smokeless products, instead.

These public health risks are significant, especially since the Star tobacco company (the third largest U.S. cigarette company) the right to market Star’s new smokeless tobacco product under B&W’s own brand name.

**HEALTH RISKS ASSOCIATED WITH SMOKELESS TOBACCO USE**

Smokeless tobacco use can lead to oral cancer, gum disease, and nicotine addiction; and it increases the risk of cardiovascular disease, including heart attack. More specifically:

- Smokeless tobacco causes leukoplakia, a disease of the mouth characterized by white patches and oral lesions on the cheeks, gums, and/or tongue. Leukoplakia, which can lead to oral cancer, occurs in more than half of all users over a seven-year period of use. Studies have found that 60 to 78 percent of smokeless tobacco users have oral lesions.

- Constant exposure to tobacco juice causes cancer of the esophagus, pharynx, larynx, stomach and pancreas. Smokeless tobacco users are up to 50 times more likely to get oral cancer than non-users. These cancers can form within five years of regular use.

- Smokeless tobacco contains nitrosamines, proven carcinogens, as well as metals and radioactive compound called polonium-210. A study in the Northeastern Foundation for the State of Massachusetts found that the level of cancer causing tobacco specific nitrosamines in all smokeless tobacco brands were significantly higher than comparable Swedish Match brands. This data suggest that it is possible for smokeless tobacco companies to produce products with significantly lower TSNA levels.

This same study found that the two leading U.S. snuff brands, Copenhagen and Skoal, had large increases in TSNA levels when placed on a shelf at room temperature over a six-month time period. The TSNA levels increased 20 percent in Skoal and by 177 percent in Copenhagen. Significant increases were also observed in Swedish match brands.

Chewing tobacco has been linked to dental caries. A study by the National Institutes of Health and the Centers for Disease Control and Prevention found chewing tobacco users were twice as likely as non-users to have decayed and/or root surfaces affected by caries.

Smokeless tobacco also causes gum disease (gingivitis), which can lead to bone and tooth loss. A number of researchers and at least one U.S. smokeless tobacco company (UST) who point to the experience of Sweden and their point to the experience of Sweden and their sales revenues. In 1999, these smokeless tobacco products (even the products sold by the North American division of Swedish Match) in that Swedish snus is regulated and manufactured according to strict standards. The makers of Swedish snus (Swedish Match) are not allowed to make health claims, and their products are not marketed at all in the United States. We have a situation where all tobacco products (including smokeless products) are exempt from public health regulation and UST is marketed irresponsibly to kids for decades. In addition, there is also disagreement among researchers as to whether snus has, in fact, played a role in reducing smoking in Sweden.

**INDUSTRY DENIALS OF HARM TO SMOKELESS TOBACCO**

Despite all the evidence of the harms of smokeless tobacco, in April 1999, a spokesperson for UST, quoted in the Providence Journal, claimed that it has not been “scientifically established” that smokeless tobacco is “a cause of oral cancer.” The Rhode Island Attorney General subsequently filed a legal action against U.S. Tobacco for violating the state’s Multi-State settlement agreement’s provisions prohibiting false statements about the health effects of tobacco products, including smokeless products. UST formally acknowledged that the Surgeon General and other public health authorities have concluded that smokeless tobacco is addictive and can cause oral cancer and to pay $5,000 to the Attorney General’s office for efforts to prevent Rhode Island youths from using tobacco.

On February 5, 2002, in a letter to the U.S. Federal Trade Commission seeking an advisory opinion to make statements in its advertising that smokeless tobacco products are safe alternatives to cigarettes, UST concluded that, “...it is USSTC’s position that smokeless tobacco has not been shown to be a cause of any human disease [emphasis added].”

**SMOKELESS TOBACCO A “GATEWAY” TO OTHER DRUGS?**

High school students who use smokeless tobacco are nearly four times more likely to currently use marijuana than nonusers, almost three times more likely to ever use cocaine, and nearly three times more likely to use similar substances than nonusers to get high. In addition, heavy users of smokeless tobacco are almost 16 times more likely than nonusers to are currently consuming alcohol, as well.

A recent study in the American Journal of Preventive Medicine found that “snuff use was a gateway form of smoking among males in the United States that may lead to subsequent cigarette smoking.” Further, the study found that “the prevalence of smoking among men who had quit using snuff than among those who had never used sniff, suggesting that more than 40 percent of men who had been sniff users continued or initiated smoking.

**TYPES OF SPIT TOBACCO**

Oral (moist) snuff is a finely cut, processed tobacco, which the user places between the cheek and gum, then rinses with water, which, in turn, is absorbed by the membranes of the mouth.

Plug chewing tobacco consists of small, oblong blocks of semi-soft chewing tobacco
that often contain sweeteners and other flavoring agents.

Snuff is a fine tobacco powder that is sniffed into the nostrils. Flavorings may be added, along with perfumes, which may be added after grinding.

**USSTC Spit Tobacco Products**

Split Tobacco Is Harmful: The Surgeon General, as well as the Institute of Medicine and numerous other scientific bodies have determined that there is conclusive evidence that the use of the spit tobacco products sold in the United States, also known as smokeless tobacco, increases the risk of serious disease, including oral cancer. This conclusion is as true today as it was yesterday. For example, the long-known health warnings on all spit tobacco products in 1986. This is not surprising because 28 cancer-causing chemicals have been found in these products. Spit tobacco is not a safe alternative to smoking. Despite this and a 1999 agreement with the Rhode Island Attorney General by U.S. Tobacco Company (the parent company of U.S. Smokeless Tobacco Company or USSTC) not to make statements "to any media . . . to the effect that any of its tobacco products do not cause or have not been proven to cause adverse health consequences," USSTC claimed in a letter to the Federal Trade Commission (FTC) "smokeless tobacco has not been shown to cause any human health hazard." Spitting tobacco and its marketing should be regulated by a science-based, health agency: USSTC wants government approval for its marketing claims as less hazardous than cigarettes without any additional control over its marketing or its products. Unless the U.S. Food and Drug Administration (FDA) is first given meaningful authority over spit tobacco products, including the authority to oversee the content, manufacture, sale, and marketing of spit tobacco, this request will only increase the harm caused by smokeless tobacco. Why is this so? Absent such regulation, marketing by USSTC of its products as less hazardous is likely to result in the following:

- It will attract new young users to use spit tobacco by communicating that it does not pose a serious risk. This is precisely what happened years ago when USSTC used similar messages as part of a marketing campaign that led to an explosive growth in youth spit tobacco use;
- It may encourage some smokers from quitting by misleading them to believe that smokeless tobacco products offer a safer alternative to quitting;
- In the absence of FDA regulation there are no manufacturing standards governing these products or their relative safety. This is especially important because tests have shown extremely wide variations in levels of toxins in spit tobacco products across brands in the United States as well as across the same brands over their shelf life. USSTC markets its Products To Youth: USSTC has a long history of marketing its products to youth through the development of starter products (pouches, long cut, etc.), the addition of flavorings (cherry, mint), and the strategy of graduating users from entry products to stronger ones. In fact, it is the company most responsible for turning spit tobacco into a product favored primarily by young men and women to one used by young people. Despite the restrictions placed on youth advertising by the Smokeless Tobacco Master Settlement Agreement, the U.S. Tobacco Company ("USSTC") has continued to heavily advertise in youth-oriented magazines. For the period 1997-2001, USSTC’s expenditures in youth-oriented magazines, $6 million, a 136% increase. Without regulation of the way its harm reduction claims are marketed, there is absolutely no reason to believe that their marketing will lead to anything other than an overall greater use of tobacco products, with the attendant harm on the public health.

Comparing USSTC Products to Swedish Snus Is Like comparing Apples To Ants: USSTC likes to compare its efforts to those of Snus in Sweden and to claim that its products can be an effective harm reduction strategy. The differences in the Swedish and U.S. products, the regulatory environment and the U.S. regulatory environments render this comparison ludicrous. Any gains that might have been achieved by Snus in Sweden have been achieved at many unacceptable costs. What is many times lower in cancer-causing nitrosamines and other toxic substances than the USSTC products sold in the U.S. is composed by USSTC of smokeless tobacco products and their marketing. To prevent marketing claims from making these products more attractive to non-users, Sweden prohibits any advertising of the product and prohibits the kinds of claims USSTC wants to make here. There is every reason to believe that operating in an unregulated environment, a company such as USSTC, with its long history of employing every possible marketing avenue to attract youth, would only use health claims to further expand its market, especially.

USSTC Should Support FDA Regulation of Tobacco As The Solution: If USSTC is serious about reducing the harm caused by tobacco, it should support the manufacturing of spit tobacco products, attempting to make similar health claims, be treated any differently? Only regulation of spit tobacco products by a qualified, science-based agency like the FDA can assure that health claims for spit tobacco are accurate, appropriate and protect public health.

**US. SMOKELESS TOBACCO CO.**


Hon. Henry A. Waxman,
Ranking Member, Committee on Government Reform, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN WAXMAN: I read with interest your "Dear Colleague" letter dated April 28, 2003, regarding smokeless tobacco in the context of tobacco harm reduction and the attached documents from the Campaign for Tobacco-Free Kids, portions of which are referenced in your letter. There appears to be a lack of broad, public health community regarding your observation that "with cigarette smoking responsible for more than 400,000 deaths in the United States each year, it behooves us to consider nonconventional strategies to save lives." As you are aware, one such "nonconventional strategy" increasingly discussed in the public health community is that cigarette smokers who do not quit and do not use medicinal nicotine products should switch completely to smokeless tobacco products.

The debate regarding tobacco harm reduction and the role of smokeless tobacco products as part of that effort is at a crossroads. Since 1986, the USSTC ("USSTC") has been actively and constructively engaged in discussing the merits of that issue. Unfortunately, the Campaign of Tobacco-Free Kids has not been interested in discussing the merits of communicating to adult cigarette smokers that smokeless tobacco is a significantly reduced risk alternative to cigarette smoking. Rather, the Campaign for Tobacco-Free Kids dissemi-
Tums, are available in cherry flavor because of its appeal to those adults. Sponsorship of Professional Motorsports and Rodes: As noted above, an underlying purposive content contains a set of specific, aggregative array of restrictions that substantially limit the Company's activities with respect to marketing its smokeless tobacco products. As noted above, the Company has agreed that it will not engage in brand name sponsorships of concerts, events in which youth comprise a significant portion of the audience, events in which youth are paid participants or contestants, football, soccer, basketball and hockey. USSTC's sponsorship of professional motorsports and rodos is part of the Company's efforts to promote its products to adult consumers and is wholly appropriate under the terms of the STMSA. Magazine Ads: As the Campaign for Tobacco-Free Kids is fully aware, USSTC does not currently advertise in Sports Illustrated or Rolling Stone. On June 7, 2002, USSTC announced that in order to leave no doubt that its marketing program is oriented to adults and adults only, it would suspend advertising in a small number of magazines while it reviewed the potential possibility of youth readership, even though the overwhelming majority of readers of those magazines were adults. The magazines involved were Sports Illustrated, Hot Rod, Motor Trend and sporting News. USSTC stopped advertising in Rolling Stone in 2001. USSTC appreciates your interest in this important public health issue, and looks forward to continuing its participation in the debate regarding tobacco harm reduction and the potential role of smokeless tobacco.

Sincerely,
RICHARD H. VERHEIJ

Hon. W.J. (BILLY) TAUZIN, Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: You may have recently received a copy of a May 23, 2002 letter from U.S. Smokeless Tobacco Company (UST) in connection with today’s hearings on “reduced risk” tobacco products. As you consider this letter, you should know that it is deceptive on important issues.

The UST letter was written in response to a “Dear Colleague” letter that I wrote on April 29. The Colleague letter identified two major points: (1) that public health authorities have concluded that “reduced risk” claims for tobacco products should be made only in the context of strict regulatory oversight and (2) that the need for regulatory oversight of such claims is underscored by UST’s history of untrustworthy marketing. The Dear Colleague letter attached two fact sheets from the Campaign for Tobacco Free Kids. The fact sheets detailed UST’s use of a “graduation strategy” to hook young users on low-nicotine products and then “graduate” them to higher-nicotine products. They also described the company’s strategy of appealing to children through the use of cherries in “starter” products.

In its May 23 response, UST dismisses the allegation that the company “has engaged in strategies to hook kids” as “mischaracterizing misleading.” UST claims that it does not and has never used a “graduation strategy,” certainly not one related to marketing to youth. UST describes its products as “baseless” and suggests that its cherry-flavored products were designed to appeal to children.

Since receiving UST’s May 23 letter, I have obtained company documents that validate the points made in my Dear Colleague and conflict with the assertions in UST’s letter. These documents show that the company planned a “graduation strategy” starting with “young” consumers, that the company has long known that flavoring was a significant tool in selling its products, and that UST deliberately adds flavoring to “starter products.” The documents also indicate that UST marketed its products to children as young as 13 or 14. Copies of these previously undisclosed documents are enclosed with this letter.

These documents and UST’s response are relevant to the Committee’s consideration of UST’s request for permission to market smokeless tobacco as safer than cigarettes. While UST may say that it would not abuse authority to make “reduced risk” claims, the company’s past practices—and its recent correspondence denying these practices—call the company’s veracity seriously into question.

This memo goes on to say that Hawkem “has reached kids four or five years earlier than we have contacted them in the past.” Because the memo is describing a product being used by 9-year-olds, the clear indication is that UST was marketing to kids of 13 or 14 years.

CONCLUSION

As we consider UST’s desire to market its products as safer than cigarettes, we must keep in mind both the company’s marketing history and its continuing deceptions. Essentially, UST is asking Congress to trust that the company will make responsible claims about its products. But it is hard to see how such trust is warranted given the company’s track record. Certainly, the company should not be permitted to make “reduced risk” claims about its products without strict regulatory oversight.

Sincerely,
HENRY A. WAXMAN, Ranking Minority Member.

Enclosures (2).

U.S. TOBACCO INTRA-COMPANY CORRESPONDENCE

JANUARY 4, 1980.

From: Barry J. Nova, Sr., Vice President
Marketing and Sales.
To: Louis P. Bantle, Chairman of the Board and President.
Subject: “Moist” Development.

U.S. Tobacco has “made” the market in moist smokeless tobacco; a segment that remains in the early stages of growth on a product life cycle graph that will continue to “lead” the category in order to:

- Enlarge our consumer base.
- Preempt probable competition; and
- Maintain corporate growth and profit.

A recent document from Peter directed itself to “product leadership”; to the methods of ascertaining the right products in the market to meet potential user needs. While some of the choices and recommendations might be questioned, it is not the intent of the writer to mark down a good beginning. Rather, in conjunction with those碳化 above it is the purpose of this memorandum to further define marketing action needed to meet the following objectives:

- Introduce an easy-to-use, “starter” product,
- Provide new users with an easy graduation process;
- Develop better packaging; and
- Maintain a simplicity in the product line.

Easy graduation process

There are two “leaders” extant in today’s marketplace: Skoal, with wintergreen flavor; and Copenhagen, with a more natural tobacco taste. While Skoal is the biggest...
seller, reasonable percentage growth is still apparent in the Copenhagen brand; and both continue to outpace Happy Days (mint)—where about 20% of current poudrage is sample-on a poudrage growth basis.

In addition, two other “natural” brands continue to show strength with very limited promotional support—W B Cut and Key.

Simply, then, we should concentrate on the two proven areas of acceptability—Wintergreen and Natural; and build vertically in these two flavors, permitting the consumer to “move-up” or strengthen his pleasure in a taste that he is used to and comfortable with. Even our new loose leaf chew would fit comfortably in the pattern.

And while we do feel that mint/peppermint is an acceptable American flavoring in food and gums, it has not yet been completely proven as a tobacco additive; and a triple flavor track rather than a vertical duality would be too complex now.

Simplified product line

We cannot, and should not, attempt to be “all things to all people!” now. After all, it must be remembered that we are just beginning to tap the market’s potential, and that the brands we sell, in most cases, seem to meet a need or a want. To proliferate new products or line extensions might very well cause:

Confusion among potential new users as to where to begin and with what.

Confusion among current users regarding what to move to; possibly creating no new business, just a transfer of business intra-line.

Problems in media promotion: difficulty in creating strong, separate positioning statements; lack of frequency to explain all various elements.

Trade dismay and lack of support. Moist has been “welcomed” by the trade, but for the next four to five years we will not be at the point where we can demand two to three times the warehouse or retail shelf space that we now enjoy. To try to put out a myriad of products is to run the severe risk of alienating a carefully built trade rapport based on good sales from consumer demand, as well as inviting an ever-increasing damaged goods problem.

“Easy-to-use” starter product development and intro

This must be our priority niche at present, for obvious reasons: Expansion demands a continually enlarging new-to-the-masses segment.

“Floating” and saliva build-up are still negatives to the “beginner”.

Most readily available entry segment for competition on both a product development basis and ratio of pay-back to investment. (And who is to say that so-called “starter” brands cannot carve-out, in part, its own-on-going user base.)

Happy Days, because of some difficulty in appearance and apparent ill-defined flavor, may not be the best effort we can make for “starters”. It can be improved, and then perhaps, could be positioned as part of the “regular” line.

Good Luck, a technological advance in packaging rather than a break through in taste, is selling reasonably well in most test areas; but requires better flavor and a final, from Hawken to before capital is expended on additional machinery.

Our new, shag cut, “balling” smokeless brand (whether it is truly “balling” or just flattened between the fingers) is the one that “gu” feelings tell us can be the most successful entry. It is easy to use. Saliva build-up is minimal. It takes flavoring well. Raw material variances that change in packaging have been proven. A machine to pack both it and W B Cut could be ready by the fourth quarter of ’80. However, only thorough testing of the concept will prove its validity.

Better packaging

The general view is that the plastic can would be a positive packaging step:

Lower manufacturing costs; Decreases freight costs; Easier to open; Stands-up better in the wearing; Adaptable to holding lesser amounts of tobacco; and May keep product fresher, longer.

A small amount of research done in our overseas market, coupled with some results from Hawken and W B Cut indicate good consumer acceptance for the plastic container. And it is understood that both Happy Days and Skoal can be packed this way now, without any loss in product quality.

However, we can visualize the possibility of some problems that might occur:

Consumer perception that change in packaging means a change in formula and flavor. Panel testing can prove or disprove this.

Keeping the product fresher, longer could negate the “built-in” obsolescence in the present container, thereby lessening poundage. Still, good users might just use more because it is fresher. The answer might be gotten through for trial and evaluation.

Finally, one important facet of plastic packaging—its adaptability—needs further commentary regarding how important it could become in creating new users and meeting competitive pressure.

Supposition and strategy

New users “pinch” less often and would use less tobacco per dip. Build up bottom of plastic can—without changing height and circumference—so as to pack a “full” lower weight in a “starter” product; i.e., .6 ounces.

Pricing can be a determinant to trial; and may well be used as a competitive advantage:

Lower price on “starter” brands to increase trial, lower sampling costs, and preempt competitive, “low ball” pricing. For example:

Present can price: UST, 42¢; jobber, 52¢; Retail, 65¢ (packing half as much tobacco may save 20% or more while maintaining margins). “Reduced” can price: UST, 33¢; jobber, 42¢; Retail, 50¢.

Possible result: More new users, happy with a “fair” entry price, unconcerned with lesser amounts of product, who can be graduated to one of our “regular” products at a “regular” price (and may want to “move” there faster since 1.2 ounces at 65¢ is a better “deal”) ... and competitors who probably will have to cut their own margins to find a price point entry meaningfully below ours.

The foregoing discussions point the way to the recommendations included on the Product Development and Positioning Chart that follows: after which a Marketing Action Staging form indicates the H&D, research and market testing required to prove their viability.

Product development and positioning vertical duality

Assumptions:

Younger and lighter users prefer a flavor, not a “natural”!

Older and heavier users prefer real tobacco taste and strength.

Skoal is our largest selling and fastest growing product (and best known); all starter products should acquire people with its taste.

Copenhagen is our second largest selling product and its growth could improve with a lead-in from a “natural” line extension, whose name and blend have proven themselves.

Happy Days can be a better brand and a better “graduator” with a change in flavor. The “top of the line”—W B—may yet be our fastest growing product and deserves a place in both “verticals”.

### MARKETING ACTION

<table>
<thead>
<tr>
<th>Brand/Segment</th>
<th>Objective</th>
<th>Manufacture/develop period</th>
<th>Research period</th>
<th>Test market/period</th>
<th>Roll-out/period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ball’s Chew Wintergreen/Plastic Can</td>
<td>Introduce easy-to-use, “starter” product; increase consumer base especially among the young</td>
<td>Blend and flavor—2/80; Hand pack for research—1/80; Hand pack for test markets—8/80; Develop machine packing by 1/81; Name and label development—1/81.</td>
<td>Taste test with new Happy Days user panel, vs. Good Luck and Hawken. In addition, test in potential user focuses groups vs. Good Luck, Hawken and Happy Days 4/80 thru 9/80.</td>
<td>By region, with promotional support, during 1/81.</td>
<td></td>
</tr>
<tr>
<td>Happy Days Wintergreen/Plastic Can</td>
<td>Change to a new taste and evaluate with current users.</td>
<td>Blend and flavor—3/80; Full production—7/80.</td>
<td>Taste test—existing vs. new—with large Happy Days user panel. 5/80-7/80.</td>
<td>None. Region by region distribution only after further acceptance of natural brand is accomplished. 1/81 thru 12/80.</td>
<td></td>
</tr>
</tbody>
</table>
was a factor with the young kids. Also, the people who knew about mouth tobacco felt the sweet tests was a definite factor with the kids. New kids expressed regularly is a problem with the lower price of Hawken. They all state their mark-up is the same percentage as SKOAL and other tobaccos.

Distributors all state that they did no more on Hawken than any other new item. They all report that the brand has peaked and they are seeing declines. No distributor indicated any promotional activity was planned for Hawken.

As you can see, all levels are pointing the same way on Hawken. I believe the brand has a starter product for SKOAL and SKOAL MINT as much as it is going to. Figures prove Hawken killed our increase on SKOAL (30 percent); and at this point, we are showing about 9 percent decrease in sales where Hawken is available. At one point, our loss was well over 20 percent. This has turned around and I believe SKOAL will be back to a break-even point within the next few weeks. I feel by the end of the next three-month tracking period, our increase will be back to normal. I am not at all sure our increase won’t be greater than ever experienced is a fact that with Hawken has brought a lot of new consumers into the mouth tobacco market. I think this brand has reached kids four or five years earlier than we have contacted them in the past. Indications are that some of these new users are moving up to a stronger brand.

Also, indications are that some older consumers are moving from Hawken back to the brands they were using before, and some consumers have begun mixing Hawken with SKOAL and Levi Scarp. If these trends continue, Hawken proves to be a very good starter product for SKOAL. I am convinced we must continue our tracking of Hawken for at least another three months before our questions can be answered. However, all figures indicate Hawken, when introduced in a new market, will kill our increase on SKOAL and, in fact, cause a 10 to 20 percent loss for the first three months.

Our field personnel will continue to supply all information possible on Hawken.

IN SPECIAL RECOGNITION OF AL-EXANDER M. HUBER ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MERCHANT MARINE ACADEMY

HON. PAUL E. GILLMOR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Alexander M. Huber of Milan, Ohio, has been offered an appointment to attend the United States Merchant Marine Academy.

Mr. Speaker, Alexander's offer of appointment poises him to attend the United States Merchant Marine Academy this fall with the incoming cadet class of 2007. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Alexander brings a special mix of leadership, service, dedication to the incoming class of Merchant Marine Academy Cadets. While attending Edison High School, Milan, Ohio, Alexander has attained a grade point average of 3.942 which places him 7th in his class of 129 students. During his time at Edison High School, Alexander has received several commendations for his superior scholastic efforts. Alexander's accomplishments include being on the honor roll for all four years, being awarded the Student of the Quarter for Business, recipient of the Mathematics Award, student of the quarter, and recipient of the Scholarship Pin. Aside from his accomplishments Alexander also participated in the National Honor Society, the Math Club, and the Spanish Club.

Outside the classroom, Alexander has distinguished himself as an excellent student-athlete and dedicated citizen of Milan. On the fields of friendly strife, Alexander has participated in Soccer, Tennis, and Weight Lifting. In addition to his athletic accomplishments, Alexander is an active member in his community participating in National Youth Leadership Conference and Boys State.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Alexander M. Huber. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Alexander will do very well during his career at United States Merchant Marine Academy and I wish him the very best in all of his future endeavors.
The very best in all of his future endeavors. United States Naval Academy and I wish him than will do very well during his career at the finest education and military training available anywhere in the world. I am sure that Nathan A. Stein. Our service academies offer

accomplishments, Nathan is an active member of Perkins Library, and participating in community musical activities. Outside the classroom, Nathan has distinguished himself as an excellent musician, athlete and dedicated citizen of Sandusky. On the fields of friendly strife, Nathan participated in Football becoming a team captain his senior year and Basketball. In addition to his athletic accomplishments, Nathan is an active member in his community participating in the Environment Club, volunteering for service in his local Library, and participating in community musicals.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Nathan A. Stein. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Nathan will do very well during his career at United States Naval Academy and I wish him the very best in all of his future endeavors.

Recognition of Michelle Bailey and Kate Evans

HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. SHIMKUS. Mr. Speaker, I rise to pay tribute today to Michelle Bailey of Harrisburg, Illinois, and Kate Evans of Galatia, Illinois, in honor of their achievements.

Michelle Bailey is a student at Benton Middle School who was recognized as a United States National Honor Roll Award Winner. Her picture will be published in the United States Achievement Academy Official Yearbook in order to showcase her accomplishment. Today I would like to recognize Michelle for her commitment to scholarship and academic excellence and also to encourage her to continue along the path to success. Kate Evans was the top female exhibitor for the 2002 IBA Junior Points Program. She competed against other juniors in 2002 and received prizes for placing in the top 20. I would like to congratulate Kate on her win and wish her good luck in her future exhibitions. In closing, I would like to congratulate both Michelle and Kate on their successes. They are excellent examples of the promising youth of today and should serve as role models for their peers and those around them. Our thanks go to the families and teachers for the foundation they have given these young women. God bless.

Tribute to Dr. Herb Sadler

HON. JEFF MILLER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. MILLER of Florida. Mr. Speaker, I rise today to honor one of our Nation’s most distinguished and dedicated pastors, Dr. Herb Sadler. After 28 years of faithful service to the Northwest Florida community as pastor of the Gulf Breeze United Methodist Church, Dr. Sadler will leave Gulf Breeze to become the District Superintendent of the Dothan District in Dothan, AL, of the Alabama-West Florida Conference of The United Methodist Church. We are grateful for the time that Dr. Sadler has spent with us in Northwest Florida and we wish him the best in his future position.

Born on February 7, 1942 in Montgomery, AL and raised in Thomasville, AL, Herb holds an undergraduate degree from Livingston University and both the Master of Divinity and Doctor of Ministry degrees from Emory University. Proudly married to his wife Barbara and the father of four wonderful children, Bert, Tracy, Stuart, and Scott, he has been blessed with three grandchildren, Brady, Breanna, and Jacob.

Since 1975 Herb has been at the service of the Gulf Breeze United Methodist congregation, he has overseen the growth of the parish, from 500 members to over 4,000 members, and has personally had a direct influence on the tremendous increase in worship attendance, from 100 people to nearly 2,000 people. In addition to his duties at Gulf Breeze United Methodist, Herb has served his Annual Conference, Alabama-West Florida, as Chairperson of The Board of Ordained Ministry and as President of the Council on Finance and Administration. He has been a delegate to the 1988, 1992, 1996, and 2000 Jurisdictional Conferences and the 1992, 1996, and 2000 General Conferences. He has served as a member of the Board of Trustees of Birmingham-Southern College and from 1992 to 2000 he was a member of the General Board of Discipleship of The United Methodist Church. Currently, he serves as Chair of the Committee on Plan of Organization and Rules of Order of the Southeastern Jurisdictional Conference.

The author of two books, “We Can All Be Winners” and “Today is the Only Day”, Herb has previously been President of the Gulf Breeze Rotary Club and was a charter member of the Board of Gulf Breeze Hospital, a role he continues to serve in today.

Mr. Speaker, I would like to offer my sincere and heartfelt congratulations to my good friend Dr. Herb Sadler on his new position with the Alabama-West Florida Conference of The United Methodist Church. Herb was recently named one of the top 11 leaders in Northwest Florida by Climate Magazine and I can think of no person that is more deserving of such an honor. We will be sad to see his him leave, but wish him all the best in his new journey.

Mr. Speaker, on this such occasion, we honor one of America’s greatest citizens.

Honoring Creative Arts Therapies Week

HON. STEVEN R. ROTHMAN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. ROTHMAN. Mr. Speaker, I rise today to commemorate Creative Arts Therapies Week, which began on June 1 and continues through June 7.

Creative Arts Therapists are an increasingly important tool for healing both physical and mental health needs. There are currently more than 15,000 Creative Arts Therapists practicing in the United States and around the world—all working to address major societal issues including school violence, substance abuse, breast cancer, Alzheimer’s, and domestic violence.

Since its first application over 50 years ago, Creative Arts Therapists have provided individual and group art experiences for people in need of care and treatment to address and overcome great personal challenges. Using art, dance, movement, drama, music, and poetry, therapists are able to achieve remarkable results.

I commend Creative Arts therapists and the National Coalition of Creative Arts Therapies for their tireless work to improve health, communication, and expression, to enhance self-awareness, and to facilitate positive change in human experience and behavior.
The village of Lyndoon—honor of Lyndon, Vermont, the home of many of its original settlers. Lyndon’s name was eventually changed to Lyndonville in order to distinguish the village from nearby Linden, New York. One hundred years ago, the Village of Lyndonville was officially incorporated in Orleans County, the Alameda Countywide Clean Water Protection program.

The village sits on one square mile of beautiful, fertile Western New York land. The surrounding area is home to many of New York’s famous apple orchards, as well as the lush, rolling vistas created by the retreating glaciers ages ago. Named for the British Indian agent, Sir Thomas Lyndonville is blessed with the rich soil and pastoral serenity that Americans consider the ideal of our countryside, evocative of Mayberry and Grover’s Corners.

With a population of 950, Lyndonville is a close-knit community where everyone is a neighbor. Most people know each other, and even if you are not well-acquainted, faces smile with recognition and greetings are exchanged with warmth. Friendly inquiries are made when there has been an experience with pain—or joy. Anytime a neighbor is suffering from ill health or some loss, the community is there to help, to lighten the burden, and to express its loving concern. Beyond the village’s long and distinguished history, Lyndonville is simply a place residents are proud to raise a family in.

Mr. Speaker, on the occasion of the Village of Lyndonville’s 100th birthday, I unite with its residents to celebrate their accomplishments and contributions to Orleans County, our state, and our nation.

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. McINNIS. Mr. Speaker, it is with tremendous pride that I stand before this body of Congress to recognize one of Colorado’s outstanding citizens. Lynn Dyer resides in Cortez and has been working there as the director of tourism for Mesa Verde Country. Lynn has recently been chosen as Citizen of the Year by the City of Cortez and is currently the President of the Southwest Colorado Travel Region.

Lynn recently planned the Mesa Verde Country Indian Arts and Western Culture Festival, which was recognized as one of the top 100 events in North America in 2003 by the American Bus Association. The organization and planning of this festival also earned Lynn the Governor’s Award for Outstanding Community Tourism Initiative. This award, presented by Colorado’s Governor Bill Owens, is given to a community that helps to promote tourism in Colorado.

As most of you know, the Mesa Verde area has been challenged by a number of severe wildfires in recent years, making many think tourism would sharply decrease. The efforts of Lynn and her team have helped to keep tourism steady, so people across the nation can see the wonders of the Mesa Verde area.

Mr. Speaker, I am honored to stand and express my gratitude for the hard work of Lynn Dyer. Lynn is the kind of individual who makes my district proud. I wish Lynn the best as she continues her work promoting tourism in Colorado and it is my hope that Americans will continue to discover the beauty of this region.

100TH ANNIVERSARY OF THE VILLAGE OF LYNDONVILLE, NEW YORK
HON. LOUISE McINTOSH SLAUGHTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Ms. SLAUGHTER. Mr. Speaker, I rise today to commemorate the 100th anniversary of the Village of Lyndonville, New York. This congressional recognition will be presented later this month when village officials and citizens gather together to celebrate this historic event.

The Village of Lyndonville is a small town that has evolved with the times, but whose residents have never lost touch with their roots. Its history resembles that of many of the small towns on which our nation was built. In the 1820s, the area began to grow after the construction of a corduroy road, which was built of logs laid side by side transversely. This road is now Route 63—Lyndonville’s Main Street. The locale began to prosper after several merchants built businesses on Main Street in 1836. Settlers also found the area attractive due to the possibilities offered by the San Leandro Creek, including S. W. Mudgett, Samuel Dyer. Lynn is the kind of individual who makes tourism in Colorado.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003

SPEECH OF
HON. TOM DAVIS
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in strong support of H.R. 760, the Partial-Birth Abortion Ban Act of 2003.

Partial-birth abortion is an inhumane procedure which is never necessary to preserve the health of the mother. Indeed, this procedure poses serious health risks to the mother, and it is unnecessarily brutal to the baby. I have heard from numerous physicians that there are other safe methods for terminating a pregnancy when the life of the mother is in danger, and the American Medical Association has stated that partial-birth abortion is not an accepted medical practice.

H.R. 760 addresses the constitutional issues raised by the Supreme Court decision in Stenberg v. Carhart. It does so by using a more precise definition of the gruesome partial-birth procedure, clearly distinguishing between this and other forms of abortion. Furthermore, H.R. 760 provides extensive congressional findings which show that a partial-birth abortion is never medically necessary to preserve the health of a woman.

The House has passed this legislation in previous Congresses, yet a final vote did not take place in the Senate or in conference. The Senate recently passed the Partial-Birth Abortion Ban Act. We now have a historic opportunity to pass this legislation and send it to the White House for the President’s approval. I strongly support enactment of a ban on partial-birth abortion, and I urge my colleagues to vote in support of H.R. 760.
PAYING TRIBUTE TO NORA ANZIK
HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. McINNIS. Mr. Speaker, I am honored to stand before this Congress and this nation to pay tribute to an outstanding volunteer and community member from my district. Nora Anzik is the recipient of this year’s Volunteer of the Year Award given by TREC, the Therapeutic Riding and Education Center of Pueblo, Colorado. Nora’s hard work helps children with disabilities experience the joy of riding horses, something they could not accomplish without her.

Nora’s enthusiasm, patience, and effectiveness became obvious in her first week at TREC. She began her work with a young autistic boy named Steven. Steven was not comfortable with some of the aspects of riding, and it was Susan’s persuasive, positive attitude that helped him to adjust. Her work with Steven is just one example of the compassion she has for those in need. Nora continues to work with Steven and numerous other children, becoming a role model in many of their lives. She is a wonderful teacher, who knows how to get through to children with special needs.

Mr. Speaker, great Americans like Nora, who volunteer their time, have helped to make our country great. I am proud of her accomplishments and it gives me great joy to inform this body of Congress and this nation of her outstanding community service. Thank you, Nora, for your hard work and dedication. Your commitment and involvement in the Pueblo community will not be forgotten.

POLITICAL TENSIONS IN BURMA
HON. JOSEPH CROWLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. CROWLEY. Mr. Speaker, I rise today to express my deepest concerns about the ongoing political problems in Burma and the recent arrest of opposition leader Aung Sang Suu Kyi. I am deeply troubled by the military regime’s stifling of political life. This equals a brutal, unacceptable situation lacking democratic essentials. Obviously, the military junta tries to block and prevent democratic change that desires and needs our support, there’s a military regime that needs to realize that its only way out of Burma’s crisis is to fully respect democracy and human rights. This regime must accept the results of the 1990 election which were won by Aung Sang Suu Kyi. To achieve these goals, I have cosponsored the “Burma Freedom and Democracy Act of 2003,” which—amongst other provisions—prohibits imports from Burma in order to press the regime to adapt full-fledged democratic reforms and supports democracy activists within Burma.

A BILL TO RESTORE EQUITY IN THE TAXATION OF POLITICAL CAMPAIGN COMMITTEES
HON. GENE GREEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise today to introduce a bill that will restore equity in the taxation of political campaign committees.

Currently, the tax code treats income in federal political campaign committees the same as corporate income. This allows candidates for congressional office to pay campaign taxes on a graduated rate scale, offering significant tax benefits. Specifically, we pay a 15 percent tax rate on the first $50,000 of income in our campaign accounts. Income in our accounts between $50,001 and $75,000 is taxed at 25 percent, and income between $75,001 and $10 million is taxed at 34 percent. Only when our campaign accounts boast over $10 million are we subjected to a 35 percent tax rate.

Mr. Speaker, each of us in this chamber can attest to the ridiculously high amount of money that we have to raise in order to run a formidable campaign for Congress. However, I doubt that many of us actually reach that $10 million threshold and pay a 35 percent tax rate on the money in our campaign accounts.

Unfortunately, our colleagues in state legislatures across the country aren’t as fortunate. As Texas State Senator Jon Lindsay pointed out to us in the Texas Delegation, every dollar in his campaign account is taxed at a flat 35 percent rate. In fact, only candidates for Congress are able to enjoy this graduated tax schedule.

To correct this inequity in our tax code, I am introducing legislation today to amend the Internal Revenue Code and mandate that state political campaign committees are taxed in the same manner as our federal campaign committees.

Joining me in this effort to ensure that the tax code treats our state legislators fairly is the entire Democratic wing of the Texas delegation: Representative Chriss Bell, Representative Lloyd Doggett, Representative Chet Edwards, Representative Martin Frost, Representative Charles Gonzales, Representative Ralph Hall, Representative Ruben Hinojosa, Representative Sheila Jackson-Lee, Representative Eddie Bernice Johnson, Representative Nick Lampson, Representative Solomon P. Ortiz, Representative Silvestre Reyes, Representative Ciro Rodriguez, Representative Max Sandin, Representative Charles Stenholm, and Representative Jim Turner.

In thanks goes out to each of them for their support, as well as to Senator Lindsay for bringing this matter to our attention. I urge my fellow colleagues to co-sponsor this bill and show their support for the state legislators who work hard representing them back home.

RECOGNITION OF BRADEN CHRISTIAN
HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to Braden Christian of Harrisburg, Illinois in honor of his participation in the 76th annual Scripps Howard National Spelling Bee. Braden was the winner of the Tri-State Spelling Bee held at Bosse High School in Evansville, Illinois on March 15 earlier this year. His win secured him an invitation to the National Spelling Bee.

Today, I would like to congratulate Braden on his victory and wish him luck in the National Competition. The Scripps Howard National Spelling Bee is held annually and features 251 students from grades five through eight from all over the country. Students are quizzed on a large selection of words from the Merriam-Webster’s Third New International Dictionary. I would like to commend Braden for his hard work and dedication to pursuing his goal of winning the National Title.

In closing, I would like to praise Braden for all of his achievements and also thank his parents and teachers who have nurtured and inspired Braden’s desire for excellence and love of knowledge. He is a truly wonderful young man and I look forward to hearing of his future accomplishments. God Bless.

PAYING TRIBUTE TO LYNN WELDON
HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize a longtime servant of Alamosa, Colorado, Lynn Weldon. Lynn has served the Alamosa City Council diligently for almost twenty years. In recognition
of his service, I would like to recognize his dedication and a few of his accomplishments before this body of Congress and this nation.

People in Alamosa have long felt deep respect for Lynn’s patience, his integrity, and his dedication. People have referred to Lynn, who served as a chaplain’s assistant during the Korean War, as a source of tranquility in the face of battle. Lynn has proved this countless times during many years of public service, where he has calmly listened to others, and stood his ground resolutely on issues of principle, no matter how heated the debates before him.

Mr. Speaker, it is my honor to recognize Lynn’s long service to Alamosa before this body of Congress and this nation. I would like to join the rest of Alamosa in expressing my body of Congress and this nation. I would like to join the rest of Alamosa in expressing my gratitude to Lynn for his dedication to his community. Lynn, our thoughts and our prayers are with you.

HONORING BOB SCHROEDER

HON. JEB BRADLEY
OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to pay tribute to Bob Schroeder upon being named the Town of Hooksett’s Citizen of the Year.

Bob was instrumental in the restoration and revitalization of a truly historic local, state and national landmark, Bobbie’s Country Store in Hooksett has a lengthy history of acting as the town’s gathering spot, a place to argue over politics, play checkers and buy groceries and homemade baked goods. Bobbie’s was also a required stop for local politicians and presidential candidates visiting the first-in-the-nation primary state for over 30 years. The store closed in 1997 after the store’s owners, Lloyd and Dorothy Bobbie, retired. After five years of dormancy and a lack of funds and dedicated owners, Bobbie’s Country Store reopened, continuing its 30-year political tradition and its 110-year presence in the town.

Bob saw an imperative need to preserve this cultural and political landmark and formed the Bobbie’s Country Store Historic Preservation Association to spearhead the renovation effort. The Association has worked diligently to bring the store to life again, and on May 24, 2003, Bobbie’s Country Store reopened to an eager and proud community. Bob and the Preservation Association were careful to maintain Bobbie’s historical accuracy by keeping the 97-year old building’s original flooring, ceiling and picture wall of political memorabilia. Always humble, Bob refuses to take the credit for the grand reopening of the store, instead pointing the spotlight on the efforts of the entire community. Under Bob’s leadership, people of all ages worked together to restore Bobbie’s through fundraising and renovation efforts. The community’s hard work will undoubtedly ensure that the rich heritage and traditions of the store will remain in tact for future generations to enjoy.

Bob’s tireless commitment to preserving this landmark and energizing the whole community to get involved is a wonderful example of his perseverance and dedication to improving the community and state in which he lives. I can think of no better person than Bob to receive the Hooksett Citizen of the Year Award. I am honored to represent concerned and conscientious citizens like Bob in the U.S. House of Representatives.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003

SPREECH OF

HON. BARBARA CUBIN
OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mrs. CUBIN. Mr. Speaker, I rise today in support of H.R. 760 and for our voiceless unborn children, who were merely inches away from their first breath, when their life was brutally ended. For them, partial-birth abortion is not an option—it is a death sentence.

It is truly shameful that we cannot protect the most innocent and vulnerable in our society from this gruesome medical procedure. Delivering a child up to its head and then using a syringe to suck out the child’s brain and discard this miracle of life is revolting.

Do not call that child a fetus. Do not elevate any personal freedom above that child’s right to life. That fetus is a human baby—call it what it is.

I hope the mental image this conjures disturbs everyone—and that I once again receive calls from those shaken by this description of this barbaric act. Be thankful you’re not on the business end of that syringe.

We have the responsibility to do everything in our power to put an end to this practice which has no place in a civilized society. We cannot remain silent while a procedure such as partial-birth remains an acceptable part of our society—after all, if done a short time later and a few inches further, it would be considered murder.

PAYING TRIBUTE TO THE VAIL HOTEL

HON. SCOTT McINNIS
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to a long-time landmark of Pueblo, Colorado, the Vail Hotel. Opened in 1911, the Vail Hotel was once known as the most luxurious hotel west of Chicago. Its many custom windows, door knobs, and its tasteful use of wood and stone, truly make the Vail Hotel an architectural wonder. Over the years, the hotel’s beauty attracted President Woodrow Wilson, Clark Gable, Tallulah Bankhead, Jack Benny and generations of Puebloans to its gracious halls. However, without the love of the people of Pueblo, even this great treasure would not be as marvelous as it is today. I am impressed by the numerous craftsmen who labored to restore this magnificent building, from Kathleen Sheard-Hodges, who painstakingly restored many of the jeweled windows and recreated missing ones, to Bill Agnes, who salvaged tiles to restore and extend the lobby’s gorgeous mosaic floor. Also among those deserving of praise is Gary Trujillo, the lead architect for the renovation, who restored the building with painstaking attention to its historic past and for its remarkable beauty.

Mr. Speaker, it is fitting to mention one of this country’s magnificent historic landmarks. The Vail Hotel serves as an example of the pride and hard work that the citizens of Pueblo have dedicated in making their home a more beautiful place. Built by Puebloans, restored by Puebloans, and beloved by all, it gives me great pride to recognize today this historic building, as well as the efforts made to restore it. Its beauty and history enrich the Pueblo community and will be cherished for generations to come.
CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESCRÉAATION OF THE FLAG OF THE UNITED STATES

SPEECH OF HON. JEFF MILLER OF FLORIDA IN THE HOUSE OF REPRESENTATIVES Tuesday, June 3, 2003

Mr. MILLER of Florida. Mr. Speaker, House Joint Resolution 4 does not outlaw flag desecration; rather, this proposal merely sets the boundaries within which Congress can enact subsequent legislation, if it so chooses, to prohibit such conduct. H.J. Res. 4 simply returns to Congress the authority that it possessed for over 200 years to prohibit the physical desecration of the flag of the United States.

This past week, I visited North Korea, where freedom is nowhere and democratic thought is oppressed. Our American flag is the most revered and beloved symbol of our Nation, representing all that is American and reminding the world of our freedom and democracy. The flag is a bedrock of our principles and values as a country, leading our men and women into conflicts around the globe and draping the caskets of those same individuals when they return home after giving the ultimate sacrifice in defense of such values. It is the flag to which we pledge allegiance, here on the floor of the House of Representatives, in civic organizations in every town in America, and in schools throughout our country. It is this object and all that it represents that Americans hold so dear.

House Joint Resolution 4 will nullify two erroneous Supreme Court decisions, restoring the original interpretation to the First Amendment that had persisted for over two centuries since the birth of our country. When considering the powers of our respective branches of government in effecting the will of the American people, we should be reminded of the words of Abraham Lincoln in his first inaugural address in 1861: “If the policy of the government upon vital questions affecting the whole country is to be irrevocably fixed by decisions of the Supreme Court, the people will have ceased to be their own rulers.”

I commend my colleagues for recognizing the wishes of the American people and restoring the original interpretation and understanding of the First Amendment and the Bill of Rights to the Constitution by supporting this resolution.

COLONEL TIMOTHY WRIGHTON

HONORING MELVIN E. OLSSON

HON. ROB SIMMONS OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES Thursday, June 5, 2003

Mr. SIMMONS. Mr. Speaker, I rise today to honor Mr. Melvin E. Olsson of Mystic, CT, Air Force Reserve Officer and a dedicated member to the community throughout his 43-year career at Electric Boat in Groton, CT.

Yesterday, for the first time in 13 years, Mel Olsson’s name did not appear on the ballot for the Marine Draftsmen’s Association, MDA, union elections at Electric Boat. Olsson is retiring from his post as president of the local 571 at Electric Boat and will return to his trade as piping designer. Mel began as an apprentice in the shipyard in 1962 and moved to the design force just 2 years later. Elected vice president of the local in 1975, Olsson has dedicated much of his career to serving the MDA.

I commend Mel Olsson for his dedicated service to the working men and women of Electric Boat who design the best submarines in the world. He has worked to establish a relationship with the company that is better than it has ever been. Mel is a true leader in his community and a role model for the future leaders of the MDA.

Mr. Speaker, I encourage the Members of the House of Representatives to join me in honoring Melvin Olsson for his 13 years of service as head of the MDA. I wish him all the best.

PAYING TRIBUTE TO POLICE CHIEF LONNIE WESTPHAL

HON. SCOTT McINNIS OF COLORADO

IN THE HOUSE OF REPRESENTATIVES Thursday, June 5, 2003

Mr. McINNIS. Mr. Speaker, it gives me great pleasure to stand before this body of Congress today to pay tribute to an individual who has dedicated his life to protecting the American public. Lonnie Westphal of Lakespur, Colorado first donned the badge of a Colorado State Patrolman 29 years ago. This week he will retire from the force after an impressive career in which he rose from the ranks of a state trooper to the head of the Colorado State Patrol.

Chief Westphal is one of those special people in our society who willingly put themselves in harm’s way to protect the public. He knew he would never get rich in his chosen profession, but he also knew that some things, such as keeping our families out of harm’s way, come with rewards not measured by monetary means. Thus, it is not surprising that Chief Westphal distinguished himself so honorably by serving on numerous boards such as the National Commission Against Drunk Driving, the International Association of Chiefs of Police, the State Patrol Protective Association, and many more.

Mr. Speaker, our nation owes a great debt to Chief Westphal and all brave heroes like him who keep the peace at home. Because of his service, the state of Colorado is a better and safer place to live. I thank Chief Westphal for his service to his community, the State of Colorado, and this nation. All the best to you, Lonnie; enjoy your retirement!

TRIBUTE TO MR. AND MRS. DONALD WALLACE OF FLORENCE

HON. ROBERT E. (BUD) CRAMER, JR. OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES Thursday, June 5, 2003

Mr. CRAMER. Mr. Speaker, I rise today to recognize Mr. and Mrs. Donald Wallace of Florence, AL. For 23 years, they have provided outstanding service to the American Legion—Mr. Wallace as adjutant and Mrs. Wallace as his assistant.

Mr. Wallace began serving the American Legion as an assistant to the former adjutant and will be retiring later this month. As adjutant, Mr. Wallace was charged with maintaining both the records and activities of the group of over 1,000; however, he did not limit himself to those tasks. Mr. Wallace helped rebuild...
the American Legion’s reputation as both a veteran’s advocacy and community service organization. Under Wallace’s leadership, the post received state and national attention as a leader in supporting the Boys State Program, a program which teaches lessons of patriotism and civic to high school juniors. He also worked with the American Legion Baseball program and oratorical contests that offered scholarships to local participants.

Although Mr. Wallace does not like taking credit for the success of the group, many veterans and families in the Shoals will tell you that without him the Legion would not be what it is today. Wallace simply believes that his work at the American Legion is just the continuation of work begun by an earlier generation, the original Legionnaires who established the post in 1919 and the World War I veterans who built their current hall in 1939. As adjutant, Wallace helped maintain this building that has been their home for 64 years.

Mr. Speaker, I also want to pay tribute to Mr. Wallace’s wife of 60 years, Mrs. Ellen Wallace. As his assistant at the Legion, Mrs. Wallace enjoyed helping many people during their time of service with the American Legion. They have dedicated themselves to their community, and on behalf of the people of north Alabama I thank them for their service and congratulate them on a job well done.

INTRODUCTION OF A BILL TO AUTHORIZE CERTAIN MAJOR MEDICAL FACILITY PROJECTS FOR THE DEPARTMENT OF VETERANS AFFAIRS

HON. LANE EVANS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. EVANS. Mr. Speaker, today, I am introducing a bill with my friend, the chairman of the Veterans Affairs Health Subcommittee, Rob Simmons. This bill will authorize several desperately needed major medical construction projects in Chicago, IL; San Diego, CA; Las Vegas, NV; and West Haven, CT. I urge all of my colleagues to support this bill to jumpstart the stalled major medical construction endeavor in the Department of Veterans Affairs.

My bill would honor the commitment the Department of Veterans Affairs made to build a new bed tower at the West Side division of VA Chicago. While Secretary Anthony Principi has decided to move forward with the closure of inpatient services at the Lakeside division, he has not asked for an appropriation for the new construction project at West Side. Instead, the funding for this project—$98.5 million—is supposed to come from an enhanced use lease agreement whose value some experts claim has been greatly overestimated. I am not willing to make such a gamble on veterans’ access to a functional medical center in the Chicago area.

The West Side facility is a 50-year-old facility ill-suited to respond to the demands of a modern health care delivery system, even without the additional workload anticipated from the integration with Lakeside scheduled for early August. VA Chicago is working to accommodate its inpatients in a facility that has inadequate intensive care units, inpatient units, and surgical suites. Once the new facility is operational, the existing facility will also have to undergo significant renovations to improve the emergency department, laboratory and radiological services, and food and nutritional areas.

Because of the importance and the urgency of this project, my legislation would prohibit VA Chicago from disposing, in any manner, of the Lakeside division until entering into a contract for the construction of the new bed tower promised to Chicago area veterans.

The bill would also fund a project to replace the existing ambulatory care center in Las Vegas, NV. As my good friend, Shelley Berkley often reminds the Committee, Las Vegas has the fastest growing populations in the country and its veteran enrollees are not expected to peak until 2012. Veterans’ use of services is expected to remain higher than it is currently throughout the 20-year timeframe studied for VA’s Capital Assets Realignment for Enhanced Services project.

Unfortunately, in constructing a new ambulatory care clinic, VA seems to have fallen prey to a contractor whose work was seriously substandard. An independent assessment by John A. Martin and Associates yielded an opinion that the clinic was “unsafe for continued occupancy.” Because of the contractor’s repeated failure to address serious structural deficiencies in the building, VA is now forced to abandon it. As an interim measure, VA is sending its patients to 10 different ambulatory care clinics around the city. This inefficient delivery system is forcing VA to avoid 60 full-time employees with significant new operational costs. My bill would request $97.3 million to build a new centralized facility that would also include space for a new regional office for the Veterans Benefits Administration.

In FY 2002, VA listed seismic corrections at the San Diego VA Medical Center as one of its highest construction priorities. Later, I am told, cost considerations—not any change in the assessment of need—yielded a lower priority for the project. I am still convinced that there is a great risk to VA patients and staff at the site and my bill would authorize $48.6 million to address the needs at the facility.

West Haven VA Medical Center is in serious need of major renovations to its inpatient wards and research facilities. For many years, the inpatient ward renovations have been a high priority for VA construction, but resources have not allowed the project to move forward. I am requesting $50 million for this project and to renovate the research facilities.

Finally, Charlotte, NC, is home to one of the largest populations in the country without a significant VA health care system presence. The project requested in this bill would allow VA to greatly expand its current workload in a clinic in the downtown area and enroll veterans who are now unable to receive care. I have included $3 million for the cost of the lease.

All of these projects merit our immediate attention and approval by all Members. I urge your favorable consideration.

HONORING COLE REVIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. McINNIS. Mr. Speaker, it is with a profound sense of pride that I stand before this Congress to speak about the actions of Cole Revis. Cole, a second grader in Grand Junction, Colorado, has shown more kindness and maturity in the face of adversity than most people have three times his age. Cole’s father, a veteran of the first Gulf War, passed away this spring from skin cancer. Cole understood the sacrifices his father made in the service of our country and he is trying his best to follow his father’s courageous example.

Mark Revis, Cole’s father, was a Staff Sergeant in the 143rd Signal Company of the Colorado National Guard for six years, having previously served for 14 years in the Army. Mark was forced to retire from the National Guard when he was diagnosed with Multiple Sclerosis. He was later diagnosed with lung cancer and then skin cancer. Mark fought each disease and that same fighting spirit is evident in his son. He passed away in February, at the age of 44.

After receiving a death benefit check from the government, Cole felt strongly that this inheritance should go to his father’s fellow soldiers. While most eight year olds would have bought candy, Cole wanted to use his money in a way that would help others. So Cole decided his money would be spent buying care packages for United States troops serving in Operation Iraqi Freedom.

Mr. Speaker, I am honored to speak today about Cole Revis. His passion, kindness, maturity and heart are an inspiration to us all. Cole’s optimism and understanding of the role and duty that his father fulfilled have allowed him to understand that while his father is gone, his actions will never be forgotten. I know that if he were here today, Mark Revis would be extremely proud of his son. Thank you, Cole. Your actions are a testament to the will and unyielding strength that America’s youth represents.

RECOGNIZING AND COMMENDING ALL WHO PARTICIPATED IN AND SUPPORTED OPERATION ENDURING FREEDOM IN AFGHANISTAN AND OPERATION IRAQI FREEDOM IN IRAQ

SPEECH OF
HON. JIM SAXTON
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. SAXTON. Mr. Speaker, with yesterday’s passage of H. Con. Res. 177, we formally recognized and commended our Armed Forces for their participation and success in Operation Enduring Freedom and Operation Iraqi Freedom. Our magnificent men and women in uniform serve as the greatest ambassadors of what is good and right in our world. They are the bearers of the tremendous might, the indomitable spirit, and the boundless compassion of our nation and the freedom loving people everywhere.
Our forces are, as they always have been throughout our history, Americans first, citizen soldiers, and great patriots. They have come from ordinary walks of life rising to do extraordinary things that shape our world and leave us forever awestruck. I again want to extend our collective and sincere thanks to all our members who serve, and I also want to recognize a particular group of truly unsung yet most deserving heroes—our U.S. Merchant Mariners.

Once again, our country has turned to its mariners to take the fight to the enemy, to project our force half a world away, to secure the precious freedom that now spreads to an Iraqi people free to choose their own destiny, to raise their families as they choose, and to renew the glories of one of the world's greatest civilizations. Our liberating force was decisive and it moved on the brawn, ingenuity, and dedication of our merchant marine. Not in 12 years have we moved such a force by sea, and we have done it better, against greater challenge than ever before.

We recently saw a line of ships spread from our east coast through the Straights of Gibraltar, through the Suez Canal and the Red Sea, and into the Gulf of Oman—a "steel bridge" of resolve. A bridge as strong as those mariners who crew our enormous ships and who go on in harms way to deliver our force anywhere, anytime they are called.

Since the beginning of the War on Terrorism, over 6,800 U.S. merchant mariners and over 1,000 officers have served and provided support to our global military operations. Currently serving on 211 vessels, our U.S. mariners face many of the same hazards confronting our unified military as they regularly transit and operate within potential targeted areas of chemical and biological weapons, waterborne mines, and terrorist activities. Truly, our country's merchant mariners have answered the call selflessly and brilliantly.

Our mariners activated and crewed 40 vessels of our ready reserve force, essential to the early movement of ammunition, tanks, aircraft, and military vehicles. These U.S. mariners crewed our vital prepositioned ships and our fast response surge sealift vessels, providing time-critical warfighting equipment and supplies to the battlefield. Over 4,000 civil servant mariners manned and supported the continuous worldwide operations of our ships supporting U.S. naval and coalition forces at sea. Around the clock, every day, across the world, every ship provided support to our global military operations.

Our mariners crewed our vital prepositioned ships and our fast response surge sealift vessels, providing time-critical warfighting equipment and supplies to the battlefield. Over 4,000 civil servant mariners manned and supported the continuous worldwide operations of our ships supporting U.S. naval and coalition forces at sea. Around the clock, every day, across the globe, our mariners make it happen.

At this crucial time in history, our U.S. mariners stepped forward with skill, bravery, and an unrivaled legacy of service. They made all the difference. Our nation continues to rely on these warriors, and their impact is profound. Long after the fighting stops, our mariners will still be on the watch, returning the troops, sustaining the force, and providing for the needy as we renew a proud but shattered land.

Mr. Speaker, on behalf of our Congress and a grateful Nation, it is my humble honor to say thank you to all our U.S. Merchant Mariners. We wish them God Speed and a safe return. They are indeed a national treasure—long may they serve.
WE CAN END HUNGER IN AMERICA

HON. JAMES P. MCGOVERN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. MCGOVERN. Mr. Speaker, we live in the most prosperous nation in the history of the world. We have refrigeration systems to prevent food from spoiling. We have pasteurization to prevent bacteria from poisoning our food. And we have ways to fortify our foods with vitamins and nutrients to make the food we eat healthier. Yet, with all these advances, people still go hungry in America.

The fact is, Mr. Speaker, hunger is a political problem. But I believe it’s a problem we can solve.

Thirty-seven years ago, Senator Bobby Kennedy traveled throughout America, and saw firsthand the hunger ravaging the most vulnerable in our Nation. As a result, we made a national commitment to do something about it. Congress, under the leadership of Senators George McGovern and Bob Dole, created the school breakfast program, WIC, the elderly nutrition program, and the food stamp program.

Since then, we have made great strides. But we have a lot of work left to do. Indeed, many Americans don’t realize that hunger still exists in their communities.

There are 33 million hungry people in the United States—11 million of them are children. In my district in Massachusetts, I talk to food bank directors who have noticed a sharp increase in the number of families who need help.

The food bank that serves my home town, the Worcester County Food Bank, helped feed over 80,000 people in 2001. Of the 3.7 million pounds of food, almost 38 percent went to kids under the age of 18. The food bank, run by Jean McMurray, donates food to more than 260 local shelters, food pantries, senior centers, and after school programs.

The Worcester County Food Bank is doing great work, and the people who work there do their best to provide for every single person who needs help. Unfortunately, it’s not enough.

That is why I am proud to stand with my colleague Congressman FRANK WOLF in introducing a resolution to recognize June 5 as a National Hunger Awareness Day. This resolution encourages Americans to recognize the issue of hunger, and to work toward ending hunger—in their own home towns and across the nation.

I’m also honored to join Congressman WOLF in sponsoring the Congressional Food Drive. I hope that we have wide participation in this drive from the Capitol Hill community. Members and staff who work here are very blessed. It’s important that we try to share those blessings with others. There are drop-off bins all across the Hill, and I hope people will fill them with non-perishable food items.

But this is just a start. Clearly, more must be done.

With that sentiment in mind, I call on President Bush to convene a White House summit on hunger. Too long has the scourge of hunger plagued the people of this nation. There is no reason why we should not focus our efforts on ending hunger in America, once and for all time.

President Nixon convened such a summit, and the result was landmark legislation to feed the hungry people in America.

A 21st Century Summit would bring fresh ideas to this problem, and help us to focus on the challenges that face the hungry in the 21st century.

Simply, Mr. Speaker, it’s the right thing to do, and I urge my colleagues to join me in supporting this effort.

We have the foot soldiers we need in this war against hunger. The people at America’s Second Harvest and Bread for the World are already working around the country to fight hunger. The Food Research and Action Center and the Congressional Hunger Center are tireless advocates on behalf of the hungry. And the dedicated people who run the food banks in this country see first-hand the need for a reinvigorated effort to end hunger.

Mr. Speaker, we live in the most prosperous nation in the history of the world. We have the resources to put an end to hunger once and for all. What we need—all we need—is the political will to do it.

HONORING LOUIS MARTINEZ

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. McINNIS. Mr. Speaker, I am honored to stand before this body of Congress today to recognize a man who exemplifies the heart, determination, and enthusiastic spirit that makes up the backbone of this great nation. Louis Martinez, a 57-year-old man from Grand Junction, Colorado, is an elementary school counselor who takes pride in helping to motivate and encourage his young students.

The lessons in Louis’s life started right away, as his parents showed him the determination it takes to succeed. Louis’s father worked for the railroad laying track and his mother worked in a canning factory. They worked hard to provide for their children and instilled a similar work ethic in their son. Louis was responsible for duties all over the house, including cooking and cleaning. This work ethic led Louis down a path that he never dreamed he would take. Louis left high school his senior year and joined the Navy. He served three tours in Vietnam, traveling all over the Western Pacific. Louis returned to Grand Junction and a job at City Market in the bakery department.

In the spirit of contributing to his community, Louis set his sights on becoming a police officer. His hard work paid off and he became the first Hispanic officer on the force. While on the police force, Louis decided to go back to school, enrolling at the University of Northern Colorado. It was at this time that Louis was injured in a car accident and once again was presented with the opportunity to overcome adversity. Louis was paralyzed in the accident, forcing him to work even harder to receive his degree. He continued through school with the support of his family, and received his diploma.

With his degree in hand, Louis set off to help as many young people as possible. He
ended up at Tope and Wingate Elementary Schools, where he became a school counselor. He has worked for the schools for eleven years and hopes to work there for many more. Everyday on the job Louis provides the children with a positive influence, giving them a mentor they can respect and admire. Mr. Speaker, I am proud to pay tribute to Louis Martinez before this body of Congress and this nation. His determination and optimism are models for today’s youth. I am pleased that Louis has chosen a career where he can extend his positive influence to our children with a positive influence, giving them more. Everyday on the job Louis provides the School District in 1964, as a teacher at Collinsville, Illinois. Ralph came up with the idea after watching the K–9 units work in the aftermath of 9–11. He thought that since these dogs are now being sent in to risk their lives in dangerous situations, they should have the same type of protective vests that the policemen have. He then contacted the Illinois State Police and found out that the state didn’t have enough funding in the budget to purchase any vests for the dogs. After hearing this Ralph set out to raise the needed funds to purchase the vests. It took him nearly 7 months, but he raised the money without ever asking anyone else for help. On April 27, 2003, Ralph presented two dog vests to Sergeant Fred Scholl and his K–9 partner “DAX” and also to Trooper Rampert and his K–9 partner “Rogune.” Ralph also noted that K–9 units have been used to save thousands of lives in the Korean War, the Vietnam War, and most recently in Iraq. I would like to congratulate and thank Ralph for his hard work on this cause. This selfless act is a prime example of someone giving back to the community and the dedication that makes this country so great.

PEOPLE OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. McNINNIS. Mr. Speaker, I am pleased to stand before this body of Congress today to express my thanks and admiration for Ruth Zemlock, the winner of the May 2003 “9 Who Care Award”. Channel Nine News in Denver, Colorado awards this honor to someone who strives to give back to his or her community through volunteering, something Ruth has succeeded in doing.

Valley View Hospital in Glenwood Springs, Colorado is lucky to have such a determined and hard working volunteer; a woman who has done so much for the hospital that she has garnered the nickname “Dr. Ruth.” Her fellow co-workers explain that Ruth knows “anything and everything” about the hospital, because at one time or another she has worked in every department. Today, Ruth is working at the information desk and in outpatient surgery. She is a member of the hospital’s Board of Directors. To date, she has amazingly given over 11,000 hours of her time, about 458 days, to the care of others.

Mr. Speaker, Ruth’s hard work and determination have provided Valley View Hospital with an exemplary model of heart and kindness. Volunteers are an integral part of America’s workforce. Each day, they make an impact on everyone around them. At the age of 85, Ruth’s endless energy and enthusiastic spirit amaze all who know her. Thank you, Ruth, for your years of distinguished, honorable service. Valley View Hospital and Glenwood Springs, Colorado will forever be in your debt.

The legislation is a companion bill to one introduced in the Senate by Senator Daniel Akaka and Senator Dan Inouye. It will expand the scope of the Bureau of Reclamation’s water resources study authorized by the 105th Congress as well as authorize three specific projects needed to address Hawaii water needs. This law, the Hawaii Water Resources Act of 2000, included Hawaii in the Bureau’s wastewater reclamation program and expanded its drought relief programs to include Hawaii.

Although one of Hawaii’s greatest assets is its tropical climate, there are vast areas where little rainfall occurs and conditions are very similar to that of the high arid regions of the mainland U.S. In addition, similar to current conditions in these U.S. states, drought conditions have been occurring in most recent years.

The most recent projection of the Honolulu Board of Water Supply indicates that the island of Oahu will exhaust the fresh water supplies of the island by the year 2018. Seventy-two percent of Hawaii’s population lives on Oahu, so it is easy to imagine the cataclysmic consequences of ignoring the dire warnings that are being sounded. There are numerous examples underway at both the State and local levels to begin addressing problems, such as substituting recycled water for potable water when appropriate, improving storage to preserve surface water, and implementing conservation technologies.

Enactment of the legislation will help lead us to long-term solutions. There are, however, several projects ready for implementation that would begin to mitigate current and future conditions. Three of them would be authorized...
under the bill. Briefly, a desalination facility would be built on Oahu, capable of producing 5 million gallons of potable water a day. Secondly, on the leeward side of the Big Island of Hawaii, a facility is to be built creating sub-surface wetlands and an open surface wetland to treat effluent and generate useable water. The third project, in Lahaina, Maui, is to expand the existing recycled water distribution system so that numerous commercial users can substitute readily available recycled water appropriately where currently potable water is used.

I look forward to working with my colleagues to help find solutions to water development, conservation, reuse and recycling in Hawaii.

HONORING JESSE M. HARRISON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. RAHALL. Mr. Speaker, I was unavoidably absent on Monday, June 2 and Tuesday, June 3. Had I been present, I would have voted as follows on the following rollcall votes:

Roll No. 227—"yea"; Roll No. 228—"yea"; Roll No. 229—"yea"; Roll No. 230—"yea";
Roll No. 231—"yea"; Roll No. 232—"yea"; Roll No. 233—"nay"; Roll No. 234—"yea"; and Roll No. 235—"yea".

IN HONOR OF FRANK G. JACKSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Frank G. Jackson, President of Cleveland City Council, as he was honored by the Cuyahoga County Democratic Party on May 18, 2003.

Mr. Jackson is a United States veteran, having served our country in Vietnam. After being honorably discharged, he returned to his East 36th Street neighborhood and began attending classes at Cuyahoga Community College. In 1975, he graduated with a Bachelor’s degree from Cleveland State University. In 1977, Mr. Jackson was awarded a Master’s degree in Urban Studies from CSU. In 1983, after working his way through law school as a night clerk at Cleveland Municipal Clerk’s Office, Mr. Jackson was awarded a law degree from the Cleveland-Marshall College of Law, and worked as an assistant county prosecutor until his 1990 election to Cleveland City Council, representing Ward 5.

For the past 13 years, Mr. Jackson has focused his efforts on revitalizing the housing and commercial aspects of the Ward 5 community, and has done so by working closely with neighborhood leaders and development organizations, and by promoting integrity, diligence, commitment and cooperation among City Council members and City administrators.

Mr. Speaker and Colleagues, please join me in honor of Mr. Frank G. Jackson, President of Cleveland City Council, as we recognize his outstanding contribution to our community. Mr. Jackson’s work, expertise and dedication have served to improve and strengthen our urban neighborhoods, bringing light and hope to the citizens of Ward 5, and to our entire community.

TRANSPORTATION CRUNCH TIME IN OUR NATIONAL PARKS

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. RAHALL. Mr. Speaker, with nearly 300 million visitors to our National Park System each year, there are times when the roads in America’s Crown Jewels look little different than the scene on I–95 into the District of Columbia during morning rush hour. The level of traffic congestion being experienced in many of our National Parks not only diminishes the visitor experience, but is adversely impacting the resource values these parks were established to protect in the first place.

While the automobile will continue to reign supreme, our National Parks and the people who visit them are suffering from a lack of alternative transportation opportunities. To address this situation, today I am introducing the Transit in Parks Act (TRIP).

Recognizing the growing problems many of America’s crown jewels are experiencing as
result of high visitation levels, Congress in the last major federal highway and transit authoriza-
tion law known as TEA 21 required the Secre-
taries of Transportation and Interior to 
undertake a study of alternative transportation 
needs in National Parks. The study found a 
pressing need to increase transit opportunities 
in order to relieve traffic congestion, enhance 
visitor accessibility, preserve sensitive re-
sources and reduce pollution. However, it 
identified a number of barriers to implementing 
successful transit systems in National Parks, 
including the lack of a dedicated funding 
source.

The TRIP bill carries out the study findings 
by establishing a Transit in Parks Program to 
be administered by the Secretary of Transpor-
tation (Federal Transit Administration) and the 
Secretary of the Interior (National Park Serv-
ices). The program would generally follow exist-
-ing law requirements for mass transportation 
as it relates to the planning and development 
of transit facilities and would create a transit 
counterpart to the Federal Highway Adminis-
tration’s Parkways and Park Roads program. 
The legislation proposes a $90 million annual 
allocation for the Transit in Parks Program 
from the Mass Transit Account of the Highway 
Trust Fund.

It should be noted that the National Park 
Service is currently using on average $11 mil-
ion of its $165 million annual Parkways and 
Park Roads allocation for alternative transpor-
tation. This amount is insufficient to meet the 
alternative transportation needs for units of the 
National Park System identified by the TEA 21 
study of approximately $90 million a year. 
Moreover, as the study noted, this shift in 
funding increases the gap between available 
funding and the amount needed to maintain 
the rapidly deteriorating and already under-
funded park roadway system. Currently, we are squandering some of our 
most unique natural resource heritage con-
tained in units of the National Park System as 
a result of a relatively small investment in al-
ternative transportation facilities. It is my hope 
that the funding in this bill will be additive to the 
extensively documented but unmet rural 
and urban transit funding needs which must be 
addressed in the TEA 21 reauthorization.

THE MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUCTION ACT OF 2003

HON. TED STRICKLAND 
OF OHIO 
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. STRICKLAND. Mr. Speaker, today I am introducing the Mentally Ill Offender Treatment and Crime Reduction Act, the companion to a bill introduced in the Senate today by Senator DeWine.

According to the Bureau of Justice Statistics, over 16 percent of adults incarcerated in U.S. jails and prisons have a mental illness. In addition, the Office of Juvenile Justice and De-
inguency Prevention reports that over 20 per-
cent of youth in the juvenile justice system have serious mental health problems, and 
many more have co-occurring mental health and substance abuse disorders.

These statistics, however, cannot ade-
quately describe how devastating the com-
bination of untreated mental illness and the 
criminal justice system can be for both an indi-
vidual and the system. Today I had the pleas-
ure to meet Tom Lane. Tom, a 43-year-old 
man who lives outside of Jacksonville, Florida, 
now works for the National Alliance of the 
Mentally Ill (NAMI) as the Director of the Of-
cice of Consumer Affairs. However, just a few 
years ago in July 1997, Tom was suffering from 
severe depression. He was a cabinet-

The Mentally Ill Offender Treatment and 
Crime Reduction Act of 2003 is phase two of 
an effort that started in the 106th Congress, 
when Senator DeWine and I successfully 
passed America’s Law Enforcement and Men-
thal Health Project (P.L. 106–515). This bill cre-
ated a Department of Justice grant program 
assisting States and local governments with 
the establishment of mental health courts. Mental 
health courts—which are modeled on drug 
courts—provide specialized dockets in non-ad-
versarial settings to bring mental health pro-
essionals, social workers, public defenders 
and prosecutors together to divert mentally ill 
ofenders into a treatment plan. The goals of a 
mental health court are to expand access to 
mental health treatment, improve the commu-

nity’s response to mentally ill offenders, and 
reduce recidivism among the mentally ill popu-
lation. I am pleased that this program has 
been incredibly popular.

The Mentally Ill Offender Treatment and 
Crime Reduction Act of 2003 will build on 
America’s Law Enforcement and Mental 
Health Project by providing additional re-
ources for communities that wish to create 
mental health courts. The new bill represents 
a significant commitment to addressing the 
needs of both the criminal justice system and 
the mentally ill offender population. The bill 
will create a grants program for communities 
that will provide resources for diversion programs 
across the spectrum of the criminal justice 
community, including prebooking diversion 
programs like those that have been so suc-

The bill is intended to give communities 
much flexibility to design and operate the 
programs they identify as most appropriate for 
meeting their needs, and grant funds will be 
able to be used for planning, establishing a 
structure, and funding treatment. All success-
ful grant applicants will be required to dem-
strate collaboration between the criminal 
justice and mental health treatment agencies 
in a community. Too often, mentally ill offend-
ers fall through the cracks because the rel-


APPLAUDING THE RECENT ACTIONS TAKEN BY THE ILLINOIS STATE LEGISLATURE REGARDING THE EQUAL RIGHTS AMENDMENT

HON. ROBERT E. ANDREWS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. ANDREWS, Mr. Speaker, I rise before you today in strong support of the recent actions taken by the Illinois state legislature regarding the Equal Rights Amendment (ERA), a proposed amendment to the Constitution which would unequivocally guarantee equal gender rights under the law. As many of my colleagues are certainly aware, the Illinois State Assembly recently voted on and passed the ERA, clearing the way for their counterparts in the Senate to consider this crucial legislation. It is time to be granted the right to vote under the Constitution. If Illinois’ State Senate agrees to ratify the ERA, then only two more state ratifications will be necessary for this long overdue amendment to be added to our Constitution.

Some people have argued that the addition of an ERA amendment to the Constitution would simply be a change in semantics and nothing more. I strongly disagree. Presently, on average, women receive only 76 percent of the pay that men receive for comparable full time positions. Inequities such as these are inexcusable; they are disastrously damaging not just to women, but also to their families. Through the ratification of an Equal Rights Amendment, women would have an expanded legal basis to call for equal compensation for equal work.

Although the Equal Rights Amendment may have faded from the public spotlight at times, the movement to include women in the Constitution never died, and it is growing vigorously once again. Women had to wait until 1920 to gain the right to vote under the Constitution. While this was certainly a monumental development, it has not produced full gender equality. The 14th Amendment, granting “equal protection of the laws,” did not, and still does not, fully protect women from damaging gender discrimination. Only an Equal Rights Amendment would ensure the constitutionally guaranteed full equality that women deserve.

The ERA was originally passed by Congress in 1972, along with a seven-year time limit for ratification. In 1979, Congress extended the time limit for three more years, leaving the deadline at 1982. Within a decade of the initial 1972 passage, the amendment had been ratified by 35 states, three short of the necessary 38. For many years after that, the ERA was, for technical reasons, generally considered “dead.” However, legal analyses indicate that with just three more state ratifications, the ERA may in fact meet the requirements to be added to the Constitution. As has been demonstrated by legal experts and the timing of the deadline, it is time that the time limit appears in the proposing clause rather than the text of the legislation leaves this deadline open to adjustment. When Congress chose to extend the deadline in 1979, a precedent was set; subsequent sessions of Congress may adjust time limits placed on amendments by their predecessors. These adjustments may include extensions of time, reductions, or elimination of the deadline altogether.

It is therefore possible for current or future sessions of Congress to eliminate the deadline originally placed on ratification of the ERA, thus allowing the amendment to be added to the Constitution once it is ratified by three more states. This “three state strategy” is a very real possibility, and I have introduced legislation to this effect. H. Res. 38, to ensure that action will be immediately considered by Congress once three more state legislatures ratify the ERA.

Put simply, it is time for the Constitution to be amended to include an amendment which ensures gender equality for all Americans. Today, unlike some times in the past, the American people are decidedly ready for Constitutionally-guaranteed equal rights for men and women. A July 2001 nationwide survey by Opinion Research Corporation showed that 96 percent of American adults believe that male and female citizens of the U.S. should have equal rights, and 88 percent believe that our Constitution should explicitly guarantee those rights. Having the ERA in the Constitution will simply recognize what the American people already want—equal rights.

Many leaders both here in Congress and in state legislatures are advocating for the “three state strategy,” as well as a renewal of the ERA by Congress through a second passage of the amendment. I feel that anyone who is serious about guaranteeing equal rights to women should be supportive of both of these approaches. It does not matter how the ERA is eventually made part of the Constitution, as long as guaranteed gender equality rights are the end result.

As the Equal Rights Amendment reads, “Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.” The ERA is unfinished business for the Constitution. It will be achieved, and present and future generations of women—and men—will thank us for it, and wonder why it took so long. It is simple justice, it is long overdue, and it is time.

INTRODUCTION OF FOCUS ON COMMITTED AND UNDERPAID STAFF FOR CHILDREN’S SAKE ACT

HON. GEORGE MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to join my colleagues Mr. PLATTS, Mr. KENNEDY of Rhode Island, Mr. ANDREWS, Mr. SERRANO, Ms. DELAURO, Mr. DAVIS of Illinois, Ms. SOLIS, Mrs. DAVIS of California, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. KILDEE, and Mr. SANDERS in introducing the FOCUS Act. This legislation would be an important step in increasing child care quality for all children.

High-quality child care can play an important role in healthy child development and school-readiness. Just as it is the parents who matter at home, it is the teachers who matter in child care. One of the most critical components of quality child care is a stable and qualified teaching staff. Children learning from more highly educated teachers perform better on tests of verbal and math achievement. Yet, child care staff—who have the responsibility of helping guide children’s development—among the lowest paid workers in America. In 2000, the average hourly wage for a child care provider was $8.16, which is approximately $16,980 annually. Moreover, most providers do not receive health insurance or paid leave and the annual turnover rate is about 30 percent. Academic and government sources conclude that the leading causes of poor quality child care. Low wages keeps qualified providers from remaining in the field and deters new providers from entering the field. A 2001 report by the Center for Child Care Workforce and the University of California Berkeley found that centers are losing qualified staff because of low wages and are forced to hire less qualified replacements. The study also found that not only are wages extremely low, but they are not keeping pace with cost of living increases. States report centers are closing or turning away children because they cannot properly staff their programs.

FOCUS directly addresses the problems low pay creates by providing stipends to qualified child care staff based on the level of education and training they have. This legislation also makes sure that centers offering child care are able to attract and retain quality staff by providing funding to help them start up programs.

Research on early childhood and brain development clearly demonstrates that the experiences children have early in life have a decisive, long-lasting impact on their later development and learning. We cannot expect children to transition to kindergarten and succeed in school if we do not take the necessary steps to provide quality care in the years prior to school entry. The average quality of child care is far poorer than what it should be in a country as wealthy as ours. It is time we make quality child care available to all children a national priority. Mr. Speaker, I urge Members of the House to join me and co-sponsor the Focus Act.

THE NATIVE AMERICAN LANGUAGES ACT OF 2003

HON. ED CASE
OF HAWAII
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. CASE. Mr. Speaker, I am most pleased to introduce the Native American Languages Act Amendments of 2003, with Representatives NEIL ABERCROMBIE and DON YOUNG as original cosponsors. This vital legislation will authorise the Secretary of Education to provide grants to or enter into contracts with Native American language educational organizations, Native American tribal governments, the Indian Tribe governments, organizations that demonstrate the potential to become Native American language educational organizations, or consortia of such
entities, to establish Native American lan-
guage “nests” for students under the age of 7
and their families. It will also authorize grants
for these entities to operate, expand, and in-
crease the number of Native American lan-
guage survival schools throughout the country
for Native American children and Native Amer-
ican Hawaiian children. Finally, the bill will au-
thorize the establishment of three demonstration
projects that will provide assistance
to Native American language survival schools
and Native American language nests. Today’s
measure is a companion to S. 1495, which was introduced by the senior member of Hawaii’s delegation, Senator Daniel Inouye, and is cosponsored by Senators Daniel Akaka, Ben Nighthorse Campbell, and Tom Daschle. A hearing was held by the Senate Indian Affairs Committee on May 15, 2003, at
which there was broad-based support from na-
tive language speakers, educators, and sup-
porters from across the country, including Ha-
waii, Alaska, California, New Mexico, Mont-
tana, Oklahoma, Minnesota, and Virginia.
This proposal forwards current federal self-
determination policies toward native peoples,
which support the promotion of economic and
social self-sufficiency, as well as the preserva-
tion and revitalization of native culture, lan-
guages, art, history, religion, and values. Since
language is a significant factor in the perpetu-
ation of cultures, the federal government enacted the Native American Lan-
guages Act of 1990 urging federal support for
Native American languages, and the Native
American Languages Act Amendments of 1992 establishing a grant program at the Ad-
ministration for Native Americans to fund the
preservation of Native American languages.
My bill continues this commitment by our fed-
eral government to ensure the survival of
these unique cultures and languages.
In my home state, I am proud that the peo-
ple of Hawaii and the State of Hawaii have
strongly supported the revitalization of Hawa-
ian culture, art, and language. In 1978, for ex-
ample, the State of Hawaii wrote into its con-
stitution a specific declaration that Hawaiian is
one of our two official languages, along with
English.
There is also support for Hawaiian language
programs in both our public and private
schools. At the forefront of these efforts have
been supporters of Aha Punana Leo, a Hawai-
ian language immersion program which has
endeavored to include both students and par-
ents in an exciting and innovative way to revi-
talize Hawaiian language and culture. Ms.
Namaka Rawlins, Director of Aha Punana Leo,
and her husband, Dr. William (Pila) Wilson,
have been pivotal in these efforts. The lessons
of family involvement involved in the preserva-
tion of the Hawaiian language that they and
other have proven are and can be used by other
native communities and cultures across the
country.
While the Aha Punana Leo program initially
started with pre-school students, Hawaiian lan-
guage survival schools were also established
to allow for students to graduate from high
school. Over 2,000 students are currently en-
rrolled in Hawaiian language nests and survival
schools. A Hawaiian language center—Hale
Kuamoo—was eventually established at the
University of Hawaii, and the Waianae branch
of Aha Punana Leo as well as a Native College—Ka Haka Ula O Keelikolani College.
Both programs have been crucial in providing
training to teachers in Hawaiian language, col-
lege courses in Hawaiian, and graduate edu-
cation in Hawaiian language and culture.
The revitalization of the Hawaiian language
in my state has been instrumental in the pres-
ervation of Hawaiian culture, which is impor-
tant to all of us who call Hawaii home. Today’s
legislation will take this lesson nationwide in
continuing the commitment made by the fed-
eral government in 1990 and the progress that
has been made since that time to preserve
Native American languages, including the Ha-
waiian language.

TRIBUTE TO COACH LOU GIANI

HON. STEVE ISRAEL
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to commend Coach Lou Giani of Huntington High School on his induction into the U.S. National Wrestling Hall of Fame.

Coach Giani is among the most successful wrestling coaches in New York State history, having compiled 388 victories in 34 seasons. This past season Coach Giani and his Hun-
tington High School wrestling program broke the state record for the most state team titles—a remarkable eighth title for Coach Giani. In addition to the team accol-
dades, Huntington High School also had three individual wrestlers win State Championships, increasing the career total of Coach Giani to a record 22 individual state champions. In rec-
ognition of these accomplishments, the Na-
tional Wrestling Coaches Association be-
stowed on him the honor of “Coach of the Year”.

In addition to his service to Huntington High School and New York State, Coach Giani has served as an international ambassador for wrestling. Having organized cultural exchange programs in both the Soviet Union and Po-
land, he has provided disadvantaged youth with the opportunity to learn wrestling from one of the sport’s best coaches.

Beyond his service as a coach and inter-
national teacher, Mr. Giani had an equally im-
pressive career as a wrestler. Having not
tended to wrestle until his junior year of high
school, Mr. Giani went on to win ten New York
Athletic Club titles, a gold medal at the 1959 Pan American Games and was given the honor of representing the United States on the
1960 Olympic Freestyle team. I commend Coach Lou Giani for his dedica-
tion to the sport as well as his service to the
students of Huntington High School and I con-
gratulate him on his induction into the U.S.
National Wrestling Hall of Fame.

HEALTH DISPARITIES AMONG MINORITIES

SPEECH OF
HON. ELIJAH E. CUMMINGS
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 4, 2003

Mr. CUMMINGS. Mr. Speaker, I rise this evening to discuss the state of Health Care in America. Mr. Speaker, we have a health care crisis in America and in particular, we have a crisis in the African-American community with regard to disparities in treatment and access to care.

Mr. Speaker, the Congressional Black Cau-
cus has made Universal Health Care the cen-
terpiece of our agenda. The Congressional
Black Caucus believes that everyone in Amer-
ica deserves some basic level of health care
coverage.

Mr. Speaker, today, as in the past, being
Black in America is a medically dangerous
condition. Being Black and poor can be deadly.
That is a national tragedy that the Congress-
ional Black Caucus is determined to end. In
1998, President Clinton committed this Nation to eliminating racially based health dis-
parities by the year 2010. As a result of this ini-
vative, in the report entitled “Unequal Treat-
ment: Confronting Racial and Ethnic Dispari-
ties in Health Care” issued March 2002, the
IOM research team concludes that: Americans
color tend to receive lower-quality health care than do Caucasians and that African-
-Americans receive inferior medical care—com-
pared to the majority population—even when the patients’ incomes and insurance plans are the same. These disparities contribute to higher
death rates from heart disease, cancer, dia-
betes, HIV/AIDS and other life-endangering

conditions.

The Report found that African-American Minority patients were almost four times less likely than their Caucasian counterparts to receive
needed coronary bypass surgery. Black seniors were nearly two times less likely to receive treatment for prostate cancer. Older Black Americans were 3.6 times more likely to lose lower limbs amputated as a result
of diabetes.

Mr. Speaker, access to health care is be-
coming a critical issue for Black and Hispanic-
Americans. Overall, more than 40 percent of nonelderly African-Americans (12.5 million) and more than 50 percent of nonelderly Hispanic-Ameri-
cans (18.5 million) had no health insurance in

Minority children face obstacles in getting
the health care they need. In 2001, there were
42 million uninsured children in the United States: 36 percent were Hispanic and 18 percent were Black.

Four-and-a-half million Black children now
receive their health care through Medicaid or SCHIP (the Federal health program for
children), and 4.7 million Hispanic children
get healthcare through Medicaid or SCHIP.

That is why Medicaid, which provides health
care coverage to low-income Americans, is
critical to minorities.

The most recent data show that 9.8 million
Black and 6.4 million Hispanic children need Med-
icaid to get access to health care.

Mr. Speaker, despite these disparities the
Bush budget continues to shortchange
healthcare. To pay for the tax cuts for the
wealthiest 5 percent, the Republican leader-
ship under-funds numerous health programs
including the Ryan White program, eliminates the Community Access Program, cuts the Vet-
erans Health programs and the SCHIP pro-
gram.

Despite these disparities the Republicans cut funding for Medicaid coverage for children, low-income seniors, people with disabilities, and the disabled. And the Bush administration wants to block grant Medicaid—cut the fund-
ing by $3.2 billion over 10 years and give the
money to the States to let the States spend it on other competing priorities.

This will basically dismantle Medicaid’s guarantee of access to healthcare for low-income individuals.

Mr. Speaker, this sort of policymaking does not make sense in the “land of plenty.” I can only quote my good friend Jocelyn Elders who stated, “We, in our society believe that every criminal has a right to a lawyer. But yet we are one of only two countries, the United States and South Africa, who does not believe that every sick person should have a right to a doctor.”

Mr. Speaker, every American is entitled to access to quality healthcare. That’s why I co-sponsored Congressman JOHN CONYERS’ bill to provide health insurance to every resident of the United States.

Our bill, the United States National Health Insurance Act, H.R. 676, would provide all individuals residing within the United States with insurance covering primary care, and preventative health services, prescription drug coverage, emergency care, and mental health services.

In essence, it would expand Medicare to cover all Americans.

Mr. Speaker, I realize that this is going to be a long hard fight. But I am convinced that the time for a “single-payer” system has come. If we can spend hundreds of billions of dollars in an effort to protect the American people from foreign attack, we can raise and spend the money that it will take to protect the American people from dying before their time from accident or disease on our soil. If we can give universal health coverage to those on foreign soil, we can also do it for our own citizens.

It’s time to make health care a civil right for all Americans, my friends. That is the hard lesson that Americans of color learned from our experience with this Nation’s health care system.

And that is the same hard lesson that many, many other Americans are learning today. We speak truth to power, when we declare that discrimination and racial disparities continue to plague our system of health care.

Increasing the number of qualified minority physicians and other health care professionals—and assuring that they are adequately compensated for their work—are core prerequisites to transforming that equation.

That is the truth—but it is not the whole truth. It also is true that: Most poor children in America are not Black; Most sick children in America are not Black; And most Americans who cannot afford health insurance are not Black.

Mr. Speaker, these American children are our children, whatever may be the color of their skin. We must never allow the virus of racial division to infect our vision of what it means to be human beings.

Lastly Mr. Speaker, I implore my Republican colleagues to correct the injustice in the recently passed tax bill that denies millions of poor families, those making between $10,000 and $26,000 the Child Tax credit of $400 they so desperately need.

We should not shift the tax burdens from the wealthy to the working poor. These families need our help—we should give it to them. Restore fairness to the tax bill—tax cuts to the wealthiest should not out millions of families.

Lastly, I thank my friend DANNY DAVIS for leading this floor effort.

THE CHILD TAX CREDIT: SUPPORTING FAMILIES IN NEED

HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to voice my support of legislation to expand the child tax credit to working families left out of the tax bill that the President recently signed. Last week, the President signed a $350 billion tax cut bill that contains tax cuts that are weighted heavily toward America’s wealthiest families, and that will do little to spur economic growth or reduce the Nation’s jobless rates. These additional cuts are likely to further burden the economy’s future with growing budget deficits and debt—spending the Social Security Trust Fund surplus and threatening essential programs such as Medicare.

The most disturbing aspect of this legislative effort was the Majority’s last-minute exclusion of a provision that would help nearly 12 million children and their families to get the child tax credit. In their persistent efforts to cut taxes for the wealthiest Americans, the Majority stripped this important provision from the final bill in order to make room for a dividend tax cut and other measures benefiting only those wealthiest taxpayers.

For some time now, the Administration has maintained that all Americans deserve a tax break. However, this new law did not honor that promise, and the President should not have signed legislation that denies a promised child tax credit to the millions of families that need it the most and are the most likely to spend it.

These families with children, earning between $10,500 and $26,625, are already working hard to make ends meet. Our immediate priority in Congress should now be to pass legislation that will correct this last-minute injustice and provide these moderate-income families with the relief they deserve. Therefore, I support the legislation introduced by House Democratic leaders to accomplish this goal and benefit almost 3 million children in my home State, the Americans who are not as fortunate as President Bush and the wealthiest Americans to have benefited from the tax cuts in the final bill.

We can, and we must, do better for those who cannot afford health insurance are not Black. And most Americans who cannot afford health insurance are not Black.

Mr. Speaker, these American children are our children, whatever may be the color of their skin. We must never allow the virus of racial division to infect our vision of what it means to be human beings.

Lastly Mr. Speaker, I implore my Republican colleagues to correct the injustice in the recently passed tax bill that denies millions of poor families, those making between $10,000 and $26,000 the Child Tax credit of $400 they so desperately need.

We should not shift the tax burdens from the wealthy to the working poor. These families need our help—we should give it to them. Restore fairness to the tax bill—tax cuts to the wealthiest should not out millions of families.

Lastly, I thank my friend DANNY DAVIS for leading this floor effort.

TRIBUTE TO GENERAL ERIC SHINSEKI

HON. JERRY LEWIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. LEWIS of California. Mr. Speaker, Mr. MURTHA and I rise today to pay tribute to General Eric Shinseki, an outstanding soldier and American who is retiring as the 34th Chief of Staff of the Army after more than 38 years of distinguished service to his country. He is an exceptional leader with a clear sense of purpose, conviction, and conscience of service to his nation.

General Shinseki has served as Chief of Staff in one of the most dynamic and challenging periods in the storied 228-year history of the United States Army. Under his leadership, the Army began a “transformation” from a force focused on a defined threat that won the Cold War to a more flexible force that is capable of meeting the new and varied threats of the 21st century. At the same time General Shinseki was managing this high level of change, he ensured the Army maintained the highest levels of combat readiness that were demonstrated so successfully during operations in Afghanistan and Iraq.

General Shinseki received his commission from the United States Military Academy in 1965. He served two combat tours in the Republic of Vietnam with the 9th and 25th Infantry Divisions, first as an artillery forward observer and later as Commander of Troup A, 3rd Squadron, 5th Cavalry. During both he was seriously wounded.

Since Vietnam, General Shinseki has served in a variety of command and staff assignments in the Continental United States and overseas. He served in Hawaii at Schofield Barracks with Headquarters, United States Army Hawaii, and at Ft. Shafter with Headquarters, United States Army Pacific. He also taught at the United States Military Academy’s Department of English. During duty with the 3rd Armored Cavalry Regiment at Ft. Bliss, Texas, he served as Regimental Adjutant and Executive Officer with the 1st Squadron.

He spent over ten years in Europe, which included assignments as Commander, 3rd Squadron, 7th Cavalry; Commander, 2nd Brigade; Assistant Chief of Staff G3; and Assistant Division Commander, all with the 3rd Infantry Division (Mechanized).

From 1994 to July 1995, he commanded the 1st Cavalry Division at Ft. Hood, Texas and in July 1996, he was promoted to Lieutenant General and became the Deputy Chief of Staff for Operations and Plans at the Department of the Army.

He was selected for the rank of General in June 1997 and assumed duties as Commanding General, United States Army Europe and Commander, NATO Stabilization Force in Bosnia-Herzegovina. In November 1998 he assumed duties as Army Chief of Staff. He served and later as Commander of Troop A, 3rd Cavalry Regiment at Ft. Shafter.

In addition to receiving a Bachelor of Science Degree from the United States Military Academy, he also holds a Master of Arts Degree in English Literature from Duke University. General Shinseki’s military education includes the Armor Officer Advanced Course, the United States Army Command and General Staff College, and the National War College.

His awards include the Defense Distinguished Service Medal, the Distinguished Service Medal, the Legion of Merit (with Oak Leaf Clusters), the Bronze Star Medal with “V” device (with 2 Oak Leaf Clusters), as well as the Purple Heart (with Oak Leaf Cluster). He has also been awarded the parachute jump, the Ranger Tab, the Office of the Secretary of Defense Identification Badge, Joint Chief of Staff Identification Badge, and Army Staff Identification Badge.

History will look very favorably on the accomplishments of General Shinseki. It is easy to label the Army’s “transformation”, but it takes a visionary leader to implement them. There are countless decisions that he has had to make that very...
well mean the difference between success and failure on current and future battlefields. General Shinseki successfully met every challenge during his tenure as Chief of Staff with professionalism, commitment, and perseverance.

To Ric and his wife Patti, God speed and enjoy a well-deserved retirement.

The United States Army will miss you and so will we.

HEALTH CARE BENEFITS FOR FILIPINO VETERANS

HON. ROB SIMMONS
OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. SIMMONS. Mr. Speaker, today I am introducing a bill that would provide the Filipino veterans of World War II who now live in the United States health care benefits on the same basis as if they were veterans of the U.S. armed services.

This legislation would require the Secretary of Veteran Affairs, within the limits of the Department's facilities, to provide hospital, nursing home and medical care services to certain Filipino World War II veterans of the Philippines Commonwealth Army and former Philippine New Scouts who legally reside in the United States, in the same manner as their American veteran peers.

The substance of this bill was included in the Veterans Health Care and Procurement Improvement Act of 2002 that passed the House last year, but failed to clear the other Body. I thank the President for his leadership and acknowledgement of the importance of addressing the health care issues of the Filipino veterans by recently requesting the introduction and prompt consideration of similar legislation this Congress. I also acknowledge the advocacy of my colleague from California, Mr. FILNER, who for years has kept this issue before the House as a matter of equity and recognition for an important allied force during a time of crisis for our Nation.

Currently, Commonwealth Army veterans residing in the U.S. are only eligible for VA health care services for treatment of service-connected disabilities and for non-service-connected disabilities if they are in receipt of certain compensation. My bill would remove these barriers to treatment of veterans of World War II who are of Filipino descent by eliminating the receipt-of-compensation requirement for Commonwealth Army veterans and extending to new Philippine Scouts the same eligibility for medical care and services as Commonwealth Army veterans. Commonwealth Army veterans and new Philippine Scouts would be subject to the same eligibility and means test requirements as their American counterparts.

The military forces of the Commonwealth of the Philippines were called into the United States Armed Forces during World War II by President Roosevelt's Executive Order. Under the Command of General MacArthur, the Filipino soldiers served side-by-side with forces from the United States and exhibited great courage at the Battle of Bataan and Corregidor. The participation of the Filipino forces delayed and disrupted the initial Japanese effort to control the Western Pacific and was vital to giving the U.S. time to prepare the forces necessary to defeat Japan.

When the United States granted independence to the Philippines, Congress passed the Rescission Act of 1946, reducing or eliminating many of the veterans' benefits for which Filipino veterans had been eligible, based on service in the Commonwealth Army. The reclassification of their service to the United States during World War II by the Rescissions Act unfortunately left many Filipino veterans residing in the United States with eligibility for health care.

It is due time that these Filipino veterans are given the health care benefits they have been waiting more than 50 years to receive. I urge all my colleagues to join me in cosponsoring this bill, one that recognizes our Nation's moral obligation to extend VA health care services to the approximately 14,000 Filipino veterans who served with their senior years here in the United States.

...
summer, USAI declared its intention to buy the outstanding shares of its key subsidiaries, Expedia and Hotels.com, but it did not have the money to do it. Soon USAI will introduce loyalty incentive programs for people using its various e-commerce services. Diller said the first incarnation, USAI’s new points-based rewards system, will debut later this year or early next. He added that he has no plans to create an overarching Internet network like its competitors, such as AOL. Instead, he wants to make relationships with local natural law dictates they make sense.

AOL and Time Warner, of course, hyped ‘synergies’ among their many brands when the two companies merged three years ago. Diller said the big lesson he learned from watching that merger flop was not to short-change his Internet products but to keep improving them. “They took care of everything but the product itself and paid a terrible price for it,” Diller said of AOL.

But USAI will exploit natural connections, he added, such as cross-linking among its Web sites and pursuing other cross-marketing opportunities. For instance, Evite.com, a free e-mail service owned by USAI, already rotates banners ads on its online personals site, Match.com, and the Entertainment book. You can imagine its Citysearch’s online city guides linking prominently to LendingTree’s real estate service, or Hotels.com offering local event tickets from Ticketmaster when people book service, or Hotels.com offering local event tickets from Ticketmaster when people book.

Whatever Diller wants by calling his many-headed Internet beast, it’s a good bet it will grow up to be one of the surviving giants of the dot-com jungle.

PERSONAL EXPLANATION

HON. HENRY E. BROWN JR.
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. BROWN of South Carolina. Mr. Speaker, I was unable to participate in the following votes because of a death in the family. If I had been present, I would have voted as follows:

June 3, 2003: Roll call vote 236, on agreeing to H. Res. 257, I would have voted ‘yea’;
Roll call vote 237, on motion to suspend the rules and agreeing to H. Con. Res. 177, I would have voted ‘yea’;
Roll call vote 228, on motion to suspend the rules and agreeing to H. Res. 201, I would have voted ‘yea’; and
Also on June 4, 2003—Roll call vote 239, on motion to suspend the rules and pass H.R. 1554, I would have voted ‘yea.’

HONORING SHILOH BAPTIST CHURCH

HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Ms. LEE. Mr. Speaker, Mr. STARK and I rise today to honor Shiloh Baptist Church of Hayward, California and its pastor, Reverend Jesse L. Davis, Sr. on the 35th Anniversary of its founding.

On September 5, 1968, a small group of Christians met at the home of Emmett & Ber-
Not only is the event to be recognized for its contributions to local charities, but also for its promotion of community spirit and vitality. This event brings people from all backgrounds in the community together in support of local organizations. Wisconsinites are given the chance to interact with “celebrity” cashiers. Every year as a cashier I truly enjoy gathering with my constituents at Brat Fest, serving up brats, and making sure no one leaves hungry.

This form of positive community building is commendable and deserves recognition. I look forward to future Memorial Day Brat Fests and the service that they provide for the community.

TRIBUTE TO THE HONORABLE PETER RODINO ON HIS BIRTHDAY

HON. DONALD M. PAYNE
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. PAYNE. Mr. Speaker, it gives me great pleasure to honor my predecessor and one of the most outstanding members ever to serve in this body, the Honorable Peter Rodino, as he celebrates his 94th birthday on June 7th.

As Chairman of the House Judiciary Committee from the 93rd through the 100th Congress, former Representative Rodino set a standard for excellence which earned him a national reputation. While he is best known for presiding over the Watergate hearings with fairness, decorum, and a respect for history, he also had many other legislative accomplishments during his 40 years of service in the U.S. House of Representatives. He managed the historic 1966 Civil Rights Bill on the floor of the House. He was the author of the 1982 Voting Rights Act Extension and a leader in the successful effort to make Dr. Martin Luther King’s birthday a national holiday.

Chairman Rodino has been honored with numerous international, national and local awards, including Pope John Paul II’s Pro Ecclesia et Pontifice Award; the Democratic Council on Ethnic Americans’ Democratic Ethnic Heritage Award for Leadership, and the Rutgers University Award. He has received honorary degrees from more than 15 colleges and universities, including Seton Hall, Princeton, Rutgers and Fairleigh Dickinson. He joined the Seton Hall Law School faculty in 1988.

Along with many others, as a youngster growing up and as a college student, I was inspired by Peter Rodino to enter public service. Many of us followed his work in Congress with great pride and admiration for his integrity and willingness to stand up for what was right. I was proud that he served as Chairman of a reception held in my honor during my reelection campaign for county office in 1976 at my alma mater, Seton Hall University.

It has been a privilege for me to serve in the Congressional seat once held by Representative Rodino. I am always aware that I have big shoes to fill in replacing such a legendary public servant.

I know that my colleagues here in the U.S. House of Representatives join me in sending best wishes for continued health and happiness to Chairman Rodino on his birthday.

TRIBUTE TO JOANNE CARLIN

HON. SHERROD BROWN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. BROWN of Ohio. Mr. Speaker, it is my privilege to pay tribute to the life of Joanne Carlin, a lifelong resident of the Cleveland area, who died on May 14 after a courageous battle against cancer.

Joanne’s giving spirit was shaped by her experiences growing up in Cleveland’s Tremont area. A product of St. Augustine Catholic School, she eventually moved to Garfield Heights, where she graduated from high school.

Joanne owned and operated a beauty salon on Cleveland’s west side. Her former customers praised her as a loyal and generous person.

She later sold her business and moved to Medina County to become a full-time homemaker. An excellent cook, Joanne enriched the lives of her family and friends as the consummate hostess during family gatherings and holidays.

Our hearts go out to her husband and best friend, James; her four stepchildren and three stepgrandchildren; and legions of family and friends who recall the memories of these gatherings and the tremendous influence Joanne had in their lives.

HONORING THE GREECE LITTLE LEAGUE ON ITS 50TH ANNIVERSARY

HON. THOMAS M. REYNOLDS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. REYNOLDS. Mr. Speaker, it is with great pleasure that I rise to pay tribute to the Greece Little League of Greece, New York, on the occasion of its 50th Anniversary.

Baseball has been America’s pastime for over a century: a source of recreation and enjoyment for young and old alike.

Fifty years ago, the Greece Little League was created to serve young boys and girls in the Greece Community. Today, the League serves 1,200 children and 1,000 families, and has extended its services to include softball and the Challenger Program, which allows physically and mentally challenged children to compete. The league provides a positive environment and a tremendous recreational opportunity for children of all ages and abilities.

Over the last half-century, America’s pastime has been shared and enjoyed by many in the Town of Greece, thanks to the Greece Little League.

Mr. Speaker, I ask that this Congress join me in saluting the Greece Little League as it marks its 50th Anniversary.

TRIBUTE TO ERIE MAE BENDROSS: THE PEOPLE’S ADVOCATE

HON. KENDRICK B. MEEK
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. MEEK of Florida. Mr. Speaker, I want to bring to the attention of my colleagues the passing of Ms. Erie Mae Bendross, a compassionate, caring and tireless community activist who passed away last Saturday, May 31st.

Ms. Bendross was a native of Miami and long-time resident of the Liberty City and Wynwood neighborhoods. She attended Tuskegee University in Alabama and worked as a dietician in many area hospitals. She was also a devoted choir member at St. Luke’s Missionary Baptist Church. But it was in community action where her talents truly shown.

Erie Mae Bendross leaves behind a legacy of achievement and inspiration, for she is an example of what caring and commitment can accomplish. Only three years ago, Ms. Bendross joined the community-based organization LIFTF, Low Income Families Fighting Together, a grassroots organization of public housing residents, low-wage workers and welfare recipients. She quickly became a leader of the organization.

As a resident of the Liberty Square public housing development, she first became active in the fight to ensure affordable and decent housing opportunities for all people, regardless of their incomes.

Ms. Bendross firmly believed in the power of organization. In 2001, Bendross played a key role in saving Liberty Square Homes, or the Pork and Beans, from demolition and the displacement of hundreds of families. Her organization also exposed the county’s public housing vacancies crisis as well as improved the living conditions of elderly public housing developments. Most importantly, she played a key role in developing other leaders in the community to build the organization and continue the struggle against racism and poverty.

Ms. Bendross dedicated herself to the fight against poverty and discrimination locally, nationally and internationally. Through her work in LIFTF and in association with several other organizations, including the Community Coalition to Fix HOPE VI, including the ACLU of Miami, NAACP, African American Council of Christian Clergy, Miami-Dade Black Affairs Advisory Board and other civil rights organizations. As a LIFTF leader, she supported the work of the Haitian Women of Miami, Miami Peace Coalition, Coalition of Immokalee Farmworkers, Brothers of the Same Mind, and countless other social justice movements in the county.

Nationally, Ms. Bendross worked with other low-income, community-based grassroots organizations and leaders in California and Washington, DC on issues of fair trade, jobs and income supports for low-wage workers, opposing the war, fighting budget cuts, and the unethical treatment of workers. Her work on low income housing was widely recognized. Internationally, in January, Ms. Bendross represented LIFTF as part of the United States delegation to World Social Forum in Porto Alegre, Brazil.

Our community is better for the efforts of Erie Mae Bendross. She is survived by her mother, Martha Bendross, her brother, Willie...
that would provide tax cuts of $93,500 to the 200,000 taxpayers making over $1 million. Fifty three percent of all taxpayers would get less than $100 under the GOP law. Here is another example of the Administration choosing the wealthiest over America’s working families.

What is even more egregious is that the Administration chose not to provide or increase the child tax credit to working families making between $10,500 to $26,625 per year. Mr. Speaker, Republicans in the Senate dropped a provision, added by Senator Lincoln, that would have helped nearly 12 million children and their families get a tax credit. Out of that 12 million, a staggering 8 million receive no child tax credit under the GOP law.

Mr. Speaker, their plan in no way, shape or form protects the children that need it the most. Instead, their plan deliberately excludes these children. In actuality, the Republican plan should be called the “Plan to Leave Children Behind.”

This is why I urge my colleagues to support H.R. 2286, the Rangel-Davis-DeLauro bill. I am proud to be a co-sponsor of this bill. This is a great start to repairing the damage inflicted by the Administration’s reckless and negligent tax package. H.R. 2286 would restore the child tax credit to families making under $40,000 and provide greater tax relief to working families. Nineteen million children and their families will benefit from this bill. In fact, over 2 million children in my home state of Texas would benefit under Rangel plan.

In addition to the child tax credit, H.R. 2286 would create more jobs. The provisions in this bill are key elements of the House Jobs and Economic Growth package and will create more than 1 million jobs without adding one penny to the deficit. Lastly, this bill has key elements that would ensure our brave men and women in uniform are not denied tax relief just because they are on active duty.

Mr. Speaker, I urge my colleagues to support H.R. 2286—this tax plan is fair—it helps: America’s economy, America’s men and women in uniform and America’s working families. Most importantly, this child tax credit helps America’s children by leaving no child behind.

THE INCLUSIVE HOME DESIGN ACT

HON. JANICE D. SCHAKOWSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Ms. SCHAKOWSKY. Mr. Speaker, I am pleased to announce that today I am reintroducing the Inclusive Home Design Act. I want to thank my colleagues BARBARA LEE and LOUISE SLAUGHTER for joining me today as original cosponsors of this legislation. I hope that all of my colleagues on both sides of the aisle will join us. I also want to thank my friend Marcia Bristow of Access Living for her dedication and outstanding leadership. Finally, I want to thank my colleagues and community leaders who worked with me to craft this legislation. The Inclusive Home Design Act will greatly increase the number of homes that are accessible to people with disabilities. It is supported by the Paralyzed Veterans of America and countless other national and local disabilities rights organizations.

The Inclusive Home Design Act requires all newly-built single family homes receiving federal funds to meet three specific standards: an accessible route, or “zero step,” into the home, “32” clearance doorways on the main level, and one wheelchair accessible bathroom. These nationally mandated standards for homes built with federal dollars will close a major loophole in our current housing laws.

Under current law, 95 percent of federally supported homes do not have to meet any accessibility standard. This creates unnecessary barriers for disabled veterans and other people with mobility impairments. It defies logic to build new homes that block people out when it’s so easy and cheap to build new homes that let people in. Many states and localities have already incorporated visitability standards into home building codes.

The proposed legislation is based on the concept of Visitability, an affordable, sustainable and inclusive design approach for integrating basic accessibility features into all newly built homes and housing. Architects and builders will have latitude in how they comply with the act. For example, the zero step entrance can be placed at the front, back or side of the home. The accessible route can even go through an attached garage.

When homes are accessible, it benefits not only today’s disability community, but also all of us who are friends and family members of people with disabilities. Often, the prohibitive cost of making an existing home accessible deprives seniors of their independence and pushes them into nursing homes. It generally costs thousands of dollars for a homeowner to retrofit their home. However, on average experts estimate that it only costs $300 to $400 to add visitability features into a new home. In addition, the zero step entrance requirement can be waived if the terrain makes compliance impractical.

By making new homes accessible, we guarantee that many seniors can age at home instead of moving into expensive assisted living facilities. This will save taxpayer money and it will help improve the quality of life for our senior citizens. As the population becomes older, this will become more important. Fifty-eight percent of people over eighty years old suffer from physical impairments. In 2000, there were 30.5 million people between 65–84 years old. This number will grow to 47 million by 2050. Today, over 4.3 million individuals are over 85. By 2050, this number is projected to grow to 6.8 million. There is no question that the Inclusive Home Design Act will enable many of our seniors to remain at home.

Homes that meet visitability standards are essential for people with disabilities and seniors because 30% of older people will face a disability before they are 67, practical, and cost effective. I am looking forward to working with my colleagues to pass this legislation, the Inclusive Home Design Act, into law.
Mr. REGULA. Mr. Speaker, I rise today to recognize Connie Veillette for her 20 years of dedicated public service in my Washington, D.C. office and to the people of Ohio's 16th Congressional district.

Connie began her career in my office just after completion of her college degree from Ohio University in 1982. Over the next 20 years, she became a vital member of my office staff, handling policy issues as diverse as foreign affairs and transportation. Connie also served as a key staff person handling Appropriations Subcommittee work in my office. Over the past 10 years, Connie has served as my Chief of Staff. In this role she managed the Washington office and oversaw the District offices, she acted as my principal policy advisor and continued to advise me on foreign policy matters, she served as my press secretary, and coordinated all Ohio Delegation matters. During her tenure in my office I have valued her excellent management skills and relied on her good judgment with regard to policy and political matters.

During her tenure in my office, Connie also served as the Congressional manager of the Congress-Bundestag exchange, a 20 year program that promotes greater understanding of the U.S. legislative process and the German parliamentary system. This vital exchange program has allowed hundreds of Congressional staffers to visit Germany and hundreds of German Parliamentary staff to visit the U.S. The program has allowed participants to gain insights into our different political systems and to develop personal and professional relationships that benefit both nations. Throughout her service in my office, Connie pursued her higher education goals, completing both a Master's Degree and most recently completing course work toward her Ph.D. in Political Science from the George Washington University. We were very proud of her achievements.

Dr. Nurnberger was appointed to the position of Executive Director of the organization “Bridging for Peace” to assist the Arab-Israeli peace process. Also an accomplished writer, his articles have appeared in The Washington Post, The Washington Times, Christian Science Monitor, Baltimore Sun and numerous journals.

Mr. Speaker, I ask that we here in the U.S. House of Representatives join Georgetown University in commending Dr. Ralph Nurnberger for his excellence in teaching and congratulate him on receiving such a prestigious award.

Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Thursday, June 5, 2003, to vote on Roll Call Vote Numbers 243, 244, 245, 246, 247, and 248 due to a family medical emergency.

Had I been present, I would have voted: NO on Roll Call Vote Number 243 on Ordering the Previous Question on H. Res. 256, Providing for consideration of the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes;

NO on Roll Call Vote Number 244 on Ordering the Previous Question on H. Res. 258, providing for consideration of the bill (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes, and for consideration of the bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes;

AYE on Roll Call Vote Number 245 on H. Res. 258, providing for consideration of the bill (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes, and for consideration of the bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes;

AYE on Roll Call Vote Number 246 on H. R. 1474, Check Clearing for the 21st Century Act;

AYE on Roll Call Vote Number 247 on S. 222, Zuni Indian Tribe Water Rights Settlement Act of 2003; and

AYE on Roll Call Vote Number 248 on S. 273—Grand Teton National Park Land Exchange Act.
TRIBUTE TO IMMANUEL UNITED METHODIST CHURCH

HON. SANDER M. LEVIN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. LEVIN. Mr. Speaker, I rise today to recognize the designation of Immanuel United Methodist Church in Roseville, Michigan as a Michigan Historical Site. The site will be dedicated on Sunday, June 8, 2003, when the Michigan Historical Marker is officially unveiled at the church.

The criteria for becoming a Michigan Historical Site are strict. A site must possess integrity of location, design, materials, and workmanship. Additionally, a property’s historical significance must reflect the distinctive characteristics of a type, period, or method of construction.

The Immanuel United Methodist congregation has continuously ministered to this community for over 153 years. The congregation was established in November 1849 and moved to its present location in 1933. This Neo-Gothic sandstone church was designed by Merritt and Cole of Detroit and was dedicated on November 5, 1933.

Many changes and improvement have been made to the church over the years. A thirteen-room educational unit was added in 1956, and the existing rooms were refurbished to create a beautiful new church parlor. The church was also renovated in 1997 to include facilities for the physically handicapped. The new structure addition was named Peace Memorial Lobby in honor of the merger of Peace United Methodist Church with Immanuel in 1996.

Mr. Speaker, I ask my colleagues to join me in congratulating the leadership and the entire congregation at Immanuel United Methodist Church, as they celebrate this important designation as a Michigan Historical Site.

CONDEMNING THE ATTACKS AGAINST AUNG SAN SUU

HON. SHERRID BROWN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. BROWN of Ohio. Mr. Speaker, I condemn the attacks by Burma’s brutal military regime against 1991 Nobel Peace Prize recipient Aung San Suu Kyi (Chee) and her party, the National League for Democracy.

The NLD and its members are the rightfully elected leaders of Burma. For 13 years the military rulers of Burma have suppressed their people and ignored the results of the 1990 elections.

Burma’s military regime must not be permitted to attack, murder, imprison, and torture its people with impunity.

Now is the time for the United States to increase pressure against this regime. Now is the time for Congress and the administration to ban imports from Burma and freeze their assets.

I am disappointed in the silence of the Asia Bureau at the U.S. State Department over the past month.

While human rights groups have sought to bring to their attention the need to increase pressure on this regime, the Bureau has done nothing.

Now Miss Kyi (Chee) is once again being illegally detained against her will, “for her own protection,” as the military has termed it. The Asia Bureau sticks to its indefensible position of doing nothing.

Now is the time for Congress to act.

FULLY FUND THE NO CHILD LEFT BEHIND ACT

HON. BOB ETHERIDGE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. ETHERIDGE. Mr. Speaker, I rise today to introduce legislation to right a terrible wrong that has been perpetrated on our schools and our children in this country.

Last Congress, we passed and the President signed into law, the No Child Left Behind Act (NCLB). I voted for that bill because the Administration promised historic new investments to facilitate education reforms and dramatically improve educational performance in this country.

Unfortunately, that promise has been broken. The Administration has refused to fund its own program and is cutting billions from NCLB. In this year’s budget request alone, the Administration is proposing to shortchange North Carolina by $8.7 billion. Over three years of the new law, the Administration cuts $20 billion from the funds that are needed to make NCLB work.

Without the promised federal funds, states and mostly localities will be forced to bear the brunt of these tough new requirements. In North Carolina and across the state, the state budget and those in our counties, towns and cities are in fiscal crisis. The administration’s education cuts to NCLB will cruelly punish our children by withholding funds needed to achieve these tough new requirements. And without the promised funding, NCLB will become a massive unfunded mandate on our local governments that could lead to higher property taxes, cuts in vital services like police, fire and rescue and roads. Or both.

Mr. Speaker, a promise is a promise and a deal is a deal. Because the Administration has demonstrated its unwillingness to live up to its side of the bargain and provide necessary funding, Congress should rescind its authority to implement the reforms until those funds are forthcoming.

Today, I am introducing legislation that I have been working on for several months to accomplish just that. My bill, the Fully Fund the Leave No Child Behind Act requires the federal government to fully fund NCLB or the requirements in the statute are suspended for the year in which full funds are not provided. My bill specifies Title I and Title II of NCLB, which deal with school assessments and teacher training requirements respectively. My bill does not apply to sections of NCLB on Limited English Proficient Education, 21st Century Schools, public school choice, Impact Aid and other important provisions.

Let me state that I continue to support the goals of NCLB. As the former Superintendent of North Carolina’s public schools, I have led the fight for standards based education reform in the state that I recognize this national leader in that effort. I want to make sure NCLB works so that every school in this country is a quality learning environment for our children. This legislation is an effort to hold the Administration’s feet to the fire to make sure that its record matches its rhetoric.

Mr. Speaker, Congress must ensure that the federal government honor its commitments to our nation’s children. I urge my colleagues to join me in support of this vital legislation.
CONGRATULATIONS DR. GARY E. JONES

HON. PETER J. VISCLOSKY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and honor that I congratulate Assistant Superintendent Dr. Gary E. Jones of the School City of Hammond on his retirement. Dr. Jones has made many distinguished contributions to the City of Hammond and all of Northwest Indiana during his 41 years of dedicated service.

Dr. Jones earned his bachelor's degree in education at Youngstown State University, and then went on to earn his master's degree and Doctorate in education from Indiana University, Bloomington. He began his career in education in 1962 as the Administrative Assistant to the Superintendent of Schools in the Geneva Area School System in Ohio. He has been involved as a principal in the Hammond School System from 1976 through 1986. His history of service to the education of our youth is apparent in all facets of his prestigious career.

Of the many outstanding accomplishments made by Dr. Jones, one of his proudest contributions has been the amazing vision of a robotics program that brought about the design of Team Hammond. Team Hammond has competed competitively at the US FIRST National Competition for the past several years. US FIRST is an organization dedicated to motivating America's youth about science, technology, and engineering through hands-on methods. The program involves a unique blend of problem solving and competition that prepares students for real world situations. Through his sincere and honorable service to the students of Hammond, Dr. Jones has been a guiding light to the Northwest Indiana community.

Dr. Jones has not only served his community through his educational accomplishments, but he has also positively contributed in other ways by being a dedicated member of various community service organizations such as the Woodmar Kiwanis Club, the Hammond Board of Health, the Public Improvements Task Force, and Lake Area United Way to name just a few. He is also a ten-year member of the PTA Executive Committee and has received the PTA National Life Membership Award, which was presented to him by the Hammond Council of PTA's. He has received many awards that exemplify his dedication and leadership to the Hammond community. He is a member of the Indiana Congress of Parents and Teachers, as well as a recipient of the Outstanding Volunteer Service Award. Mr. Speaker, Dr. Jones has contributed graciously to not only the youth of Hammond, but also to the entire Northwest Indiana community. His dedication and devotion to the youth of our nation is a goal we should all strive to achieve. I respectively ask that you and my other distinguished colleagues join me in congratulating Dr. Jones on his retirement. His valiant effort to educate the youth of Northwest Indiana is most commendable, and will be truly remembered.

IN MEMORY OF MICHAEL J. HANDY

HON. VITO FOSELLA
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. FOSELLA. Mr. Speaker, earlier this week New York City suffered a blow with the untimely death of Mike Handy. He leaves behind his wife, Edna Wells-Handy, and four daughters. He was 55.

Mike served as Director of Veterans Affairs for New York City, a position he held under Mayors Ed Koch, David Dinkins, Rudy Giuliani and Mike Bloomberg. Professionally he had earned a great deal of respect, but it was his personal dealings with veterans, colleagues and friends that had earned him so much love. He will be very much missed.

A veteran of Vietnam, he served as a “Quick Reaction Team” leader (with a rank of E-5) and was a .50 Caliber Machine Gun Instructor at Phu Cat.

He was active in veterans affairs for nearly 30 years, acquiring more than 50 honors and awards from city, State and Federal levels. He was a member of the American Legion, the Catholic War Veterans, the Navy League, an honorary member of the New York Society of Military & Naval Officers, and a member of the Veteran Corps of Artillery.

Mike led New York City’s fight to save the Times Square Recruiting Station and then chaired a City/Army Corps of Engineers Task Force to facilitate its renovation.

In 1991, he was appointed to the Operation Welcome Home Commission, which organized what was at the time the largest Ticker Tape Parade in the city’s history. In 1995, he was the Mayor’s representative for the “Nation’s Parade” NYC tribute to the 50th anniversary of World War II. He was the Mayor’s representative for seven of thirteen “Fleet Week” celebrations in New York City.

Without fanfare, Mike helped thousands of veterans. He did this not for credit but to help his comrades-in-arms who were in need. His is a loss not only for New York, but for the Nation as well. He will be missed.

ALL AMERICAN CITY AWARD

HON. DAVE WELDON
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 5, 2003

Mr. WELDON of Florida. Mr. Speaker, I rise today to congratulate the residents of Palm Bay, Florida. Since 1949 the National Civic League has recognized great American cities from across the Nation. Palm Bay is among the 30 finalists that will compete for the title of “All American City.”

An All American City is a city that has addressed community issues through the strong collaborative efforts of its citizens. It is no surprise to me that Palm Bay, my hometown for many years, has been selected as a finalist for this honor.

During the 1980s, Palm Bay’s population more than tripled from just 18,560 to 62,540. Then in the early ’90s the General Development Corporation declared bankruptcy. Although this could have had a stagnating effect on city development, Palm Bay’s grassroots rose to the occasion. Deteriorating infrastructure and poorly groomed public areas have been replaced by better roads, new parks and recreation areas, a community pool, the renewal of the U.S. 1 corridor and the continued efforts of “Keep Brevard Beautiful” and the Marine Resources Council.

The All American City competition specifically seeks cities in which key civic projects are community and citizen driven. Palm Bay certainly has an abundance of community-driven projects and organizations. These include the Volunteer Citizen Observer Program started in 1995 and the more than 100 Palm Bay Citizens who dedicate their time who assist the Palm Bay police force as volunteers.

Next week nearly 100 residents of Florida’s 15th district will travel here to Washington, DC to compete for the 54th Annual “All American City” Award. City employees, elected officials, activists, pastors, school children and other Palm Bay citizens will have an opportunity to share just a small piece of Palm Bay with the National Civic League. I commend the city and its citizens for all of the hard work that has made Palm Bay the wonderful place that it is today. I wish these delegates the best as they represent all of the great Floridians living in Palm Bay.
HIGHLIGHTS

Senate passed H.R. 1308, Child Tax Credit.
House agreed to H. Con. Res. 190, to establish a Joint Committee to Review House and Senate Rules Pertaining to the Continuity of Congress.

Senate

Chamber Action

Routine Proceedings, pages S7417–S7509

Measures Introduced: Eighteen bills and two resolutions were introduced, as follows: S. 1188–1205, and S. Res. 160–161.

Measures Reported:

S. Res. 116, commemorating the life, achievements, and contributions of Al Lerner.

Measures Passed:

Child Tax Credit: Senate passed H.R. 1308, to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, after agreeing to the following amendments proposed thereto:

- Grassley Amendment No. 862, in the nature of a substitute. Pages S7449–56
- Grassley/Lincoln Amendment No. 863, to amend the title. Page S7459

Senate insisted on its amendments, requested a conference with the House of Representatives thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Grassley, Nickles, Lott, Baucus, and Lincoln.

Commemorating the Life of Al Lerner: Senate agreed to S. Res. 116, commemorating the life, achievements, and contributions of Al Lerner.

Commending Clemson University Men’s Golf Team: Senate agreed to S. Res. 161, commending the Clemson University Tigers men’s golf team for winning the 2003 National Collegiate Athletic Association Division I Men’s Golf Championship.

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:

- Boxer Amendment No. 854 (to Amendment No. 850), to promote the use of cellulosic biomass ethanol derived from agricultural residue. Pages S7421–49, S7459–62
- By 68 yeas to 28 nays (Vote No. 209), 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.

- Domenici (for Bingaman) Amendment No. 860 (to Amendment No. 840), to reauthorize LIHEAP, weatherization assistance, and State energy programs.

- Domenici/Bingaman Amendment No. 840, to reauthorize Low-Income Home Energy Assistance Program (LIHEAP), weatherization assistance, and State energy programs.

- Rejected:

- By 26 yeas to 69 nays (Vote No. 207), 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.
By 38 yeas to 57 nays (Vote No. 208), Boxer Amendment No. 856 (to Amendment No. 850), to provide for equal liability treatment of vehicle fuels and fuel additives. Pages S7423–32, S7443–44

Withdrawn:
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. Pages S7448–49

Pending:
Campbell/Domenici Amendment No. 864, to replace “tribal consortia” with “tribal energy resource development organizations”. Pages S7459–62

A unanimous-consent-time agreement was reached providing that on Tuesday, June 10, 2003, when the Senate considers the Wyden/Sununu amendment relative to commercial nuclear power plants, there be 2 hours equally divided; that no amendments to the amendment or the language proposed to be stricken be in order prior to the vote on or in relation to the amendment; and that the amendment remain debatable and amendable, if not disposed of.

A unanimous-consent agreement was reached providing for further consideration of the bill at 1 p.m., on Monday, June 9, 2003. Page S7509

Nomination—Agreement: A unanimous-consent-time agreement was reached providing for consideration of the nomination of Michael Chertoff, of New Jersey, to be United States Circuit Judge for the Third Circuit at 5:15 p.m., on Monday, June 9, 2003, with 30 minutes of debate, to be followed by a vote on confirmation of the nomination to occur at 5:45 p.m. Page S7507

Nominations Confirmed: Senate confirmed the following nominations: Peter D. Keisler, of Maryland, to be an Assistant Attorney General. Page S7509

Nominations Received: Senate received the following nominations: Karin J. Immergut, of Oregon, to be United States Attorney for the District of Oregon for the term of four years. Lance Robert Olson, of Iowa, to be United States Marshal for the Northern District of Iowa for the term of four years.

1 Navy nomination in the rank of admiral.
Routine lists in the Air Force, Army, Coast Guard. Page S7509

Messages From the House: Page S7474

Measures Referred: Page S7474

Executive Communications: Pages S7474–76

Executive Reports of Committees: Page S7476

Additional Cosponsors: Pages S7477–78

Statements on Introduced Bills/Resolutions: Pages S7478–97

Additional Statements: Pages S7472–73

Amendments Submitted: Pages S7497–S7506

Authority for Committees to Meet: Pages S7506–07

Privilege of the Floor: Page S7507

Record Votes: Four record votes were taken today. (Total—210) Pages S7443, S7443–44, S7447, S7456

Adjournment: Senate met at 9:50 a.m., and adjourned at 7:47 p.m., until 12 noon, on Monday, June 9, 2003. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S7509.)

Committee Meetings
(Committees not listed did not meet)

APPROPRIATIONS: FOREIGN OPERATIONS
Committee on Appropriations: Subcommittee on Foreign Operations concluded hearings to examine proposed budget estimates for fiscal year 2004 for foreign operations, after receiving testimony from Andrew S. Natsios, Administrator, United States Agency for International Development.

AUTHORIZATION—DEFENSE PRODUCTION ACT
Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine proposed legislation authorizing funds for the Defense Production Act, focusing on its role in helping to obtain the goods and services needed to promote the national defense, after receiving testimony from Ronald M. Sega, Director, Defense Research and Engineering, and Suzanne D. Patrick, Deputy Under Secretary for Industrial Policy, both of the Department of Defense; Karan K. Bhatia, Deputy Under Secretary of Commerce for Industry and Security; R. David Paulison, Director, Preparedness Division, Emergency Preparedness and Response Directorate, Department of Homeland Security; and Denise Swink, Acting Director, Office of Energy Assurance, Department of Energy.

INTERCITY PASSENGER RAIL FINANCE
Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine concluded hearings to examine intercity passenger rail finance, focusing on existing and future Amtrak services, government and freight railroad subsidization, and a separate and sealed future high-
speed passenger rail corridor, after receiving testimony from Allan Rutter, Administrator, Federal Railroad Administration, Department of Transportation; Jeff Morales, California Department of Transportation, Sacramento; Robert Serlin, Rail Infrastructure Management, Phoenixville, Pennsylvania; Sonny Thorning, Transportation Trades Department, (AFL–CIO), on behalf of the Transport Workers Union of America, and Edward R. Hamberger, Association of American Railroads, both of Washington, D.C.; and James Query, Lehman Brothers, Philadelphia, Pennsylvania.

**TITLE XI MARITIME LOAN GUARANTEE PROGRAM**

**Committee on Commerce, Science, and Transportation:** Committee concluded hearings on reform of the Title XI Maritime Loan Guarantee Program, which authorizes the Maritime Administration (MARAD) to assist private companies in obtaining financing for the U.S. construction of vessels or the modernization of U.S. shipyards, after receiving testimony from William G. Schubert, Administrator, Maritime Administration, and Kenneth M. Mead, Inspector General, both of the Department of Transportation; and Thomas J. McCool, Managing Director, Financial Markets and Community Investment, General Accounting Office.

**CLEAR SKIES ACT**

**Committee on Environment and Public Works:** Subcommittee on Clean Air, Climate Change, and Nuclear Safety concluded hearings to examine S. 485, to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program, focusing on emissions-control technologies and utility-sector investment issues, after receiving testimony from Randall S. Kroszner, Member Council of Economic Advisers; Larry S. Monroe, Southern Company, on behalf of Edison Electric Institute, and Margo Thorning, American Council for Capital Formation, both of Washington, D.C.; Steve Benson, University of North Dakota Energy and Environment Center, Grand Forks; Richard Bucher, W.L. Gore and Associates, Inc., Newark, Delaware; Denise L. Nappier, Connecticut State Treasurer, Hartford; Wes Taylor, TXU Energy North America, Dallas, Texas; Jim McGinnis, Morgan Stanley, New York, New York; Douglas G. Cogan, Investor Responsibility Research Center, Washington, D.C.; and Mark S. Brownstein, Enterprise Strategy, Newark, New Jersey, on behalf of the Public Service Enterprise Group and Clean Energy Group.

**BUSINESS MEETING**

**Committee on Finance:** Committee met and approved a proposal to extend expenditure authority for the aviation trust fund through September 30, 2006, and conform the expenditure purposes to include those obligations of the United States authorized by S. 824, Aviation Investment and Revitalization Vision Act (pending on Senate calendar).

**NORTH KOREA**

**Committee on Foreign Relations:** Subcommittee on East Asian and Pacific Affairs concluded hearings to examine the human rights situation in North Korea, focusing on social and religious control, access to food and health care, political prisoners, prison, and labor camps, after receiving testimony from Andrew S. Natsios, Administrator, U.S. Agency for International Development; Debra Liang-Fenton, U.S. Committee for Human Rights in North Korea, and Marcus Noland, Institute for International Economics, both of Washington, D.C.; Kongdon Oh Hassig, Institute for Defense Analysis, Alexandria, Virginia; Stephen W. Linton, Eugene Bell Foundation, Clarks-ville, Maryland; and Hae Nam Ji, North Korea.

**Nominations:**

**Committee on Governmental Affairs:** Committee concluded hearings to examine the nominations: of C. Stewart Verdery, Jr., of Virginia, to be Assistant Secretary for Policy and Planning, Border and Transportation Security Directorate, and Michael J. Garcia, of New York, to be Assistant Secretary for the Bureau of Immigration and Customs Enforcement, both of the Department of Homeland Security, after each nominee testified and answered questions in their own behalf.

**TRIBAL FISH AND WILDLIFE MANAGEMENT PROGRAMS**

**Committee on Indian Affairs:** On June 4, 2003, Committee concluded oversight hearings to examine the status of tribal fish and wildlife management programs across Indian country, focusing on efforts of tribal governments to preserve and protect fish and wildlife resources, after receiving testimony from D. Robert Lohn, Regional Administrator, Northwest Region, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce; Hannibal Bolton, Chief, Division of Fish and Wildlife Management and Habitat Restoration, Fisheries and Habitat Conservation, U.S. Fish and Wildlife Service, Department of the Interior; J. Mark Robinson, Director, Office of Energy Projects, Federal Energy Regulatory Commission, and Steven Wright, Administrator, Bonneville Power Administration, both of the Department of Energy;
Jim Wells, Director, Natural Resources and Environment Team, General Accounting Office; Olney Patt, Jr., Columbia River Inter-Tribal Fish, Portland, Oregon; Charles Wilkinson, University of Colorado School of Law, Boulder; Bill Frank, Jr., Northwest Indian Fisheries Commission, and Jim Anderson, Northwest Indian Fisheries Commission, both of Olympia, Washington; Dave Hererra, Skokomish Tribe, Shelton, Washington; Mel Moon, Quileute Tribe, Forks, Washington; Gary Aitken, Sr., Kootenai Tribe of Idaho, Spokane, Washington; and Terry Gibson, Shoshone Paiute Tribes of the Duck Valley Reservation, Owyhee, Nevada.

ASBESTOS LITIGATION
Committee on the Judiciary: On June 4, 2003, Committee concluded hearings to examine S. 1125, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, after receiving testimony from Senators Hagel and Murray; Laurence H. Tribe, Harvard University Law School, Cambridge, Massachusetts; James D. Crapo, National Jewish Medical Research Center, Denver, Colorado; Laura Stewart Welch, Center to Protect Workers Rights, Silver Spring, Maryland; John E. Parker, University of West Virginia Department of Medicine, Morgantown, West Virginia; Mark A. Peterson, Legal Analysis Systems, Thousand Oaks, California; Fred Dunbar, National Economic Research Associates, and Robert Hartwig, Insurance Information Institute, both of New York, New York; Eric D. Green, Boston University School of Law, Boston, Massachusetts; and Jennifer L. Biggs, Tillinghast-Towers Perrin, St. Louis, Missouri.

BUSINESS MEETING
Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. Res. 116, commemorating the life, achievements, and contributions of Al Lerner; and

The nominations of Richard C. Wesley, of New York, to be United States Circuit Judge for the Second Circuit, J. Ronnie Greer, to be United States District Judge for the Eastern District of Tennessee, 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, and 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, and Harlon Eugene Costner, to be United States Marshal for the Middle District of North Carolina, all of the Department of Justice.

House of Representatives

Chamber Action

Measures Introduced: 47 public bills, H.R. 2344–2390; and 6 resolutions, H. Con. Res. 208–211, and H. Res. 260, 261, were introduced.

Pages H5042–45

Additional Cosponsors:

Pages H5045–46

Reports Filed: No reports were filed today.

Guest Chaplain: The prayer was offered by the Very Rev. Ernesto Medina, Provost, Episcopal Cathedral Center of St. Paul, Los Angeles, California.

Page H4981

Member Sworn—Nineteenth Congressional District of Texas: Representative-elect Randy Neugebauer presented himself in the well of the House and was administered the Oath of Office by the Speaker. Earlier the Majority Leader asked unanimous consent that the Oath of Office be administered today after the Clerk of the House transmitted the unofficial results of the Special Runoff Election held on Tuesday, June 3 from Ann McGeehan, Director of Elections, State of Texas.

Page H4982

Check Clearing for the 21st Century—Check 21 Act: The House passed H.R. 1474, to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation’s payments system by yea-and-nay vote of 405 yeas with none voting “nay”, Roll No. 246.

Pages H4985–H5005, H5022

Pursuant to the rule the Committee on Financial Services amendment in the nature of a substitute now printed in the bill (H. Rept. 108–132) was considered as an original bill for the purpose of an amendment.

Agreed to:

Hart amendment No. 1 printed in the Congressional Record that changes the short title to the Check Clearing for the 21st Century Act or the Check 21 Act.

Pages H5001–05
Agreed to H. Res. 256, the rule that provided for consideration of the bill by voice vote. Earlier agreed to order the previous question by yea-and-nay vote of 220 yeas to 198 nays, Roll No. 243.

Pages H4995–96

Joint Committee to Review House and Senate Rules Pertaining to the Continuity of Congress:
The House agreed to 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. The concurrent resolution was considered pursuant to the order of the House of June 4.

Pages H5005–12

Rule Providing for Consideration of Senate Bills:
The House agreed to H. Res. 258, the rule that provided for consideration of S. 222, to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and 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 by recorded vote of 229 ayes to 175 noes, Roll No. 245. Earlier agreed to order the previous question by yea-and-nay vote of 220 yeas to 194 nays, Roll No. 244.

Pages H5012–22

Zuni Indian Tribe Water Rights Settlement Act:
The House passed S. 222, to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona by yea-and-nay vote of 389 yeas to 3 nays, Roll No. 247—clearing the measure for the President.

Pages H5023–28, H5029–30

Grand Teton National Park Land Exchange Act:
S. 273, to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park by yea-and-nay vote of 375 yeas to 4 nays, Roll No. 248—clearing the measure for the President.

Pages H5028–29, H5030–31

Legislative Program:
The Majority Leader announced the Legislative Program for the week of June 9.

Pages H5031–32

Meeting Hours—Monday, June 9 and Tuesday, June 10:
Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, June 9 for morning hour debate; and further that when the House adjourns on Monday, it adjourn to meet at 10:30 a.m. on Tuesday, June 10, for morning hour debate.

Page H5032

Calendar Wednesday;
Agreed to dispense with the Calendar Wednesday business of Wednesday, June 5.

Page H5032

Late Report:
The Committee on Transportation and Infrastructure received permission to have until midnight on Friday, June 6 to file a report to accompany H.R. 2115, to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration.

Page H5032

Senate Message:
Message received from the Senate today appear on page H4981.

Page H4981

Referral:
S. 1047, S. 1048, and S. 1049 were held at the desk.

Page H4981

Quorum Calls—Votes:
Five yea-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H4995–96, H5021, H5021–22, H5022, H5029–30, and H5030. There were no quorum calls.

Adjournment:
The House met at 10 a.m. and adjourned at 5:15 p.m.

Committee Meetings

COMMODITY FUTURES TRADING COMMISSION

Committee on Agriculture:
Subcommittee on General Farm Commodities and Risk Management held a hearing on the Commodity Futures Trading Commission. Testimony was heard from James E. Newsome, Chairman, Commodity Futures Trading Commission.

“CONSUMER DIRECTED SERVICES: IMPROVING MEDICAID BENEFICIARIES' ACCESS TO QUALITY CARE”

Committee on Energy and Commerce:
Subcommittee on Health held a hearing entitled “Consumer Directed Services: Improving Medicaid Beneficiaries' Access to Quality Care.” Testimony was heard from Terry White, Secretary, Department of Elder Affairs, State of Florida; and public witnesses.

SECURITIES FRAUD DETERRENCE AND INVESTOR RESTITUTION ACT

Committee on Financial Services:
Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing on H.R. 2179, Securities Fraud Deterrence and Investor Restitution Act of 2003. Testimony was heard from Stephen M. Cutler, Director, Division of Enforcement, SEC; and public witnesses.

ABRAHAM LINCOLN BICENTENNIAL COMMISSION EXTENSION; OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION

Committee on Government Reform:
Ordered reported the following bills: S. 858, to extend the Abraham Lincoln Bicentennial Commission; and H.R. 2086,

**WASTED SPACE, WASTED DOLLARS—REFORMING REAL PROPERTY**

Committee on Government Reform: Held a hearing entitled “Wasted Space, Wasted Dollars: Reform Federal Real Property to Meet 21st Century Needs.” Testimony was heard from Steven Perry, Administrator, GSA; Linda Springer, Controller, Office of Federal Financial Management, OMB; Bernard Ungar, Director, Physical Infrastructure Issues, GAO; Mark Catlett, Principal Deputy Assistant Secretary, Management, Department of Veterans Affairs; Charles Williams, Director, Overseas Building Operations, Department of State; and a public witness.

**OVERSIGHT—DEPARTMENT OF JUSTICE**

Committee on the Judiciary: Held an oversight hearing entitled ‘The United States Department of Justice.’ Testimony was heard from John Ashcroft, The Attorney General.

**HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AMENDMENTS ACT**


**MANUFACTURING R&D: HOW CAN THE FEDERAL GOVERNMENT HELP?**

Committee on Science: Subcommittee on Environment, Technology, and Standards held a hearing on Manufacturing R&D: How Can the Federal Government Help? Testimony was heard from public witnesses.

**OVERSIGHT—AIRCRAFT CABIN ENVIRONMENT**

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an oversight hearing on The Aircraft Cabin Environment. Testimony was heard from John L. Jordan, M.D., Federal Air Surgeon, Office of Aerospace Medicine, FAA, Department of Transportation; John Howard, M.D., Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services; and public witnesses.

**BRIEFING—GLOBAL INTELLIGENCE UPDATE**

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy and National Security met in executive session to hold a briefing on Global Intelligence Update. The Subcommittee was briefed by departmental witnesses.

**BIO-WARFARE THREATS**

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?” Testimony was heard from the following officials of the Department of Homeland Security: Paul J. Redmond, Assistant Secretary, Information Analysis; and Eric Tolbert, Director, Response Division, Emergency Preparedness and Response Directorate.

**Joint Meetings**

**ARMING ROGUE REGIMES**


**COMMITTEE MEETINGS FOR FRIDAY, JUNE 6, 2003**

(Committee meetings are open unless otherwise indicated)

**Senate**

Committee on Armed Services: to hold closed hearings to examine mission of the 75th Exploitation Task Force and the mission performed by the Iraq survey group related to Iraqi weapons of mass destruction and other issues, 10 a.m., S–407, Capitol.

Committee on Finance: to hold hearings to examine issues related to strengthening and improving Medicare, 10 a.m., SD–215.

Committee on the Judiciary: to hold hearings to examine the nomination of Eduardo Aguirre, Jr., of Texas, to be Director of the Bureau of Citizenship and Immigration Services, Department of Homeland Security, 9:30 a.m., SD–226.

**House**

Committee on Government Reform, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing on “Elevation of the Environmental Protection Agency to Department Level Status: H.R. 37, and H.R. 2138 (Department of Environmental Protection Act),” 10 a.m., 2154 Rayburn.

CONGRESSIONAL PROGRAM AHEAD

Week of June 9 through June 13, 2003

Senate Chamber

On Monday, at 1 p.m., Senate will resume consideration of S. 14, Energy Policy Act. Also, at 5:15 p.m., Senate will consider the nomination of Michael Chertoff, of New Jersey, to be United States Circuit Judge for the Third Circuit, with 30 minutes of debate, to be followed by a vote on confirmation of the nomination to occur at 5:45 p.m.

During the balance of the week, Senate will continue consideration of S. 14 (listed above) and any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: June 12, to hold hearings to examine the Department of Agriculture’s implementation of the Agricultural Risk Protection Act of 2000 and related crop insurance issues, 10 a.m., SR–328A.

Committee on Armed Services: June 10, to hold closed hearings to examine certain intelligence programs, 9:30 a.m., S–407, Capitol.

Committee on Banking, Housing, and Urban Affairs: June 10, to hold hearings to examine the Administration’s proposal for reauthorization of the Federal Public Transportation Program, 10 a.m., SD–538.

June 12, Full Committee, to hold hearings to examine expanding homeownership opportunities, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: June 10, to hold hearings to examine reauthorization of the Federal Motor Carrier Safety Administration, 9:30 a.m., SR–253.

June 11, Subcommittee on Competition, Foreign Commerce, and infrastructure, to hold hearings to examine reauthorization of the Federal Trade Commission, 2:30 p.m., SR–253.

June 12, Full Committee, to hold hearings to examine global overfishing, 9:30 a.m., SR–253.

June 12, Subcommittee on Science, Technology, and Space, to hold hearings to examine issues relating to cloning, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: June 10, Subcommittee on National Parks, 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. 643, 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 Interpretative Center in Nebraska City, Nebraska, and H.R. 1012, to establish the Carter G. Woodson Home National Historic Site in the District of Columbia, 2:30 p.m., SD–366.

June 12, Subcommittee on Public Lands and Forests, 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., SD–366.

Committee on Environment and Public Works: June 10, Subcommittee on Fisheries, Wildlife, and Water, to hold hearings to examine the current regulatory and legal status of federal jurisdiction of navigable waters under the Clean Water Act, focusing on issues raised by the Supreme Court in Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers No. 99–1178, 10 a.m., SD–406.

Committee on Foreign Relations: June 12, to hold hearings to examine repercussions of Iraq stabilization and reconstruction policies, 9:30 a.m., SD–419.

Committee on Governmental Affairs: June 11, Permanent Subcommittee on Investigations, to hold hearings to examine patient safety, focusing on instilling hospitals with a culture of continuous improvement, 9 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: June 11, business meeting to consider S. 648, to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy, proposed legislation entitled "Greater Access to Affordable Pharmaceuticals Act", and pending nominations, 10 a.m., SD–430.

June 12, Full Committee, to hold hearings to examine private sector lessons for Medicare, 10 a.m., SD–430.
June 12, Full Committee, to hold hearings to examine certain issues relative to TWA/American Airline workforce integration, 2 p.m., SD–430.

Committee on Indian Affairs: June 11, to hold hearings to examine the nomination of Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services, to be followed by hearings on S. 1146, to implement the recommendations of the Garrison Unit Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota, 10 a.m., SR–485.

Committee on the Judiciary: June 11, to hold hearings to examine the nominations of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit, and Diane M. Stuart, of Utah, to be Director of the Violence Against Women Office, Department of Justice, 9:30 a.m., SD–266.

June 11, Full Committee, to hold hearings to examine P2P file-sharing networks, focusing on personal and national security risks, 2 p.m., SD–226.

June 12, Subcommittee on Constitution, Civil Rights and Property Rights, business meeting to consider S.J. Res. 1, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, 9:30 a.m., SD–226.

House Chamber

To be announced.

House Committees

Committee on Armed Services, June 11, hearing on worldwide U.S. military commitments, 1 p.m., 2118 Rayburn.

Committee on Education and the Workforce, June 10, to mark up the following bills: H.R. 438, Teacher Recruitment and Retention Act of 2003; and H.R. 2211, Ready to Teach Act, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, June 10, Subcommittee and Air Quality, hearing entitled “Natural Gas Supply and Demand Issues,” 2 p.m., 2322 Rayburn.


June 11, Subcommittee on Telecommunications and the Internet, hearing on entitled “The Spectrum Needs of Our Nation’s First Responders,” 11 a.m., 2352 Rayburn.

Committee on Financial Services, June 10, Subcommittee on Financial Institutions and Consumer Credit, hearing on Financing Employee Ownership Programs: An Overview, 2 p.m., 2128 Rayburn.

June 10, Subcommittee on Housing and Community Opportunity, to continue hearings on “The Section 8 Housing Assistance Program: Promoting Decent Affordable Housing for Families and Individuals Who Rent,” 10 a.m., 2128 Rayburn.

June 11, Subcommittee and International Monetary Policy, Trade, and Technology, hearing entitled “Matching Capital and Accountability—The Millennium Challenge Account,” 10 a.m., 2128 Rayburn.

Committee on Government Reform, June 10, Subcommittee on Government Efficiency and Financial Management, oversight hearing on “Fixing the Financials—Featuring USDA and Education,” 2 p.m., 2154 Rayburn.

June 10, Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, oversight hearing entitled “Geospatial Information: A Progress Report on Improving Our Nation’s Man-Related Data Infrastructure,” 10 a.m., 2247 Rayburn.

June 11, Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, to consider the following: The Citizen’s Guide on Using the Freedom of Information Act and The Privacy Act of 1974 to Request Government Records, 2 p.m., 2154 Rayburn.

Committee on International Relations, June 10, hearing on Renewing OPIC and Reviewing Its Role in Support of Key U.S. Foreign Policy Priorities, 10:30 a.m., 2172 Rayburn.

June 10, Subcommittee on East Asia and the Pacific, hearing on Recent Developments in Southeast Asia, 1:30 p.m., 2172 Rayburn.

June 11, full Committee, hearing on The Middle East Peace Process at a Crossroads, 10:30 a.m., 2172 Rayburn.

June 11, Subcommittee on Europe, hearing on Renewing the Transatlantic Partnership: A View From the United States, 1:30 p.m., 2172 Rayburn.

June 11, Subcommittee on Western Hemisphere, hearing on Overview of Radio and Television Marti, 2:30 p.m., 2200 Rayburn.

Committee on Resources, June 12, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the following bills: H.R. 1006, Captive Wildlife Safety Act; and H.R. 1472, Don’t Feed the Bears Act of 2003, 10 a.m., 1324 Longworth.

Committee on Rules, June 9, to consider H.R. 2143, Unlawful Internet Gambling Funding Prohibition Act, 5 p.m., H–313 Capitol.

Committee on Science, June 10, Subcommittee on Energy, hearing on The Future of University Nuclear Science and Engineering Programs, 10 a.m., 2318 Rayburn.

June 11, Subcommittee on Space and Aeronautics, hearing on U.S.-Russian Cooperation in Space, 10 a.m., 2318 Rayburn.

June 12, Subcommittee on Research, hearing on Plant Biotechnology Research and Development in Africa: Challenges and Opportunities, 10 a.m., 2318 Rayburn.

Committee on Small Business, June 11, hearing entitled “Revitalizing America’s Manufacturers: SBA Business and Enterprise Development Programs,” 2 p.m., 2360 Rayburn.

June 12, Subcommittee on Tax, Finance, and Exports, hearing on the Chilean Free Trade Agreement, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, June 10, Subcommittee on Railroads, oversight hearing on New Technologies in Railroad Safety, 10 a.m., 2167 Rayburn.

June 11, Subcommittee on Water Resources and Environment, hearing on EPA Grants Management: Persistent Problems and Proposed Solutions, 10 a.m., 2167 Rayburn.
Committee on Veterans’ Affairs, June 10, to continue hearings on past and present efforts to identify and eliminate fraud, waste, abuse and mismanagement in programs administered by the Department of Veterans Affairs, 10 a.m., 334 Cannon.

June 11, Subcommittee on Benefits, hearing on the following bills: H.R. 886, to amend title 38, United States Code, to provide for the payment of dependency and indemnity compensation to the survivors of former prisoners of war who died on or before September 30, 1999, under the same eligibility conditions as apply to payment of dependency and indemnity compensation to the survivors of former prisoners of war who die after that date; H.R. 1167, to amend title 38, United States Code, to permit remarried surviving spouses of veterans to be eligible for burial in a national cemetery; H.R. 1500, Veterans’ Appraiser Choice Act; H.R. 1516, to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania; and H.R. 2163, to amend title 38, United States Code, to exclude the proceeds of life insurance from consideration as income for purposes of determining veterans’ pension benefits, 10:30 a.m., 334 Cannon.

June 11, Subcommittee on Health, hearing on the following: H.R. 1720, Veterans Health Care Facilities Capital Improvement Act; a measure to authorize specific major medical construction projects in Las Vegas, Chicago Westside, West Haven, San Diego, and a lease at the Charlotte, NC outpatient clinic; H.R. 116, Veterans’ New Fitzsimons Health Care Facilities Act of 2003; and other measures to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, establishing, and updating patient care facilities in the Department of Veterans Affairs, 2 p.m., 334 Cannon.

Committee on Ways and Means, June 10, Subcommittee on Trade, hearing on Implementation of the U.S. Bilateral Free Trade Agreements with Chile and Singapore, 1 p.m., 1100 Longworth.

June 11, Subcommittee on Human Resources, hearing on the Administration’s Foster Care Flexible Funding Proposal, 2 p.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, June 12, executive, hearing on Special Programs, 2:30 p.m., H–405 Capitol.

June 12, executive, to mark up the Intelligence Authorization Act for Fiscal Year 2004, 5 p.m., H–405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: June 10, to hold hearings to examine internally displaced persons in the Caucasus Region and Southeastern Anatolia, 2 p.m., 334, Cannon Building.

Joint Economic Committee: June 11, to hold joint hearings to examine issues relating to Iraq’s economy, 9:30 a.m., SD–628.
Next Meeting of the SENATE
12 noon, Monday, June 9

Program for Monday: After the transaction of any morning business (not to extend beyond 1 p.m.), Senate will resume consideration of S. 14, Energy Policy Act.

At 5:15 p.m., Senate will consider the nomination of Michael Chertoff, of New Jersey, to be United States Circuit Judge for the Third Circuit, with 30 minutes of debate, to be followed by a vote on confirmation of the nomination to occur at 5:45 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Monday, June 9

Program for Monday: To be announced.