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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC.
July 8, 2003.

I hereby appoint the Honorable TIM MURPHY to act as Speaker pro tempore on this day.

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

MESSAGE FROM THE SENATE

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

H.R. 1. An act to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1) ''An Act to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GRASSLEY, Mr. HATCH, Mr. NICKLES, Mr. FRIST, Mr. KYL, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. DASCHLE, and Mr. BREAUX, to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

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

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

MEDICARE PRESCRIPTION DRUG BENEFIT

Mr. BROWN of Ohio. Mr. Speaker, earlier this year President Bush addressed a Michigan audience laying out his plans to restructure Medicare. He said, ''If it's good enough for Members of Congress, it's good enough for seniors in this Nation.'' What he meant was that American seniors who enroll in Medicare should have health insurance choices like those available to Members of Congress under the health insurance plan called the Federal employees health benefits plan. President Bush was not the only one to say so. Republican leaders in the House made the same point. All of us have heard colleagues here say that. That message, that seniors should have the same kind of health insurance choices available to Members of Congress, was an important selling point for the Republican Medicare prescription drug bill.

That message is absolutely right. The problem is that the Republican bill is absolutely the opposite. The Republican Medicare bill, H.R. 1, does not even come close to giving seniors the kind of coverage that Members of Congress have provided for themselves. The Congressional Research Service says the FEHBP plan which Members of Congress are in offers a drug benefit worth $2,700, but the same CRS, Congressional Research Service, nonpartisan arm of the Congress said the Republican Medicare bill is worth only about half of that. The Republican Medicare bill does not offer American seniors health care choices just like Members of Congress even though the President said it did. It does not even come close.

Even a basic comparison shows how the Republican bill comes up woefully short. The Republican bill tells seniors they have to pay a $250 deductible. Members of Congress do not pay a deductible. The Republican bill requires seniors with drug costs over $2,000 to continue paying monthly premiums even though they do not get any coverage until they spend an additional $2,900 out of pocket. Members of Congress do not make premium payments and get nothing in return. The Republican Medicare bill does not offer American seniors health care choices just like Members of Congress. It does not even come close.

The Washington Post said the drug benefit proposed by the Republicans for seniors provides merely a fraction of the drug coverage that Members of Congress receive. The chairman of the health policy department at Emory University said that drug benefits are much better in the congressional Federal employees plan. Still do not believe the Republican bill offers a bad deal for American seniors? You have to look no farther than H.R. 2631 on today's suspension calendar. H.R. 2631 says that private insurance plans under

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the Federal employees health benefit plan must agree to provide drug coverage for Federal retirees actuarially equivalent to the drug coverage they provide to current Federal employees. In other words, what that means is that when Members of Congress and other Federal employees retire, they will not be forced to go into H.R. 1, into the Republican Medicare bill. It is good for Members of Congress, it is good for Federal employees, because the Republican Medicare drug benefit would be a step down for them. Remember what the President said: If it is good enough for Members of Congress, it is good enough for seniors in this Nation. That is what he says about the Republican bill.

It would be a big step down to go into the Republican privatized drug benefit plan for the 13 million American private sector retirees who get drug coverage through their employers' health insurance. The Congressional Budget Office said that more than one-third of all seniors who are in private retirement plans will see their plans dropped by their employer. They will be forced out of the private coverage they have today, forced out of that plan and put into the inferior Republican Medicare prescription drug plan.

H.R. 2631 says Members of Congress should not have to live under the same system that the Republican Medicare plan foists on the American public. Should we pass H.R. 2631 today? Absolutely, because 8.5 million Federal employees should not have to live with the Republican Medicare bill's drug benefit. But given that the Republican Medicare bill's drug benefit is so bad that Congress, after passing it 2 weeks ago, today is exempting themselves, get that again, the Republican Medicare bill is so bad from 2 weeks ago that passed here that today Congress is exempting itself from that plan so that Members of Congress can continue to enjoy good health coverage, not the inferior plan that President Bush and Republicans are foisting on Congress.

We should pass H.R. 2631 today and we should throw H.R. 1 in the shredder and get to work on a real prescription drug benefit for American seniors. And the President when he says, ''If it's good enough for Congress, it's good enough for seniors in this Nation,'' the President should mean what he says.

BETTER TEACHERS MAKE BETTER EDUCATION

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

Mr. DELAY. Mr. Speaker, following President Bush's landmark No Child Left Behind law, we now have an opportunity to make overdue reforms in the Federal Government's role in our national education system. We will take up two very important education reauthorization bills this week to begin that process. The first is the Ready to Teach Act of 2003 sponsored by the gentleman from Georgia (Mr. GINGREY) which will strengthen and improve teacher training programs all around this country. With the enormous responsibilities weighing on them today, we owe it not only to American teachers but to their students to prepare every one of them before they set foot in the classroom. Highly qualified teachers, as all of us know and some of us were lucky enough to have in school, are worth their weight in gold. But too many inexperienced teachers are being thrown into the classroom without effective training and preparation. This legislation will start measuring training programs' success and holding them accountable. It will bring higher qualified individuals into the training programs and ultimately into the classrooms. It is an important first step in reshaping American education to face the emerging challenges of the 21st century.

Equally important is the bill of the gentleman from South Carolina (Mr. WILSON), the Teacher Recruitment and Retention Act. Under this bill, qualified teachers in math, science and special education would be eligible for student loan forgiveness of up to $17,500 if they teach in low-income community schools. Most of these poor title I schools are in our Nation's inner cities and in our rural areas where the need for qualified teachers is most acute. Too many math and science classes are being taught by teachers who neither majored nor minored in those fields. And two-thirds of public schools around the country have teacher vacancies in their special education programs.

Mr. Speaker, as more and more of our best teachers retire every year, the teaching shortage in America is approaching crisis levels and we must act. We have to develop innovative ways to attract and retain the highest quality individuals we can for our schools, to get results for students, parents and teachers around the country. And while these two bills are only part of a broader agenda, both of them start to do just that.

RECOGNIZING 30TH ANNIVERSARY OF CARICOM

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

Mrs. CHRISTENSEN. Mr. Speaker, I rise this morning to recognize the 30th anniversary of CARICOM which was celebrated on July 4 of this year. Founded in 1973 in Chaguaramas, Trinidad, CARICOM, or its full name, the Caribbean Community, now includes 16 members. I want to congratulate CARICOM's outgoing chair, Prime Minister Pierre Charles of Dominica, and the incoming chair, the Honorable P.J. Patterson of Jamaica, on behalf of the people of the U.S. Virgin Islands, the Congressional Black Caucus, and the Congress of the United States. We in the Virgin Islands and the CBC pledge our continued support as they meet the challenges presented by new global and regional trade alliances and loss of preferences, HIV/AIDS and the other social and economic needs of their constituencies, governance, the need for regionalization and the difficult relationship with us, their northern neighbor.

I particularly want to recognize the historic participation of the Honorable Thabo Mbeki, President of South Africa, in the recent 24th regular meeting of the conference of CARICOM heads of government in Montego Bay, Jamaica. His presence significantly underscores the connectedness of all people of African descent and the sameness of our struggles no matter whether on the continent of Africa or in the diaspora. As we are linked by blood and history, so is our future tied together.

Mr. Speaker, the Caribbean community also shares important historical ties with this Nation and today represents not only an important trading partner with the balance in our favor but also a critical partner in our fight against drugs in our own country and our important efforts to ensure our homeland security. With this background and the need for closer cooperation, the recent interactions of our country at the 24th heads of government meetings held during the anniversary celebration do not make sense to me.

First, although the presence of U.S. Trade Representative Robert Zoellick was important to discussions of the impact of the upcoming FTAA agreement, the refusal to support what I consider to be standard transitioning for these smaller countries in the face of the loss of important preferences which have been the bulwark of their economic stability is not the action of a friend and neighbor. I hope that the administration will reconsider its position. Secondly, there was discussion on the International Criminal Court. While there may be differing opinions as to whether the United States should be given a waiver from liability under this court, it is unconscionable in my view for us to strong arm the Caribbean countries into supporting the waiver by threatening to cut off financial aid which has been previously committed and on which they are depending. With friends like us, the CARICOM nations do not need enemies.

This is not the first instance in which this country has sought to force its will by employing or threatening punitive measures that these nations can ill afford. The CARICOM countries are to be commended, however, for not surrendering their national integrity in the face of our bullying. But there has to be a better way. I want to use this time, Mr. Speaker, to call on the administration to seek that better way

and to recognize the value and integrity of these countries and territories, not only because of their importance to our national defense in homeland security and economic stability but because they are also sovereign nations in their own right, with a long history of democratically elected governments.

As the Delegate from one of this country's two Caribbean offshore areas, the health of the region has a direct impact on my district and constituents, even more directly than it does on our larger Nation. We offer ourselves and that of the recently formed Caribbean Caucus as mediators to restore the relationships and mutual support that we used to enjoy with the members of CARICOM.

July 4 is our most important national holiday. It is interesting that this is the same day that CARICOM was founded. Perhaps the sharing of this date may form the basis of the beginning of that new and improved relationship.

INTRODUCING RESOLUTION TO BRING GREAT AWARENESS OF THE PROBLEM OF STALKING

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

Mrs. WILSON of New Mexico. Mr. Speaker, Peggy Klinke was a constituent of mine from Albuquerque, New Mexico. She was murdered in January of this year by a former boyfriend who was obsessed with her and stalked her for almost 2 years. Today I will be introducing a resolution to this House to bring greater awareness of the problem of stalking in America and the things that we need to do to protect its victims. It is my pleasure that Debbie Riddle and Mark Spark are here today. Debbie was Peggy's sister and Mark was her boyfriend. I wanted to thank them for joining me here today in the House.

More than 1 million women a year and almost 400,000 men are stalked annually. Those numbers are staggering. One in 12 women and one in 45 men in their lifetime will be stalked. Yet the problem continues to go mostly unrecognized and not responded to properly. The bill that I am introducing would make January Stalking Awareness Month in honor of Peggy in the month that she died.

The first step in addressing any problem is to understand that problem and make sure that other people do, because until people understand it, you cannot mobilize the will for change. We need model laws and to make sure those model laws are implemented in every State in this country. We need to identify the best practices for dealing with stalkers, practical things proven to work in the field that can be used by victims and also by law enforcement to make sure victims are safer. We need to better train our police and our district attorneys so that they know what tools they have at their disposal when they are dealing with a stalker. And we need better cross-jurisdictional communication.

Eleven percent of stalking victims move to get away from their stalker. As soon as they do, you have got two police departments, two district attorneys and two judicial systems supposedly working together but often not communicating about the victim and the stalker. No one should have to live in fear without protection and without hope. I believe that this resolution is the first step to getting better protection for the victims of stalkers.

I ask the House to rapidly consider the resolution and pass it from this House.

U.S. SUCCESS IN IRAQ

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

Mr. STEARNS. Mr. Speaker, 227 years ago 56 men put their lives, their families and fortunes on the line as they defied the most powerful country in the world, England. These men declared independence and our country was born by a swift stroke of a pen. This weekend we celebrated our country's 227th birthday. This country, of course, has survived many conflicts, both foreign and domestic, and we have survived due to the fact that American men and women always have answered the call should our rights and our freedoms come under attack. In the last couple of years, terror has taken on a new meaning to this country and its citizens. We have been threatened like never before. With an amazing outpouring of patriotism, we refused to allow the mantle of freedom to be taken from our shoulders.

With that in mind, Mr. Speaker, with the end of Operation Sidewinder in Iraq, our Armed Forces have experienced tremendous success. Yet we remain confronted with the sad truth that this success has come at a cost of American lives. Over the weekend, a Florida National Guard soldier from my congressional district was killed. My thoughts and prayers are with his family and friends and I also mourn his loss. I had the opportunity to meet this young man at the community college he attended while serving in the National Guard. His presence, enthusiasm and dedication exemplifies the men and women of our Armed Forces that continue to serve in Iraq.

From Afghanistan to Iraq and possibly Liberia, our troops face life-threatening situations. But they fight for those who yearn for freedom, who cannot fight for themselves. All who wish for democracy know that America can be the source of the freedoms that have so long eluded them. Our troops liberated 24 million Iraqis and gave them the opportunity for freedom that had been denied them for so long. As such, rebuilding a country neglected for decades by a worthless tyrant takes time, it takes patience, it takes perseverance. Iraq is showing signs that the efforts of our troops are yielding large gains. We have over half of the Iraqis most wanted in custody. We are training Iraqis to police and govern themselves as a free nation. Iraqis have access to a growing number of publications, newspapers and magazines replacing the propaganda of the state-run news that previously existed. Electricity is running 24 hours a day in Basra and improvements are being made in Baghdad. According to reports now, Hussein would black out parts of Baghdad simply because there was not sufficient generation of power for the entire city. Our people are working to change that and they are working very, very hard.

Mr. Speaker, many in some parts of the media seem not only content but resolute in reporting only those stories that portray bad news. Remember, some of these same people called our initial military strategy a failure after less than a week of combat. But I find it perplexing that all we hear from some reporters are stories describing an Iraq that is a viper's nest of Saddam loyalists and full of an angry civilian population who want us to leave. However, unlike some of our media reporting, I believe normal, everyday people in this country realize that it will take time to foster democracy and to quell attempts to destabilize fledgling new, free governments. Today's copy of The Hill magazine touched on this issue and quoted dozens of soldiers who seem to be baffled by the endless wave of negative press. One helicopter pilot is quoted as saying, ''The media has misrepresented Iraqi resistance. For the most part, people here are extremely friendly to us.'' He goes on to say that, quote, crime in Baghdad is one-tenth of what it is in Los Angeles. Finally, according to a poll taken by the Iraq Center for Research & Strategic Studies, it was found that 65 percent of Baghdadis want U.S. troops to stay for how. Only 17 percent wanted them to pull out immediately.

Let us look at what the U.S. has accomplished. For that, of course, we need look no further than the words of General Tommy Franks in his recent retirement speech when he said, ''When we arrived, the Taliban and al Qaeda controlled Afghanistan and Saddam Hussein ruled Iraq with an iron hand. What a difference 22 months makes. Twenty-two months ago, the United States of America and the free world looked into the face of evil and defeated it.'' Now we are moving closer to freedom in Iraq and Afghanistan.

Yes, there is a tremendous amount of work to be done but the peace is not lost. With where we are today, the glass for continued democracy in these countries is over half full.

RECESS

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

Accordingly (at 10 o'clock and 55 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

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

PRAYER

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

Lord God, You delivered Jericho into the hands of Joshua with the mighty sound of trumpet blasts and the joyful shouts of believers in Your power. We remember the story of these tumbling walls coming down, but to this day no one can find any remains of Joshua's Jericho. So complete is Your victory, Lord.

In our own day, bring an end to the violence in Iraq. Protect and bless peacemakers and the coalition military forces who are trying to bring law and order to that land. Bring down the walls of prejudice and indifference which surround war-torn Iraq. Embrace the people there with Your Spirit, that they may know peace and unity. May their ancient treasures of culture be restored as they rebuild a new nation founded upon religious truth and human dignity.

May goodness, truth and beauty in the end prove victorious. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. LORETTA SANCHEZ) come forward and lead the House in the Pledge of Allegiance.

Ms. SANCHEZ 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.

NORTH KOREA SELLING HEROIN TO PAY FOR NUKES

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

Mr. PITTS. Mr. Speaker, a couple of months ago, a North Korean ship, the Pong Su, was captured while trying to transfer $80 million worth of heroin to a fishing boat off the coast of Australia. This incident confirms that the rogue regime of Kim Jong Il is selling drugs to tighten his grip on power and prolong his reign of terror.

The evidence tying this evil regime to the drug trade is overwhelming. One of the 26 people aboard the Pong Su was a member of the North Korean ruling party who served as a senior envoy in Pyongyang's embassy in Beijing.

At a recent hearing in the Senate, a former high-ranking North Korean official testified that Kim Jong Il has personally designated land in North Korea for the growth of opium. And U.S. State Department officials have concluded that the illegal drug program is sanctioned by the North Korean Government, who is using it to fund its weapons programs.

This incident is a reminder that North Korea will stop at nothing to expand its nuclear arsenal.

BRING IT ON

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to voice concern over the disregard President Bush has shown to our brave servicemembers and their families. Our troops are dying in Iraq at a rate of one per day. The reason? This administration failed to adequately plan for postwar peacekeeping and civil reconstruction in Iraq. As a consequence, our troops are overstretched, morale is low, and the situation within Iraq is getting worse by the day.

This administration must, it must readdress the situation and give our troops the peacekeeping training that they need; and, in addition, efforts to reach out to the international community for assistance must be enhanced. In short, we should do everything in our power to quell the violence as quickly as possible.

But instead, just last weekend, President Bush taunted insurgents in Iraq by boasting, ''Bring 'em on.'' This is an insult not only to the military families who have lost a loved one in Iraq, but to those who live under the constant fear that their loved ones might not come home.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, June 26, 2003, and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2658.

□ 1208

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. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004 and for other purposes, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 26, 2003, the bill is considered as having been read the first time.

The gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

First, I appreciate very much having the opportunity to share this time with the gentleman from Pennsylvania (Mr. MURTHA). I am very pleased today to bring before the House the 2004 defense appropriations bill. It is a bill that reflects very much the direction of the Commander-in-Chief as well as the Department of Defense regarding the war on terrorism that we are pursuing in the Middle East at this point, but also recognizing its great threat around the world.

The bill itself is a very, very good bill that I highly commend to the Members, Mr. Chairman. I must say that in terms of its allocation, I am a bit disappointed, for the bill before us is in the neighborhood of $3 billion below the President's request. But having said that, we did provide some reallocation that helps some of our other bills, and in the meantime, we are doing all we can to recoup some of those dollars by way of other venues.

Having said that, the bill is a very balanced bill, and we have made every effort to reflect the will of the House as well as the needs of our men and women who are representing us so well around the world.

Before going on and commenting briefly about the bill, I want to express my deep appreciation to my colleague from Pennsylvania (Mr. MURTHA), who works hand in glove with me in developing this bill, always, but particularly in this very difficult year with the challenges we face in the world.

Mr. Chairman, I must say that this work would not have been able to have

been carried forward in this timely fashion without the help of our very fine staff, Kevin Roper particularly, on my side, and a variety and mix of other fine staff members. I will let the gentleman from Pennsylvania talk about his fantastic staff on his own.

But in the meantime, rather than going into great deal about the bill at this point in time, let me say that we have made every effort to fully fund the personnel needs that we face in this challenging world, such as a modest pay raise for our men and women who make up our forces, and funding the health care programs that are so vital to their needs, as well as their housing challenges.

We are also providing funding to make certain as we go about being successful in this war on terrorism we also are laying the foundation for America's leading the world in a way that will preserve peace for all of us.

At this point, Mr. Chairman, I would like to insert the following tabular summary of the bill.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2658)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army	26,855,017	37,386,380	28,233,436	+1,378,419	-9,152,944
Military Personnel, Navy	21,927,628	25,282,454	23,052,001	+1,124,373	-2,230,453
Military Personnel, Marine Corps	8,501,087	9,559,441	8,962,197	+461,110	-597,244
Military Personnel, Air Force	21,981,277	26,715,989	23,121,003	+1,139,726	-3,594,986
Reserve Personnel, Army	3,374,355	---	3,568,625	+194,270	+3,568,625
Reserve Personnel, Navy	1,907,552	---	1,983,153	+75,601	+1,983,153
Reserve Personnel, Marine Corps	553,983	---	571,444	+17,461	+571,444
Reserve Personnel, Air Force	1,236,904	---	1,267,888	+30,984	+1,267,888
National Guard Personnel, Army	5,114,588	---	5,382,719	+268,131	+5,382,719
National Guard Personnel, Air Force	2,125,161	---	2,140,598	+15,437	+2,140,598
Total, title I, Military Personnel	93,577,552	98,944,264	98,283,064	+4,705,512	-661,200
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army	23,992,082	24,958,842	24,903,992	+911,910	-54,850
Operation and Maintenance, Navy	29,331,526	28,287,690	28,060,240	-1,271,286	-227,450
Operation and Maintenance, Marine Corps	3,585,759	3,406,656	3,440,456	-145,303	+33,800
Operation and Maintenance, Air Force	27,339,533	27,793,931	26,689,043	-650,490	-1,104,888
Operation and Maintenance, Defense-Wide 1/	14,707,506	16,570,847	16,124,455	+1,416,949	-446,392
Operation and Maintenance, Army Reserve	1,970,180	1,952,009	2,031,309	+61,129	+79,300
Operation and Maintenance, Navy Reserve	1,236,809	1,171,921	1,171,921	-64,888	---
Operation and Maintenance, Marine Corps Reserve	187,532	173,952	173,952	-13,580	---
Operation and Maintenance, Air Force Reserve	2,163,104	2,179,188	2,144,188	-18,916	-35,000
Operation and Maintenance, Army National Guard	4,261,707	4,211,331	4,325,231	+63,524	+113,900
Operation and Maintenance, Air National Guard	4,117,585	4,402,646	4,424,046	+306,461	+21,400
Overseas Contingency Operations Transfer Fund	5,000	50,000	5,000	---	-45,000
United States Court of Appeals for the Armed Forces	9,614	10,333	10,333	+719	---
Environmental Restoration, Army	395,900	396,018	396,018	+118	---
Environmental Restoration, Navy	256,948	256,153	256,153	-795	---
Environmental Restoration, Air Force	389,773	384,307	384,307	-5,466	---
Environmental Restoration, Defense-Wide	23,498	24,081	24,081	+583	---
Environmental Restoration, Formerly Used Defense Sites	246,102	212,619	221,369	-24,733	+8,750
Overseas Humanitarian, Disaster, and Civic Aid	58,400	59,000	59,000	+600	---
Former Soviet Union Threat Reduction	416,700	450,800	450,800	+34,100	---
Support for International Sporting Competition,Defense	19,000	---	---	-19,000	---
Total, title II, Operation and maintenance	114,714,258	116,952,324	115,295,894	+581,636	-1,656,430
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army	2,285,574	2,128,485	2,180,785	-104,789	+52,300
Missile Procurement, Army	1,096,548	1,459,462	1,533,462	+436,914	+74,000
Procurement of Weapons and Tracked Combat Vehicles, Army	2,266,508	1,640,704	1,956,504	-310,004	+315,800
Procurement of Ammunition, Army	1,253,099	1,309,966	1,355,466	+102,367	+45,500
Other Procurement, Army	5,874,674	4,216,854	4,547,596	-1,327,078	+330,742
Aircraft Procurement, Navy	8,812,855	8,788,148	9,030,148	+217,293	+242,000
Weapons Procurement, Navy	1,868,517	1,991,821	2,205,634	+337,117	+213,813
Procurement of Ammunition, Navy and Marine Corps	1,165,730	922,355	941,855	-223,875	+19,500
Shipbuilding and Conversion, Navy	9,032,837	11,438,984	11,453,098	+2,420,261	+14,114
Other Procurement, Navy	4,612,910	4,679,443	4,784,742	+171,832	+105,299
Procurement, Marine Corps	1,388,583	1,070,999	1,200,499	-188,084	+129,500
Aircraft Procurement, Air Force	13,137,255	12,079,360	11,877,051	-1,260,204	-202,309
Missile Procurement, Air Force	3,174,739	4,393,039	4,235,505	+1,060,766	-157,534
Procurement of Ammunition, Air Force	1,288,164	1,284,725	1,279,725	-8,439	-5,000
Other Procurement, Air Force	10,672,712	11,583,659	11,195,159	+522,447	-388,500
Procurement, Defense-Wide 1/ 2/	3,414,455	3,665,506	3,803,776	+389,321	+138,270
National Guard and Reserve Equipment	100,000	---	100,000	---	+100,000
Defense Production Act Purchases	73,057	67,516	67,516	-5,541	---
Total, title III, Procurement	71,518,217	72,721,026	73,748,521	+2,230,304	+1,027,495

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2658)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army	7,669,656	9,122,825	10,186,272	+2,516,616	+1,063,447
Research, Development, Test and Evaluation, Navy	13,946,085	14,106,653	14,666,239	+720,154	+559,586
Research, Development, Test and Evaluation, Air Force	18,822,569	20,336,258	20,704,267	+1,881,698	+368,009
Research, Development, Test and Evaluation, Defense-Wide 1/	17,524,596	17,974,257	18,763,791	+1,239,195	+789,534
Operational Test and Evaluation, Defense	245,554	286,661	293,661	+48,107	+7,000
Total, title IV, Research, Development, Test and Evaluation	58,208,460	61,826,654	64,614,230	+6,405,770	+2,787,576
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	1,784,956	1,721,507	1,721,507	-63,449	---
National Defense Sealift Fund: Ready Reserve Force	942,629	1,062,762	1,066,462	+123,833	+3,700
Refined Petroleum Products, Transfer Account	---	675,000	---	---	-675,000
Total, title V, Revolving and Management Funds	2,727,585	3,459,269	2,787,969	+60,384	-671,300
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense Health Program:					
Operation and maintenance	14,100,386	14,876,887	14,874,037	+773,651	-2,850
Procurement	284,242	327,826	328,826	+44,584	+1,000
Research and development	458,914	65,796	410,296	-48,618	+344,500
Total, Defense Health Program	14,843,542	15,270,509	15,613,159	+769,617	+342,650
Chemical Agents & Munitions Destruction, Army:					
Operation and maintenance	974,238	1,199,168	1,199,168	+224,930	---
Procurement	213,278	79,212	79,212	-134,066	---
Research, development, test and evaluation	302,683	251,881	254,881	-47,802	+3,000
Total, Chemical Agents 3/ 4/	1,490,199	1,530,261	1,533,261	+43,062	+3,000
Drug Interdiction and Counter-Drug Activities, Defense	881,907	817,371	817,371	-64,536	---
Office of the Inspector General	157,165	162,449	162,449	+5,284	---
Total, title VI, Other Department of Defense Programs	17,372,813	17,780,590	18,126,240	+753,427	+345,650
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	222,500	226,400	226,400	+3,900	---
Intelligence Community Management Account	163,479	158,640	170,640	+7,161	+12,000
Transfer to Department of Justice	(34,100)	(34,100)	(46,100)	(+12,000)	(+12,000)
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	75,000	---	---	-75,000	---
National Security Education Trust Fund	8,000	8,000	8,000	---	---
Total, title VII, Related agencies	468,979	393,040	405,040	-63,939	+12,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2658)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec. 8005)	(2,500,000)	(4,000,000)	(2,500,000)	---	(-1,500,000)
Indian Financing Act incentives (Sec. 8021)	8,000	---	8,000	---	+8,000
FFRDCs (Sec. 8029)	-74,200	---	-74,200	---	-74,200
Disposal & lease of DOD real property (Sec. 8035)	29,730	31,000	31,000	+1,270	---
Overseas Mil Fac Invest Recovery (Sec. 8038)	1,000	1,331	1,331	+331	---
Rescissions (Sec. 8049)	-402,750	---	-139,350	+263,400	-139,350
Excess Foreign Currency Cash Balance	-338,000	---	---	+338,000	---
Travel Cards (Sec. 8083)	10,000	44,000	44,000	+34,000	---
Government Purchase Card	-97,000	---	---	+97,000	---
American Red Cross (Sec. 8107)	8,100	---	6,500	-1,600	+6,500
Special needs students	7,750	---	---	-7,750	---
Fisher House (Sec. 8093)	1,700	---	2,000	+300	+2,000
CAAS/Contract Growth (Sec. 8094)	-850,000	---	-172,500	+677,500	-172,500
IT cost growth reduction (Sec. 8099)	-400,000	---	-320,000	+80,000	-320,000
Travel cost growth	-59,260	---	---	+59,260	---
Revised economic assumptions reduction	-1,674,000	---	---	+1,674,000	---
Working Capital Funds Cash Balance (Sec.8101)	-120,000	---	-539,000	-419,000	-539,000
Working Capital Funds Excess Carryover (Sec. 8102)	-48,000	---	-67,000	-19,000	-67,000
Ctr for Mil Recruiting Assessment & Vet Emp(Sec. 8103)	3,400	---	5,500	+2,100	+5,500
Transportation Working Capital Fund (Sec. 8119)	---	---	-600,000	-600,000	-600,000
Other Contracts (Sec. 8118)	---	---	-294,000	-294,000	-294,000
Fort Irwin education (Sec. 8117)	---	---	20,000	+20,000	+20,000
Excess balances from P.L. 108-11 (Sec. 8120)	---	---	-2,000,000	-2,000,000	-2,000,000
Total, title VIII, General Provisions	-3,993,530	76,331	-4,087,719	-94,189	-4,164,050
Total for the bill (net)	354,594,334	372,153,498	369,173,239	+14,578,905	-2,980,259
OTHER APPROPRIATIONS					
Consolidated Appropriations Resolution 2003 (PL 108-7)	10,000,000	---	---	-10,000,000	---
Additional transfer authority (sec. 8005)	(500,000)	---	---	(-500,000)	---
Supplemental appropriations (P.L. 108-11)	62,350,100	---	---	-62,350,100	---
Additional transfer authority (Sec. 1311)	(2,000,000)	---	---	(-2,000,000)	---
Net grand total (including other appropriations)	426,944,434	372,153,498	369,173,239	-57,771,195	-2,980,259
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Disabled military retiree payments (mandatory)	55,000	302,000	302,000	+247,000	---
Military personnel accounts (discretionary)	-55,000	-302,000	-302,000	-247,000	---
Army Venture Capital Funds (Sec. 8105)	17,000	17,000	17,000	---	---
Supplemental appropriations (P.L. 108-11)					
Defense Cooperation Account	28,000	---	---	-28,000	---
Legislative Proposals:					
Military personnel, Army	---	2,000	---	---	-2,000
Military personnel, Navy	---	10,000	---	---	-10,000
Operation and Maintenance, Army	---	7,000	---	---	-7,000
TRICARE indexing to OMB inflation rate	---	45,000	---	---	-45,000
NSETF Transfer	---	-8,000	---	---	+8,000
Total adjustments	45,000	73,000	17,000	-28,000	-56,000
Adjusted total (incl scorekeeping adjustments)	426,989,434	372,226,498	369,190,239	-57,799,195	-3,036,259
Appropriations	(427,392,184)	(372,226,498)	(369,329,589)	(-58,062,595)	(-2,896,909)
Rescissions	(-402,750)	---	(-139,350)	(+263,400)	(-139,350)
Total (including adjustments)	426,989,434	372,226,498	369,190,239	-57,799,195	-3,036,259
Amount in this bill	(426,944,434)	(372,153,498)	(369,173,239)	(-57,771,195)	(-2,980,259)
Scorekeeping adjustments	(45,000)	(73,000)	(17,000)	(-28,000)	(-56,000)
Total mandatory and discretionary	426,989,434	372,226,498	369,190,239	-57,799,195	-3,036,259
Mandatory	277,500	528,400	528,400	+250,900	---
Discretionary	426,711,934	371,698,098	368,661,839	-58,050,095	-3,036,259

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2658)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
RECAPITULATION					
Title I - Military Personnel	93,577,552	98,944,264	98,283,064	+4,705,512	-661,200
Title II - Operation and Maintenance	114,714,258	116,952,324	115,295,894	+581,636	-1,656,430
Title III - Procurement	71,518,217	72,721,026	73,748,521	+2,230,304	+1,027,495
Title IV - Research, Development, Test and Evaluation	58,208,460	61,826,654	64,614,230	+6,405,770	+2,787,576
Title V - Revolving and Management Funds	2,727,585	3,459,269	2,787,969	+60,384	-671,300
Title VI - Other Department of Defense Programs	17,372,813	17,780,590	18,126,240	+753,427	+345,650
Title VII - Related agencies	468,979	393,040	405,040	-63,939	+12,000
Title VIII - General provisions (net)	-3,993,530	76,331	-4,087,719	-94,189	-4,164,050
Total, Department of Defense (in this bill)	354,594,334	372,153,498	369,173,239	+14,578,905	-2,980,259
Other appropriations	72,350,100	---	---	-72,350,100	---
Total DoD funding available (net)	426,944,434	372,153,498	369,173,239	-57,771,195	-2,980,259
Scorekeeping adjustments	45,000	73,000	17,000	-28,000	-56,000
Total mandatory and discretionary	426,989,434	372,226,498	369,190,239	-57,799,195	-3,036,259

FOOTNOTES:

1/ Transferred $496,046,000 to Department of Homeland Security from O&M, Defense-wide (-$66,000,000), Procurement, Defense-wide (-$30,000,000), and RDT&E, Defense-wide (-$400,046,000).

2/ FY 2004 Budget amendment (H.Doc. 108-67) reduced Procurement, Defense-wide -$25,000,000 for a Military Construction program.

3/ FY 2004 Budget request for Chemical Agents and Munitions Destruction, Army reduced -$119,815,000 and transferred to Military Construction.

4/ Included in Budget under Procurement title.

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

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

Mr. Chairman, this is a completely bipartisan bill, as the Chairman mentioned. Staff has worked diligently on working the details. We have worked with all the Members. We spent a lot of time asking Members for their input. We got a lot more input than we could afford, but we have done the best we could do with the amount that we had.

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

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. YOUNG), chairman of the full committee.

Mr. YOUNG of Florida. Mr. Chairman, I just rise in strong support of this bill and to compliment the chairman of the subcommittee, the gentleman from California (Mr. LEWIS) and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA).

Mr. Chairman, when they mentioned the ability of the staff, they are exactly right. This bill, while it is nearly half of all discretionary spending, is not half of all government spending, because mandatories take up two-thirds of the spending. But this bill is half of the discretionary spending, and this subcommittee does a tremendous job in allocating it in a proper way.

I am just in very strong support of this, and I compliment the leadership of the subcommittee.

Mr. CAPUANO. Mr. Chairman, I would like to commend the House Appropriations Defense Subcommittee Chairman and Ranking Democrat for their leadership in bringing this bill to the House Floor.

I would like to express my appreciation for the continued funding of the Joint Diabetes Project in Army RDT&E, Medical Advanced Technology. This project, a collaborative effort of DOD, VA and Joslin Diabetes Center, is bringing advanced, state of the art diabetes detection, care and prevention to large portions of the DOD and VA patient populations. The Joslin Vision Network, enhanced by the Comprehensive Diabetes Management Program, has been proven to reduce costs while providing improved care.

Ms. LEE. Mr. Chairman, I rise today in opposition to this bill. National defense is important to all of us. This bill, however, will neither ensure our defense nor promote the general welfare, two of the central obligations of this government.

At over $368 billion, this bill expends scarce resources in Cold War era weapons systems. It spends another $9 billion on missile defense, a 17-percent increase over last year. This represents another heavy installment on what may be a bottomless pit of spending.

This spending comes at real costs. To put this in perspective, last year, according to the National Priorities Project, the people of California paid $859 million in tax dollars that were spent on missile defense.

That money could have paid to allow another 106,000 children to enroll in Head Start. It could have extended healthcare coverage to nearly half a million children. It could have created over 12,000 new units of affordable housing. Or it could have hired nearly 15,000 elementary school teachers.

And this year we are spending 17 percent more. That's a misplaced priority. And it is not the ticket to national security.

Mr. WICKER. Mr. Chairman, I rise in support of this bill and would like to take a quick moment to compliment the work done by the Defense Appropriations subcommittee. As a new member of this subcommittee, I have been thoroughly impressed by the professional and unified way in which this committee conducts its difficult responsibilities. My chairman, Mr. LEWIS, Ranking Member MURTHA, and their staffs are to be commended on the difficult work of putting together a fair and balanced bill, while being under such a tight allocation constraint.

I would like to call attention to an item in the Defense Health Programs that I believe is noteworthy. Under the committee's action, there are resources allocated for muscular dystrophy research and the muscle research consortium. This research has significant applications for our military in terms of human muscle strength, and the implications for combating bioterrorism through better understanding of how motor neurons and muscle tissue are impacted by biotoxins. It is important that this program be shared in a collaborative consortium of the nation's four preeminent muscle research facilities and a national clinical trials network. More importantly, as the author of the Muscular Dystrophy CARE Act signed into law by President Bush in 2001, I am acutely aware of the tremendous needs for translational research regarding the scourge of childhood muscular dystrophy, and I am encouraged that appropriations such as this will bring hope to thousands of families who suffer much and deserve their fair share of Federal research dollars.

Mr. STUPAK. Mr. Chairman, I wish to express my concerns that funds from the Department of Defense budget could be used to provide universal health care coverage for the Iraqi people.

I understand that it may be necessary to care for Iraqi citizens injured in the war, but if we're going to provide universal health care to the Iraqi population we should do the same for our citizens here at home.

The 41.2 million Americans who lack health insurance coverage should not have to suffer from lack of quality health care any longer. And our soldiers fighting in Iraq, who will soon become veterans, should not be denied future health care and should not have to worry about whether their families will receive health care coverage now or in the future.

I had intended to offer an amendment to the 2004 Defense Appropriations bill to require that the U.S. provide funds only for the war-related health care needs of Iraqi citizens, and not for the universal health care services currently being offered for Iraq, however, I understood that my amendment may not have been ruled in order.

Instead of offering an amendment, therefore, I urge my colleagues to consider my position in opposition to universal care service for Iraqis until universal health is provided to all Americans. As Congress continues to address the future health care funding needs related to U.S. involvement in Iraq, I will continue to pursue opportunities to offer amendments which provide for universal health care here in the U.S.

I look forward to working with my colleagues to ensure that the critical health care needs of all Americans are adequately met before we commit to providing universal health care services in Iraq. I remain dedicated to providing affordable and accessible health care for U.S. citizens first.

Mr. NUSSLE. Mr. Chairman, I rise today in support of H.R. 2658, the Defense Appropriations Act for Fiscal Year 2004. This piece of legislation is perhaps the most important component of our wartime budget for America. It is the third bill we are considering pursuant to the 302(b) allocations adopted by the Appropriations Committee on June 17. I am pleased to report that it is consistent with the levels established in H. Con. Res. 95, the House concurrent resolution on the budget for fiscal year 2004, which Congress adopted as its fiscal blueprint on April 10. The budget resolution provided $400.1 billion in discretionary budget authority for the national defense function. This bill funds the bulk of that commitment. The rest is funded in the military construction bill, which the House already passed on June 26, and the energy and water bill.

H.R. 2658 provides $368.662 billion in new discretionary budget authority, which is within the 302(b) allocation to the House Appropriations Subcommittee on Defense. This is a 1.2-percent increase from the previous year, but builds on a 5-year average annual growth rate of 7.2 percent for defense appropriations. The bill contains no emergency-designated new budget authority, but does include $2.14 billion worth of rescissions from previously enacted appropriations.

Accordingly, the bill complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution.

This bill represents the House's support for the more than 165,000 U.S. troops performing difficult and dangerous duty in Iraq and Afghanistan. The bill contains the largest research and development funding ever, and the largest procurement funding since 1990. H.R. 2658 also funds a range of military pay raises up to 6.25 percent, as previously provided for in the Defense Authorization Bill.

I would add one note of caution: the Pentagon has confirmed in a letter to me that the press reports claiming that DOD cannot account for some of the supplemental funding since September 11, 2001, are essentially correct. Accordingly, it is essential that this body adhere to budget rules, carefully examine budget requests, and diligently conduct oversight to ensure defense resources are used efficiently.

I conclusion, I express my support for H.R. 2658.

Mr. SANDLIN. Mr. Chairman, I urge my colleagues to join me in strong support of H.R. 2658, the Department of Defense Appropriations Act for FY 2004. I applaud the bipartisan effort that has brought this vital and carefully balanced legislation to the floor, and regret that I was unavoidably detained in my home State and, therefore, not able to cast my vote in favor of this bill. Had I been present, I would have voted ''aye'' on this extremely important legislation.

The bill before the House today deserves the strong support of every Member as it continues the efforts of Congress to ensure that

our nation's military is ready for the challenges of the 21st century. As has been repeatedly demonstrated during our ongoing confrontation with terrorists and tyrants around the world, these challenges are as daunting as any our great nation has ever faced. I am gratified that my colleagues understand that our security and the defense of freedom must remain above the partisan fray and demand our full commitment.

We have been thrust into an age of warfare that demands heretofore unimaginable speed, complexity and flexibility for our fighting machines and the men and women who design, build and operate them. This bill provides for the most forward-looking technology in our aircraft, ships, ground weapons and missile defense. We must press forward in developing leading edge technology, looking not only to the needs of today but to 2020, 2050 and beyond.

The most crucial commitment we must fulfill, however, is the one we make to the soldiers, sailors, airmen and Marines who remain unquestionably the foundation for the United States' continuing status as the world's sole superpower, unrivaled in our ability to defend and support freedom anywhere in the world.

The funding provided in this bill is critical to ensuring that the brave men and women in our armed services have the tools and resources necessary to accomplish a swift, sure and decisive victory over tyranny and oppression across the globe. The best of America, and thousands of the best from my home state of Texas—our men and women in uniform, active duty and reserve components alike—are now in harm's way in Iraq and Afghanistan, on the high seas and at the far corners of the world. These brave Americans now risk their lives to confront the oppression, tyranny, and terrorism that plague and threaten the world and our nation.

Through our support of this bill, Mr. Chairman, we show our unequivocal support for our military men and women by providing them with improved pay and benefits and better working and living conditions. We can never do enough to compensate these dedicated men and women for their sacrifices in defense of our freedom, but this bill represents continuing movement in the right direction.

One of this nation's finest traditions is our support of our men and women in uniform. American forces, whether deployed here at home or across the globe, fight not for narrow interests or for reasons of national pride. American soldiers, sailors, airman, and Marines are engaged in combat today so that our people do not live in a world in which tyrants armed with weapons of horror hold free nations hostage, and in doing so threaten freedom itself.

Accordingly, it is our solemn obligation to stand solidly behind our soldiers, sailors, airmen and Marines and to give our men and women in uniform the full and complete support they must have in order to prevail in this war and come safely home. This appropriations bill is an appropriate step in fulfilling our obligation.

Mr. Chairman, I urge my colleagues to lend their full support for H.R. 2658. Our nation's service men and women deserve no less.

Mr. FRELINGHUYSEN. Mr. Chairman, as we debate this appropriations bill today, we should recall the words of our President, George W. Bush, shortly after the attacks of September 11, 2001. He stated: ''America is a nation full of good fortune, with so much to be grateful for. But we are not spared from suffering. In every generation, the world has produced enemies of human freedom. They have attacked America, because we are freedom's home and defender.''

Mr. Chairman, the bill we have before us today is our answer to those who would attack America. This is a strong legislative product—one that reflects well on the Committee on Appropriations, I want to commend you, Chairman, LEWIS, Chairman YOUNG and Ranking Members OBEY and MURTHA for your leadership.

Mr. Chairman, as we consider this important legislation, we must remain mindful that our troops are in the field—brave men and women fighting a new kind of war, as we speak.

It is a war fought with new technology in a land that is very old world.

It is a war that had Forward Air Controllers riding horseback and calling in strikes from laptop computers.

This is a war being fought from our ships stationed 700 miles from targets.

This is a war that utilizes B–52s and B–2s and B1Bs for precision targeting, but it is also a war that calls for our troops to go from cave to cave or building to building to seek out the enemy. It is a war whose enemy is difficult to identify.

At the same time as our men and women are in action in Iraq and Afghanistan and other scattered locations, the leadership of the Department of Defense continues its wide-ranging transformation of the methods and missions and capabilities of our fighting forces.

In this context, America's armed forces have been charged with developing the capabilities to fight jointly with coalition partners to secure victory across the full spectrum of warfare while continuing the transition to a more flexible, more agile, lighter and more lethal force.

Of course, our goal is to provide a new level of efficiency and protection to our warfighter so that they may fight—and win—the new kind of wars that will face the United States of America in coming years.

Mr. Chairman, we are a peaceful people. But recent months have shown the world that we will fight anywhere to defend our national security.

The men and women of our armed forces have made us proud. For them—and their families—I urge adoption of the bill.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of Thursday, June 26, 2003, the bill shall be considered for amendment under the 5-minute rule.

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 place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $28,233,436,000.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 116, line 19, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the bill from page 2, line 15, through page 116, line 19, is as follows:

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $23,052,001,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $8,962,197,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $23,121,003,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of

title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,568,625,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,983,153,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $571,444,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,267,888,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,382,719,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,140,598,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,034,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $24,903,992,000: *Provided,* That of the funds appropriated in this paragraph, not less than $355,000,000 shall be made available only for conventional ammunition care and maintenance: *Provided further,* That of funds made available under this heading, $2,500,000 shall be available for Fort Baker, in accordance with the terms and conditions as provided under the heading ''Operation and Maintenance, Army'', in Public Law 107–117.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,463,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $28,060,240,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,440,456,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,801,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $26,689,043,000: *Provided,* That notwithstanding any other provision of law, that of the funds available under this heading, $750,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial College for the purpose of funding minority aviation training.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $16,124,455,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $34,500,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided,* That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, $500,000 shall be available for a grant for Outdoor Odyssey, Roaring Run, Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: *Provided further,* That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further,* That $4,700,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further,* That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further,* That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,031,309,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,171,921,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $173,952,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,144,188,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals;

maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,325,231,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $4,424,046,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $5,000,000, to remain available until expended: *Provided,* That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; the Defense Health Program appropriation; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: *Provided further,* That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further,* That upon determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $10,333,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $396,018,000, to remain available until transferred: *Provided,* That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $256,153,000, to remain available until transferred: *Provided,* That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $384,307,000, to remain available until transferred: *Provided,* That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $24,081,000, to remain available until transferred: *Provided,* That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $221,369,000, to remain available until transferred: *Provided,* That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2561 of title 10, United States Code), $59,000,000, to remain available until September 30, 2005.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $450,800,000, to remain available until September 30, 2006.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,180,785,000, to remain available for obligation until September 30, 2006.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,533,462,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,956,504,000, to remain available for obligation until September 30, 2006: *Provided*, That of the funds made available under this heading, $35,000,000 shall be available only for advance procurement items for the fifth and sixth Stryker Brigade Combat Teams.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,355,466,000, to remain available for obligation until September 30, 2006.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,547,596,000, to remain available for obligation until September 30, 2006.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $9,030,148,000, to remain available for obligation until September 30, 2006.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $2,205,634,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $941,855,000, to remain available for obligation until September 30, 2006.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $1,186,564,000;

Virginia Class Submarine, $2,123,221,000;

SSGN Conversion, $1,167,300,000;

Cruiser Conversion, $194,440,000;

CVN Refueling Overhauls, $367,832,000;

Submarine Refueling Overhauls, $123,372,000;

DDG–51, $3,198,311,000;

LHD–1 Amphibious Assault Ship, $355,006,000;

LPD–17, $1,367,034,000;

Minehunter, SWATH, $9,000,000;

Service Craft, $39,480,000;

Landing Craft Air Cushion, LCAC, $73,087,000;

Prior Year Shipbuilding Program, $899,502,000; and

For outfitting, post delivery, conversions, and first destination transportation, $348,949,000.

In all: $11,453,098,000, to remain available for obligation until September 30, 2008: *Provided*, That additional obligations may be incurred after September 30, 2008, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed $245,000 per unit; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,784,742,000, to remain available for obligation until September 30, 2006.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,200,499,000, to remain available for obligation until September 30, 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $11,877,051,000, to remain available for obligation until September 30, 2006.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $4,235,505,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and

accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,279,725,000, to remain available for obligation until September 30, 2006.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $243,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $11,195,159,000, to remain available for obligation until September 30, 2006.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, including not to exceed 3 passenger motor vehicles for the Defense Security Service; the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $3,803,776,000, to remain available for obligation until September 30, 2006.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $100,000,000, to remain available for obligation until September 30, 2006: *Provided,* That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $67,516,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,186,272,000, to remain available for obligation until September 30, 2005: *Provided,* That of the amounts provided under this heading, $10,000,000 for Molecular Genetics and Musculoskeletal Research in program element 0602787A, shall remain available until expended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $14,666,239,000, to remain available for obligation until September 30, 2005: *Provided,* That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces*: Provided further,* That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,704,267,000, to remain available for obligation until September 30, 2005.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,763,791,000, to remain available for obligation until September 30, 2005.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $293,661,000, to remain available for obligation until September 30, 2005.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,721,507,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,066,462,000, to remain available until expended: *Provided,* That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further,* That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further,* That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further,* That, notwithstanding any other provision of law, $6,500,000 of the funds available under this heading shall be available in addition to other amounts otherwise available, only to finance the cost of constructing additional sealift capacity.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $15,613,159,000, of which $14,874,037,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2005; of which $328,826,000, to remain available for obligation until September 30, 2006, shall be for Procurement; and of which $410,296,000, to remain available for obligation until September 30, 2005, shall be for Research, development, test and evaluation.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,533,261,000, of which $1,199,168,000 shall be for Operation and maintenance to remain available until September 30, 2005; $79,212,000 shall be for Procurement to remain available until September 30, 2006; $254,881,000 shall be for Research, development, test and evaluation to remain available until September 30, 2005; and no more than $132,677,000 may be for the Chemical Stockpile Emergency Preparedness Program, of which $44,168,000 shall be for activities on military installations and $88,509,000 shall be to assist state and local governments.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation,

$817,371,000: *Provided,* That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $162,449,000, of which $160,049,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $300,000 to remain available until September 30, 2005, shall be for Research, Development, Test and Evaluation; and of which $2,100,000, to remain available until September 30, 2006, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $226,400,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $170,640,000, of which $26,081,000 for the Advanced Research and Development Committee shall remain available until September 30, 2005: *Provided,* That of the funds appropriated under this heading, $46,100,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2006 and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2005: *Provided further,* That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided,* That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further,* That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further,* That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided,* That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided,* That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further,* That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further,* That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further,* That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to May 31, 2004.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided,* That transfers may be made between such funds: *Provided further,* That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided,* That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further,* That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further,* That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further,* That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

F/A–18 aircraft;

E–2C aircraft; and

Tactical Tomahawk missile.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided,* That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further,* That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities,

on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2004, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2005 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2005 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2005.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided,* That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further,* That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided,* That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further,* That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless such conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function and the Competitive Sourcing Official certifies that the projected savings of the competition exceed the minimum conversion differential for such activity or function: *Provided,* That this section shall not apply in circumstances in which the Department of Defense publishes in the Federal Register a determination that compliance would have an adverse impact on national security: *Provided further,* That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent ownership by an Indian tribe, as defined in section 450b(e) of title 25, United States Code, or a Native Hawaiian organization, as defined in section 637(a)(15) of title 15, United States Code.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided,* That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further,* That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further,* That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided,* That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. (a) During the current fiscal year and hereafter, the Secretary of Defense may, by executive agreement, establish with the government of any North Atlantic Treaty Organization member nation a separate account into which residual value amounts negotiated with that nation in the return of United States military installations in that nation may be deposited, in lieu of direct monetary transfers to the United States Treasury. Any such deposit may be made in the currency of the host nation. Amounts in such an account shall be treated as credits to that host nation and may be used only as specified in subsection (b).

(b) Amounts deposited by a host nation in an account as provided for in an agreement under subsection (a) may be used—

(1) subject to subsection (c), for the construction of facilities to support United States military forces in that host nation; or

(2) for such real property maintenance and base operating costs at United States military installations in that host nation that are currently executed through monetary transfers to such host nation.

(c) A military construction project may be executed from an account established under this section only if the project has been previously authorized by law.

(d) In the budget justification materials submitted to Congress in support of the President's budget for the Department of Defense for any fiscal year, the Secretary of Defense shall identify—

(1) amounts anticipated to be received during that fiscal year in residual value settlements under this section; and

(2) such construction, real property maintenance, and base operating costs that shall be funded by the host nation during that fiscal year through such credits under an agreement under this section.

(e)(1) The Secretary of Defense shall report any executive agreement with a NATO member nation under this section to the congressional committees specified in paragraph (2) not less than 30 days before the conclusion and endorsement of the agreement.

(2) The committees referred to in paragraph (1) are the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided,* That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided,* That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual defined under 25 U.S.C. 4221(9) shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further,* That notwithstanding 41 U.S.C. §430, this section shall be applicable to any Department of Defense acquisition

of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in 25 U.S.C. §1544 or a small business owned and controlled by an individual defined under 25 U.S.C. 4221(9).

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8023. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8024. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8025. (a) The Secretary of Defense shall afford qualified nonprofit agencies for the blind or other severely handicapped the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts for the procurement of supplies or services that are let by the Department of Defense using funds appropriated for military functions of the Department of Defense (other than for military construction or military family housing).

(b) A business concern that has negotiated with the Secretary of a military department or the director of a Defense Agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchase made from a qualified nonprofit agency for the blind or other severely handicapped.

(c) For the purpose of this section, the term ''qualified nonprofit agency for the blind or other severely handicapped'' means a nonprofit agency for the blind, or a nonprofit agency for other severely handicapped, that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

(d) This section shall apply during the current fiscal year and hereafter.

SEC. 8026. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8027. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided,* That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8028. (a) Of the funds made available in this Act, not less than $32,758,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $21,432,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $10,540,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $786,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) Notwithstanding section 9445 of title 10, United States Code, or any other provision of law, of the funds made available to the Civil Air Patrol Corporation in this Act under the heading ''Aircraft Procurement, Air Force'', not more than $770,000 may be transferred by the Secretary of the Air Force to the ''Operation and Maintenance, Air Force'' appropriation to be merged with and to be available for administrative expenses incurred by the Air Force in the administration of Civil Air Patrol Corporation. Funds so transferred shall be available for the same period as the appropriation to which transferred.

(c) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal State, and local government agencies.

SEC. 8029. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided,* That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2004 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2004, not more than 6,321 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided,* That of the specific amount referred to previously in this subsection, not more than 1,050 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2005 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $74,200,000.

SEC. 8030. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided,* That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further,* That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further,* That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8031. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8032. (a) During the current fiscal year and hereafter, the Department of Defense may acquire the modification, depot maintenance, and repair of aircraft, vehicles, and vessels, as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms.

(b) In the case of a competition conducted under this section, the Senior Acquisition Executive of the military department or Defense Agency concerned shall certify that the successful bid includes comparable estimates of all direct and indirect costs for bids submitted both by Department of Defense depot maintenance activities and by private firms. The authority of the Senior Acquisition Executive under this section may be delegated.

(c) Office of Management and Budget Circular A–76 shall not apply to a competition conducted under this section.

SEC. 8033. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2004. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations

for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8034. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8035. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 572(b)(5)(A) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 572(b)(5)(B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8036. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8037. Notwithstanding any other provision of law, funds available for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8039. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8040. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8041. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2005 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2005 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2005 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8042. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2005: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for agent operations and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2005.

SEC. 8043. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8044. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8045. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8046. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8047. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8048. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8049. Of the funds appropriated in Department of Defense Appropriations Acts,

the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Aircraft Procurement, Army, 2003/2005'', $47,100,000;

''Other Procurement, Army, 2003/2005'', $8,000,000;

''Shipbuilding and Conversion, Navy, 2002/2006'', $25,600,000;

''Missile Procurement, Air Force, 2003/2005'', $27,000,000;

''Other Procurement, Air Force, 2003/2005'', $30,000,000; and

''Research, Development, Test and Evaluation, Army, 2003/2004'', $1,650,000.

SEC. 8050. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8051. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8052. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8053. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8054. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2002 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8055. (a) LIMITATION ON PENTAGON RENOVATION COSTS.—Not later than the date each year on which the President submits to Congress the budget under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a certification that the total cost for the planning, design, construction, and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1.

(b) ANNUAL ADJUSTMENT.—For purposes of applying the limitation in subsection (a), the Secretary shall adjust the cost for the renovation of wedge 1 by any increase or decrease in costs attributable to economic inflation, based on the most recent economic assumptions issued by the Office of Management and Budget for use in preparation of the budget of the United States under section 1104 of title 31, United States Code.

(c) EXCLUSION OF CERTAIN COSTS.—For purposes of calculating the limitation in subsection (a), the total cost for wedges 2 through 5 shall not include—

(1) any repair or reconstruction cost incurred as a result of the terrorist attack on the Pentagon that occurred on September 11, 2001;

(2) any increase in costs for wedges 2 through 5 attributable to compliance with new requirements of Federal, State, or local laws; and

(3) any increase in costs attributable to additional security requirements that the Secretary of Defense considers essential to provide a safe and secure working environment.

(d) CERTIFICATION COST REPORTS.—As part of the annual certification under subsection (a), the Secretary shall report the projected cost (as of the time of the certification) for—

(1) the renovation of each wedge, including the amount adjusted or otherwise excluded for such wedge under the authority of paragraphs (2) and (3) of subsection (c) for the period covered by the certification; and

(2) the repair and reconstruction of wedges 1 and 2 in response to the terrorist attack on the Pentagon that occurred on September 11, 2001.

(e) DURATION OF CERTIFICATION REQUIREMENT.—The requirement to make an annual certification under subsection (a) shall apply until the Secretary certifies to Congress that the renovation of the Pentagon Reservation is completed.

SEC. 8056. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8057. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8058. Appropriations available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8059. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end item.

SEC. 8060. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8061. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8062. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8063. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8064. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8065. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of

the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8066. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided,* That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: *Provided further,* That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further,* That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: *Provided further,* That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8067. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8068. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8070. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided,* That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further,* That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8071. Funds appropriated for the Department of Defense in this Act or any other Act for the current fiscal year and hereafter for Operation and Maintenance or for the Defense Health Program for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated when the reimbursable order is accepted by the performing activity. For the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 8072. (a) During the current fiscal year and hereafter, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) During the current fiscal year and hereafter, amounts collected under the subsection (a) shall be credited to funds then available for the National Guard Distance Learning Project and shall be available to defray the costs associated with the use of equipment of the Distance Learning Project under that subsection. Such funds shall be available for such purpose without fiscal year limitation.

SEC. 8073. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided,* That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further,* That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8074. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided,* That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further,* That this restriction does not apply to programs funded within the National Foreign Intelligence Program: *Provided further,* That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8075. None of the funds made available in this Act may be used to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.

SEC. 8076. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8077. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a

gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8078. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8079. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8080. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8081. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8082. Notwithstanding any other provision of law, for the purpose of establishing all Department of Defense policies governing the provision of care provided by and financed under the military health care system's case management program under 10 U.S.C. 1079(a)(17), the term ''custodial care'' shall be defined as care designed essentially to assist an individual in meeting the activities of daily living and which does not require the supervision of trained medical, nursing, paramedical or other specially trained individuals: *Provided*, That the case management program shall provide that members and retired members of the military services, and their dependents and survivors, have access to all medically necessary health care through the health care delivery system of the military services regardless of the health care status of the person seeking the health care: *Provided further*, That the case management program shall be the primary obligor for payment of medically necessary services and shall not be considered as secondarily liable to title XIX of the Social Security Act, other welfare programs or charity based care.

SEC. 8083. During the current fiscal year and hereafter, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received.

SEC. 8084. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''information technology system'' has the meaning given the term ''information technology'' in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8085. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8086. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a centerfire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8087. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8088. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic

beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided,* That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further,* That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further,* That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8089. (a) The Department of Defense is authorized to enter into agreements with the Department of Veterans Affairs and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term ''Native Hawaiian'' means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8090. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8091. Of the amounts appropriated in this Act under the heading, ''Research, Development, Test and Evaluation, Defense-Wide'', $48,000,000 shall remain available until expended: *Provided,* That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further,* That of the amounts made available under the heading ''Operation and Maintenance, Army'', up to $177,000,000 shall remain available until expended, and is available for the acquisition of real property, construction, personal services, and operations, for certain classified activities, and may be transferred to other appropriations accounts of the Department of Defense, and notwithstanding any other provision of law, such funds may be obligated to carry out projects not otherwise authorized by law: *Provided further,* That any funds transferred shall be merged with and made available for the same time period and for the same purposes as the appropriations to which transferred: *Provided further,* That the transfer authority provided in this paragraph is in addition to any other transfer authority provided to the Department of Defense.

SEC. 8092. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2004.

SEC. 8093. In addition to amounts provided in this Act, $2,000,000 is hereby appropriated for ''Defense Health Program'', to remain available for obligation until expended: *Provided,* That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8094. Amounts appropriated in title II are hereby reduced by $172,500,000 to reflect savings attributable to improvements in the management of professional support services, surveys and analysis, and engineering and technical support contracted by the military departments, as follows:

(1) From ''Operation and Maintenance, Army'', $21,500,000.

(2) From ''Operation and Maintenance, Navy'', $34,400,000.

(3) From ''Operation and Maintenance, Marine Corps'', $4,300,000.

(4) From ''Operation and Maintenance, Air Force'', $21,300,000.

(5) From ''Operation and Maintenance, Defense-Wide'', $91,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $899,502,000 shall be available until September 30, 2004, to fund prior year shipbuilding cost increases: *Provided,* That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: *Provided further,* That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/04'':

LPD–17 Amphibious Transport Dock Ship Program, $150,300,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/04'':

New SSN, $81,060,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1999/04'':

DDG–51 Destroyer Program, $44,420,000;

New SSN, $166,978,000;

LPD–17 Amphibious Transport Dock Ship Program $86,821,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 2000/04'':

DDG–51 Destroyer Program, $69,460,000;

LPD–17 Amphibious Transport Dock Ship Program $112,778,000; and

Under the heading, ''Shipbuilding and Conversion, Navy, 2001/04'':

DDG–51 Destroyer Program, $90,313,000; and

New SSN, $97,372,000.

SEC. 8096. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: *Provided,* That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8097. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 38 U.S.C. 7403(a)(2) as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.

(B) The limitations of 38 U.S.C. 7403(g)(1)(B) shall not apply.

SEC. 8098. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the enactment of the Intelligence Authorization Act for fiscal year 2004.

SEC. 8099. The total amount appropriated in title II is hereby reduced by $320,000,000 to reduce cost growth in information technology development, to be derived as follows:

(1) From ''Operation and Maintenance, Army'', $60,000,000.

(2) From ''Operation and Maintenance, Navy'', $100,000,000.

(3) From ''Operation and Maintenance, Air Force'', $100,000,000.

(4) From ''Operation and Maintenance, Defense-Wide'', $60,000,000.

SEC. 8100. None of the funds in this Act may be used to initiate a new start program without prior notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8101. The amounts appropriated in title II are hereby reduced by $539,000,000 to reflect cash balance and rate stabilization adjustments in Department of Defense Working Capital Funds, as follows:

(1) From ''Operation and Maintenance, Army'', $107,000,000.

(2) From ''Operation and Maintenance, Navy'', $45,000,000.

(3) From ''Operation and Maintenance, Air Force'', $387,000,000.

SEC. 8102. The amount appropriated in title II for ''Operation and Maintenance, Navy'' is hereby reduced by $67,000,000 to reduce excess funded carryover.

SEC. 8103. (a) In addition to the amounts provided elsewhere in this Act, the amount of $5,500,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Army National Guard''. Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $5,500,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management co-operation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8104. (a) During the current fiscal year and hereafter, funds available to the Secretary of a military department for Operation and Maintenance may be used for the purposes stated in subsection (b) to support chaplain-led programs to assist members of the Armed Forces and their immediate family members in building and maintaining a strong family structure.

(b) The purposes referred to in subsection (a) are costs of transportation, food, lodging, supplies, fees, and training materials for members of the Armed Forces and their family members while participating in such programs, including participation at retreats and conferences.

SEC. 8105. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight (NLOS) Objective Force cannon and resupply vehicle program in order to field this system in the 2008 timeframe. As an interim capability to enhance Army lethality, survivability, and mobility for light and medium forces before complete fielding of the Objective Force, the Army shall ensure that budgetary and programmatic plans will provide for no fewer than six Stryker Brigade Combat Teams to be fielded between 2003 and 2008.

SEC. 8106. (a) MANAGEMENT OF CHEMICAL DEMILITARIZATION ACTIVITIES AT BLUEGRASS ARMY DEPOT, KENTUCKY.—If a technology other than the baseline incineration program is selected for the destruction of lethal chemical munitions pursuant to section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1521 note), the program manager for the Assembled Chemical Weapons Assessment shall be responsible for management of the construction, operation, and closure, and any contracting relating thereto, of chemical demilitarization activities at Bluegrass Army Depot, Kentucky, including management of the pilot-scale facility phase of the alternative technology.

(b) MANAGEMENT OF CHEMICAL DEMILITARIZATION ACTIVITIES AT PUEBLO DEPOT, COLORADO.—The program manager for the Assembled Chemical Weapons Assessment shall be responsible for management of the construction, operation, and closure, and any contracting relating thereto, of chemical demilitarization activities at Pueblo Army Depot, Colorado, including management of the pilot-scale facility phase of the alternative technology selected for the destruction of lethal chemical munitions.

SEC. 8107. In addition to the amounts appropriated or otherwise made available in this Act, $6,500,000, to remain available until September 30, 2004, is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make grants in the amount of $4,000,000 to the American Red Cross for Armed Forces Emergency Services; and $2,500,000 to the Intrepid Sea-Air-Space Foundation.

SEC. 8108. None of the funds appropriated in this Act under the heading ''Overseas Contingency Operations Transfer Fund'' may be transferred or obligated for Department of Defense expenses not directly related to the conduct of overseas contingencies: *Provided*, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the ''Overseas Contingency Operations Transfer Fund'': *Provided further*, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8109. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8110. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8111. Notwithstanding section 2465 of title 10 U.S.C., the Secretary of the Navy may use funds appropriated in title II of this Act under the heading, ''Operation and Maintenance, Navy'', to liquidate the expenses incurred for private security guard services performed at the Naval Support Unit, Saratoga Springs, New York by Burns International Security Services, Albany, New York in the amount of $29,323.35, plus accrued interest, if any.

SEC. 8112. Of the amounts provided in title II of this Act under the heading, ''Operation and Maintenance, Defense-Wide'', $20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8113. (a) EXCHANGE REQUIRED.—In exchange for the private property described in subsection (b), the Secretary of the Interior shall convey to the Veterans Home of California—Barstow, Veterans of Foreign Wars Post #385E (in this section referred to as the ''recipient''), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately one acre in the Mojave National Preserve and designated (by section 8137 of the Department of Defense Appropriations Act, 2002 (Public Law 107–117; 115 Stat. 2278)) as a national memorial commemorating United States participation in World War I and honoring the American veterans of that war. Notwithstanding the conveyance of the property under this subsection, the Secretary shall continue to carry out the responsibilities of the Secretary under such section 8137.

(b) CONSIDERATION.—As consideration for the property to be conveyed by the Secretary under subsection (a), Mr. and Mrs. Henry Sandoz of Mountain Pass, California, have agreed to convey to the Secretary a parcel of real property consisting of approximately five acres, identified as parcel APN 569–051–44, and located in the west ½ of the northeast ¼ of the northwest ¼ of the northwest ¼ of section 11, township 14 north, range 15 east, San Bernardino base and meridian.

(c) EQUAL VALUE EXCHANGE; APPRAISAL.—The values of the properties to be exchanged under this section shall be equal or equalized as provided in subsection (d). The value of the properties shall be determined through an appraisal performed by a qualified appraiser in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (Department of Justice, December 2000).

(d) CASH EQUALIZATION.—Any difference in the value of the properties to be exchanged under this section shall be equalized through the making of a cash equalization payment. The Secretary shall deposit any cash equalization payment received by the Secretary under this subsection in the Land and Water Conservation Fund.

(e) REVERSIONARY CLAUSE.—The conveyance under subsection (a) shall be subject to the condition that the recipient maintain the conveyed property as a memorial commemorating United States participation in World War I and honoring the American veterans of that war. If the Secretary determines that the conveyed property is no longer being maintained as a war memorial, the property shall revert to the ownership of the United States.

(f) BOUNDARY ADJUSTMENT; ADMINISTRATION OF ACQUIRED LAND.—The boundaries of the Mojave National Preserve shall be adjusted to reflect the land exchange required by this section. The property acquired by the Secretary under this section shall become part of the Mojave National Preserve and be administered in accordance with the laws, rules, and regulations generally applicable to the Mojave National Preserve.

SEC. 8114. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53d Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8115. The Secretary of the Air Force shall convey, without consideration, to the Inland Valley Development Agency all right, title, and interest of the United States in and to certain parcels of real property, including improvements thereon, located in San Bernardino, California, that consist of approximately 39 acres and are leased, as of June 1, 2003, by the Secretary to the Defense Finance and Accounting Service. The conveyance shall be subject to the condition that the Inland Valley Development Agency and the Director of the Defense Finance and Accounting Service enter into a lease-back agreement, acceptable to the Director, for premises required by the Director for support operations conducted by the Defense Finance and Accounting Service.

SEC. 8116. Notwithstanding the provisions of section 2401 of title 10, United States Code, the Secretary of the Navy is authorized to enter into a contract for the charter for a period through fiscal year 2008, of the vessel, RV CORY CHOUEST (United States Official Number 933435) in support of the Surveillance Towed Array Sensor (SURTASS) program: *Provided*, That funding for this lease shall be from within funds provided in this Act and future appropriations Acts.

SEC. 8117. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, and notwithstanding any other provision of law, $20,000,000 is hereby appropriated to ''Operation and Maintenance, Army'', to remain available until September 30, 2004, to be available only for a grant in the amount of $20,000,000 to the Silver Valley Unified School District, Silver Valley, California, for the purpose of school construction at Fort Irwin, California.

SEC. 8118. Amounts appropriated in title II are hereby reduced by $294,000,000 to reflect savings attributable to efficiencies and management improvements in the funding of miscellaneous or other contracts in the military departments, as follows:

(1) From ''Operation and Maintenance, Army,'' $27,000,000;

(2) From ''Operation and Maintenance, Navy,'' $50,000,000; and

(3) From ''Operation and Maintenance, Air Force'', $217,000,000.

SEC. 8119. The amount appropriated in title II for ''Operation and Maintenance, Air Force'' is hereby reduced by $600,000,000 to reflect cash balance and rate stabilization adjustments in the Department of Defense Transportation Working Capital Fund.

(RESCISSION)

SEC. 8120. Of the funds made available in chapter 3 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11), under the heading ''Iraq Freedom Fund'' (117 Stat. 563), $2,000,000,000 is hereby rescinded.

SEC. 8121. Of the total amount appropriated by this Act under the heading ''Operation and Maintenance, Defense-Wide'' to provide assistance to local educational agencies for children of members of the Armed Forces and Department of Defense civilian employees with severe disabilities, the Secretary of Defense may use up to $855,566 to make additional payment under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (20 U.S.C.

7703(a)) to those local educational agencies whose percentage reduction in the payment amount for fiscal year 2002 was in excess of the reduction otherwise imposed under subsection (d) of such section for that fiscal year. The Secretary of Defense may waive collection of any overpayment made to local educational agencies under such section for fiscal year 2002.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8122. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 8123. None of the funds appropriated or otherwise made available by this Act may be used to implement any amendment or revision of, or cancel, the Department of Defense Directive 1344.7, ''Personal Commercial Solicitation on DoD Installations'', until 90 days following the date the Secretary of Defense submits to Congress notice of the amendment, revision or cancellation, and the reasons therefore.

SEC. 8124. LIMITATION ON DEPLOYMENT OF TERRORISM INFORMATION AWARENESS PROGRAM.—

(1) Notwithstanding any other provision of law and except as provided in paragraph (2), if and when research and development on the Terrorism Information Awareness program (formerly known as the Total Information Awareness program), or any component of such program, permits the deployment or implementation of such program or component, no department, agency, or element of the Federal Government may deploy or implement such program or component, or transfer such program or component to another department, agency, or element of the Federal Government, until the Secretary of Defense—

(A) notifies Congress of that development, including a specific and detailed description of—

(i) each element or component of such program intended to be deployed or implemented; and

(ii) the method and scope of the intended deployment or implementation of such program or component (including the data or information to be accessed or used); and

(B) has received specific authorization by law from Congress for the deployment or implementation of such program or component, including—

(i) a specific authorization by law for the deployment or implementation of such program or component; and

(ii) a specific appropriation by law of funds for the deployment or implementation of such program or component.

(2) The limitation in paragraph (1) shall not apply with respect to the deployment or implementation of the Terrorism Information Awareness program, or a component of such program, in support of the following:

(A) Lawful military operations of the United States conducted outside the United States.

(B) Lawful foreign intelligence activities conducted wholly overseas, or wholly against non-United States citizens.

SEC. 8125. (a) CLOSURE OF NAVAL STATION ROOSEVELT ROADS, PUERTO RICO.—Notwithstanding any other provision of law, the Secretary of the Navy shall close Naval Station Roosevelt Roads, Puerto Rico, no later than six months after enactment of this Act.

(b) DISPOSAL.—

(1) The Secretary of the Navy shall exercise the authority granted to the Administrator of the General Services pursuant to section 545 of title 40 and dispose of the real property and associated personal property at the former Naval Station by public sale.

(2) The Secretary of the Navy may transfer excess personal property or dispose of surplus personal property located at the installation pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 521 et seq.).

(c) The Secretary of the Navy may use funds in the Department of Defense Base Closure Account established by section 2906 of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510 to implement the closure.

(d) There shall be deposited into the Account referred to in subsection (c) the proceeds of sale from the disposal of property authorized by subsection (b) for the benefit of the Department of the Navy.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

□ 1215

Mr. Chairman, let me confirm that I think this bill will be supported broadly on both sides of the aisle, and I would simply like to bring three matters to the attention of the House.

First of all, I really do believe that this institution is going to have to take a look at the number of commitments that we have worldwide and compare that to the strain that we have on the available troops for use under these many commitments. I think anyone who looks at the situation will understand that we are dangerously close to having an overextended military; and I think we ought to ask ourselves honestly if we are going to engage in these many commitments around the world, do we need to have a larger Army. In my view if we are, then we do. If we do not intend to enlarge the Army, then I think we must be much more aggressive in asking our allies to help us deal with some of the peacekeeping functions that we face, for instance, in Iraq.

Secondly, I do have some misgivings about the funding levels for SDI in the bill.

Thirdly, I want to talk about something that I think is more important than any of those considerations. This Subcommittee of Defense is perhaps the most bipartisan of all appropriations subcommittees, and the Committee on Appropriations is probably the most bipartisan committee in the House; and it is in that spirit that I raise a matter that I think every Member should be aware of because of its deadly importance. It involves intelligence, specifically the intelligence gathering and analysis used in support of Operation Iraqi Freedom.

What I am going to say is based on published reports purportedly based on interviews with intelligence officials and military officers. Neither I, nor I suspect anyone in the House of Representatives, knows the extent to which these reports are accurate so there is no possibility of disclosing classified material. We have had the staff of the committee look at the allegations on a bipartisan basis, and I think it is fair to say, while they do not have enough information to reach specific conclusions, they do find much of what has been said in these stories to be credible.

In addition to the CIA, which is an independent agency, there are four major intelligence organizations inside the Department of Defense. All of these entities are funded in this bill. The press stories I am referring to, and I would be glad to provide copies of them to any Member who is interested, those stories argue that a group of civilian employees in the Office of the Secretary of Defense, all of whom are political employees, have long been dissatisfied with the information produced by the established intelligence agencies both inside and outside the Department. That was particularly true, apparently, with respect to the situation in Iraq.

As a result, it is reported that they established a special operation within the Office of the Secretary of Defense, which was named the Office of Special Plans. That office was charged with collecting, vetting, and disseminating intelligence completely outside the normal intelligence apparatus. In fact, it appears that the information collected by this office was in some instances not even shared with the established intelligence agencies and in numerous instances was passed on to the National Security Council and the President without having been vetted with anyone other than OSD political appointees.

It is further alleged that the purpose of this operation was not only to produce intelligence more in keeping with the preheld views of those individuals, but to intimidate analysts in the established intelligence organizations to produce information that was more supportive of policy decisions which they had already decided to propose. There is considerable discussion regarding the intelligence relating to weapons of mass destruction.

I think it would be unfortunate if this issue were subsumed by the question of whether or not Saddam Hussein had such weapons. First of all, we do not know at this point. My personal suspicion has always been that he did. Secondly, measuring the quality of our intelligence apparatus requires more than determining whether the reporting was right or wrong on any single issue. Is what was reported consistent with the best information that was available? Did we reach the right conclusion based on good information or by happenstance?

These allegations, however, go well beyond the issue of WMDs. It appears that the individuals in question also challenged the consensus within the intelligence community on the number of troops that would be required for a successful invasion. The political appointees within the Office of the Secretary maintained regular contact with sources within the Iraqi National Congress, who in turn maintained contact with sources inside of Iraq.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 3 additional minutes.)

Mr. OBEY. Mr. Chairman, based on information transmitted by these sources, the political appointees argued that the conclusions of the intelligence community, the Joint Chiefs, and in particular General Shinseki, were in error and the invasion could be successfully carried out with fewer than 50,000 troops.

While the chiefs in the end got most of the troops that they requested, it appears that the invasion was both lighter than they would have desired and lighter than what was required. The inability to fully protect supply lines did in fact result in the loss of life. The shortage of available personnel did leave certain critical sites such as nuclear facilities unprotected.

We all know this is incredibly serious business. It is important not only to understand what we did or did not do with respect to Iraq, but it is far more important in terms of what we will do in the future. How will the information that the President and the Congress receive on our options in Korea be put together, for instance? Will the long-established collection mechanisms, evaluation and dissemination be used, or will we again fall back on the ad hoc efforts of this self-appointed group of experts?

It is important to note that these same individuals have established a new office with an Under Secretary of Defense for Intelligence. This office will have more than 100 people, and it is widely believed in the intelligence community that the office is being created for the express purpose of pressuring analysts to produce information more supportive of predetermined policy. I do not know if that is true or not, but the question remains, Will this office stand between our war fighters and the information they need? Why did they require this small group of civilians to employ this kind of a role? Will the Under Secretary compete with the Director of Central Intelligence in the coordination of these agencies? All I can say is that we are paying for all of this. We ought to have the answers.

I would like to ask Members to remember that there was a reason the National Security Act of 1946 placed all intelligence activities under the control of one man, the Director of Central Intelligence. General Hoyt Vandenberg, who himself served as the DCI, explained that decision in testimony before Congress. He said, ''The joint congressional committee to investigate the Pearl Harbor attack found failures that went to the very structure of our intelligence organizations, a failure to coordinate the collection and dissemination of intelligence, and the failure to centralize intelligence functions of common concern to more than one department of the government which could more efficiently be performed centrally.'' I think we need to remember those words, and I think the Congress needs to dig and dig hard to get to the bottom of this.

I do not, frankly, know what the right structure for gathering and dissemination of intelligence information ought to be, but I am very leery of the fact that we have a new operation which can deal with information without clearing it with anyone else. The reason the system has served us so well over the past years is because all information has been vetted with other people who are supposed to know the most about it. I think it is dangerous when we get away from that practice.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California:

On page 103, line 9, strike ''$67,000,000'' and insert in lieu thereof ''$96,000,000''.

At the end of title VIII (page 116, after line 19), add the following new seciton:

SEC. ____. In addition to amounts provided elsewhere in this Act, the following amounts shall be made available for the purposes specified:

(a) The amount of $5,000,000 is hereby appropriated for ''Operation and Maintenance, Army National Guard'', for the nationwide dedicated fiber optic network program;

(b) The amount of $14,000,000 is hereby appropriated for ''Procurement, Marine Corps'', of which $9,600,000 is for the AN/PRC–148 tactical handheld radio, and $4,400,000 is for combat casualty care equipment;

(c) The amount of $5,000,000 is hereby appropriated for ''Research, Development, Test and Evaluation, Air Force'', for low emission/efficient hybrid aviation refueling truck propulsion; and

(d) The amount of $5,000,000 is hereby appropriated for ''Research, Development, Test and Evaluation, Defense-Wide'', for development of novel pharmaceuticals for anthrax.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. LEWIS of California. Mr. Chairman, the minority has seen the amendment and has no objection. I simply ask for its passage.

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

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEWIS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLUMENAUER:

Under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', insert after the dollar amount on page 31, line 19, the following: ''(increased by $100,000,000)''.

Under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', insert after the dollar amount on page 33, line 4, the following: ''(reduced by $100,000,000)''.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved on the amendment.

Mr. BLUMENAUER. Mr. Chairman, I come today with deep respect for the hard work that this subcommittee has done. I think it may be the toughest subcommittee in the House given the amazing pressures in terms of the military requirements of our country during a difficult time. This is a difficult budget, and there are crosscurrents that I cannot even imagine, but I get a little hint as I look from a distance.

My special interest has been in an area dealing with unexploded ordnance, being able to protect people at home and abroad from the consequences of everything from landmines to training munitions that are unexploded. This has been an area that I have been deeply troubled with. It is an area that around the country there are potentially millions of acres in the United States that are so affected; and when we look at what has happened overseas, whether it is in the war in Southeast Asia and Vietnam, Afghanistan, what is going on right now in Iraq, and we just had a boy back home die this week in my community as a result of efforts trying to clear landmines.

Around the world, over 300 million landmines have been built, and 75 million that have been placed remain undetonated.

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

Mr. BLUMENAUER. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, the gentleman from California (Mr. LEWIS) and I have both talked to the gentleman about this issue. We understand the seriousness of it, and the importance to both the gentleman and to the country; and we are certainly going to work with the gentleman in trying to increase the amount of money in the unexploded ordnance area. We think it is a very important area, and we feel very strongly that the gentleman is right about it. We do not agree with the amendment, and we hope it will be withdrawn; but we do think money needs to be increased in that area.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, echoing the words of the gentleman from Pennsylvania (Mr. MURTHA), I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. BLUMENAUER. Mr. Chairman, reclaiming my time, I am deeply appreciative of the spirit of cooperation from the chairman and ranking member and willingness to work with us.

We had made a request initially of $20 million before the subcommittee. Frankly, as I watched what moved through the process, I thought we had identified an area with the new generation of ballistic missile defense interceptor, additional research that frankly would be a higher priority. But given the strong encouragement to work with the subcommittee and their willingness to work with us, I look forward to working with them to make sure that at least the $20 million is there to protect Americans at home and abroad. Candidly, Mr. Chairman, it is not just going to save our fighting men and women. I would just conclude on the notion that every single day civilians, including a sad number of children, are killed and maimed as a result of landmines and unexploded munitions. This investment will reap dividends for generations to come. I deeply appreciate the cooperation of the subcommittee.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

Mr. KUCINICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to this bill. In one quick hour of debate, Congress will spend $368 billion on the military. Amazingly, this massive sum does not fund our troops in Iraq or Afghanistan. If we want to use our Armed Forces, the taxpayers will have to use extra. We all know that the President will be back asking for more billions of more taxpayer dollars for these operations.

This bill funds the wrong defense priorities that will do little to provide for a more secure America. It will fund weapons systems that we all know will not work and will be subject to spiraling upward costs; and yet we cannot fully fund education needs at home. The only needs this Congress will take care of today are the profit-gouging defense contractors. Perhaps we should rename this bill the Lockheed-Martin, Northrop Grumman, United Defense, Raytheon, Boeing and General Dynamics Welfare Act of 2003.

Unlike the Republican majority, I do not believe we should heavily deficit spend to further enrich defense contractors. We can heavily invest in education and reduce the deficit by cutting national missile defense, the F22 fighter plane, the V22 Osprey, space-based weapons and other unnecessary and wasteful programs.

□ 1230

I believe we should cancel the national missile defense, a savings of $8.9 billion, because it reduces our security here at home, it steals money for more effective security options, and because it will not work as promised, it leaves us more vulnerable.

National missile defense does not work. It has failed three tests that were much simpler than real-life scenarios. It will not be subject to a real-life test before deployment in 2004. The only conclusion I can draw is that proponents do not care. They do not care if this weapons system works and it harms rather than protects Americans. Any country that decides to attack the United States with nuclear, chemical, or biological weapons is more likely to use a less expensive and more covert delivery method than long-range missiles, such as smuggling it on a ship or a truck.

National missile defense would offer no protection against such an attack, and because we waste so much money on this system, we leave our homeland security system underfunded and unable to protect from real threats. We can also significantly reduce our shipbuilding programs funded at $11.5 billion. Our Navy is not threatened by any other navy; yet it offers little protection from today's real threats. We would do far more for our Nation's security by shifting some of these funds to the Coast Guard.

It would immediately save lives to cancel the V–22 aircraft program, a savings of $1.5 billion in fiscal year 2004. This aircraft has killed 30 Marines because it has an unsafe design that cannot be relied upon. I cannot support funds for such a program.

The F–22 fighter plane is a relic of the Cold War that suits no purpose in a modern Air Force. Our current airfighters are more than capable and far less expensive. The F–22 continues to be subject to massive cost overruns and continued development problems, making it an unaffordable plane. The $3.6 billion saved in fiscal year 2004 would raise a lot of teachers' salaries, providing our children with better education.

I believe we should roll back our spending in research and development of unnecessary expensive weapons systems such as Army's Comanche helicopter, a savings of $1.1 billion; the Joint Strike Fighter, a savings of $4.2 billion; the Space-Based Infra-Red System, a savings of $617 million; and the Space-Based Radar, a savings of $174 million.

Do we want to start a new war in space, or do we want to finish the struggle against deteriorating public schools? I believe we can do more for America by our repairing our school infrastructure. The savings proposed here amount to a significant investment in education. I have highlighted $30 billion in unnecessary defense spending, and this money can be immediately invested in education for our children. A thorough review of the Pentagon budget would likely reveal another $30 billion in defense waste and unnecessary programs.

Today only 12 percent of the 17 million low-income children eligible for child care subsidies receives assistance. Only 23 percent of all families with children younger than 6 have one parent working and one parent staying at home. And today the average cost of child care for a 4-year old in an urban-area center is more than the average cost of public college tuition in all but one State.

I ask who will care for our children? And I say that we can. With $60 billion we could have universal prekindergarten and child care in this Nation. I have a bill before this Congress, the Universal Prekindergarten Act, that would establish and expand prekindergarten programs to ensure that all children ages 3 to 5 have access to high-quality, full-day, full-calendar-year prekindergarten education.

It is time to set our priorities straight. We are arming ourselves to the teeth, and we are missing a chance to make sure our children have decent education.

AMENDMENT OFFERED BY MR. DE FAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO:

Under the heading ''RESERVE PERSONNEL, ARMY'', insert after the dollar amount on page 4, line 14, the following: ''(increased by $37,300,000)''.

Under the heading ''RESERVE PERSONNEL, AIR FORCE'', insert after the dollar amount on page 6, line 6, the following: ''(increased by $8,000,000)''.

Under the heading ''OPERATION AND MAINTENANCE, ARMY'', insert after the dollar amount on page 7, line 21, the following: ''(increased by $22,330,000)''.

Under the heading ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'', insert after the dollar amount on page 12, line 19, the following: ''(increased by $26,400,000)''.

Under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', insert after the dollar amount on page 27, line 22, the following: ''(reduced by $273,000,000)''.

Under the heading ''PROCUREMENT, DEFENSE-WIDE'', insert after the dollar amount on page 30, line 18, the following: ''(increased by $52,100,000)''.

Mr. DEFAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

Mr. DEFAZIO. Mr. Chairman, this is an amendment to close a gap that I see in the vital needs of the American people. The gentleman from Pennsylvania, as the father of the Civil Support Weapons of Mass Destruction Team, knows well that the National Guard is a unique repository of expertise with capabilities of response to weapons of mass destruction, chemical, biological, or radiological events, events that are far beyond the capabilities of most civilian units even in our major cities. They certainly exceed the capabilities that our States have to fund and train such teams at this point in time; yet we would all admit that a very real threat exists, and we are spending a tremendous amount of time around the

world attempting to prevent such attacks on our country. But if the worst should happen, we are going to need these teams, and we are going to need more than we have. The Congress has authorized 55, but at this point, as I understand it, 27 are fully operational, and another 5 are in training, and yet there are 23 that have not yet received funding.

My intention with this amendment was to push the Congress to make a difficult choice between a weapons system and these teams. We have to make difficult choices around here in the hopes that we can move forward.

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

Mr. DEFAZIO. I yield to the gentleman from Oregon.

Mr. MURTHA. Mr. Chairman, the gentleman talked to me, and I have talked to the chairman, and we are certainly going to work something out. We were disappointed we did not have more requests for more teams. As a matter of fact, as the gentleman mentioned, we started this 12 to 13 years. The National Guard fought it initially, but now they see the importance. We think every State should have these, and we hope we can work out four or five more times in this legislation.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman and the chairman, too, because I think they both recognize a critical need. I know there are difficult choices to be made, and I am very hopeful that we will come back from conference with the Senate with the additional teams funded, and I think that that would be a tremendous asset to the protection of the American people.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. ACEVEDO-VILÁ

Mr. ACEVEDO-VILÁ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ACEVEDO-VILÁ: Page 115, beginning line 20, strike section 8125 relating to closure of Naval Station Roosevelt Roads, Puerto Rico.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

Mr. ACEVEDO-VILÁ. Mr. Chairman, I rise in regard to Section 8125 of this bill which will arbitrarily close Naval Station Roosevelt Roads in Ceiba, Puerto Rico. I have been aware that this facility could be closed and presume that any such closure will occur through the 2005 base realignment closure process. I was, therefore, surprised and dismayed to find language in this appropriations bill authorizing the closure of Roosevelt Roads. I believe that this provision violates the standard procedures of Congress by legislating on an appropriations bill, that it arbitrarily circumvents the 2005 BRAC process, and that it neglects the importance of this facility both for the U.S. and the Commonwealth of Puerto Rico.

To address this issue, I have two amendments that will permit the normal process of Congress and the Base Closure Commission to take place. My first amendment will simply strike Section 8125. Thus, if the criteria of BRAC finds Roosevelt Roads to deserve closure, then it will take place, but Congress, as with all other bases, will remain out of the process. The economic benefits of Roosevelt Roads estimated by the Navy to be $300 million per year will continue to accrue.

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

Mr. ACEVEDO-VILÁ. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, the gentleman has talked to me, and I have talked to the chairman about this issue. This is a very delicate issue. We had the same situation in Philadelphia a couple years ago when they closed down the Navy yard there. The Navy insists it needs the personnel. They are very short. They are overly committed all over the world, and they need these 3,000 people in other places.

I have to say to the gentleman he is actually better off with it going with the appropriation process where we could work with him trying to help solve some of the problems that they have in Puerto Rico when they close down a base. For instance, we have done it in San Francisco. We have done it in other parts of California. We did it in Philadelphia. We did it in Texas. And we are very aware of the economic disruption, and if the gentleman would withdraw his amendment, we will certainly work with him. And it is going to take some time because we probably have to make a visit to Puerto Rico and see exactly what we are talking about.

One of the big problems we have, some of this equipment, when they knew they were going to close down, do not take care of it. So we need to see what really needs to be done.

But the gentleman can be assured we will do everything we can to help him. If this works its way through the entire Congress and the conference, we will do everything we can to help him.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. ACEVEDO-VILÁ. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I certainly would agree with the statement made by my colleague from Pennsylvania. As the gentleman and I discussed on an earlier occasion, it is our intention to work very closely with the Delegate to see that every step is taken to make certain that the people of Puerto Rico have all the flexibility they possibly can have to maximize the potential of this potentially very valuable property, and one that could provide a great stimulus for their economy.

Mr. ACEVEDO-VILÁ. Mr. Chairman, reclaiming my time, I really appreciate the support of the chairman and the ranking member. As I have spoken to them, my position and the position of Puerto Rico is we do not want the base to be closed because we think it is important for Puerto Rico and it is important for the U.S. But if that is the final decision, then, as with any other bases that have been closed, we need the support of Congress, we need a package, and we need special consideration to the possibility of transferring the lands to the Commonwealth of Puerto Rico and to the municipality of Ceiba. Actually the mayor of Ceiba, Gerardo Cruz, is here, and also the senator from that district in Puerto Rico Juan Cancel Alegria is here because this is really a main concern in that area. Unemployment is very high in the eastern part of Puerto Rico.

So if, based on the gentlemen's statements, if we can work this out in conference, again my position is we want to keep the base open, but if it is going to be closed, we need, we need some clear language from Congress that we are going to get an economic development package for that area and that the possibility of those lands be transferred to the Government of Puerto Rico and the municipality of Ceiba are going to be part of that discussion.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. ACEVEDO-VILÁ. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I repeat to the gentleman that I very much appreciate his forthright discussion of this matter. I know of the potential difficulty that could be faced, but I want the gentleman to know that we are very committed to working with him to carefully see that this very potentially valuable property is used for the best interest of people of Puerto Rico. Our experience with base closing would suggest there is a variety in mix of approaches that might very well be taken, and we look forward to giving him all the support that we possibly can.

Mr. ACEVEDO-VILÁ. Mr. Chairman, I thank the gentleman for that commitment.

I include the following letters for the RECORD:

HOUSE OF REPRESENTATIVES
Washington, DC, June 23, 2003.

Mrs. CONNIE PATRICK,
Director, Federal Law Enforcement Training Center, FLETC Glynco Facility, Glynco, GA.

DEAR DIRECTOR PATRICK: I recently became aware of reports on the effects of increased federal law enforcement training needs. As was noted in Roll Call on June 2, 2003, Department of Homeland Security law enforcement training needs have increased and as a result, other agencies such as the U.S. Capitol Police, may be required to conduct training a federal facilities other than the Federal Law Enforcement Training Center in Glynco, GA. Rather than address this issue on an agency-by-agency basis, I believe that such trends indicate a new FLETC training facilities.

The FLETC facilities at Charleston, SC and Cheltenham, MD are located at former

military sites. Such a transfer of government property from one agency to another serves valuable purposes, such as the elimination of land acquisition and plant construction costs and maintaining benefits to the local economy. For these reasons, I encourage you to consider the possibility of locating any future FLETC facilities at Naval Station Roosevelt Roads (NSRR), Puerto Rico.

NSRR is currently home to Atlantic Fleet Weapons Training Facility, however, many of the military commands located at NSRR are being downsized, relocated, or eliminated with the recent closure of the Vieques training range. Such ongoing changes will lead to excess buildings, land and other infrastructure. Located a short distance from San Juan, NSRR's assets include numerous buildings, dormitories and classrooms, a modern aviation runway, marine berthing facilities, firing ranges, communication facilities, among others. It is my belief that these plant assets, coupled with the downsizing of NSRR, could enable FLETC to make high use of this facility for federal law enforcement training. Further, NSRR could also be a suitable facility for the training of international law enforcement personnel, particularly those form the Caribbean and Latin America.

I would appreciate the opportunity to meet and discuss with you FLETC's future needs and the opportunities that NSRR may afford our nation's future law enforcement officers. Please contact me to determine a time that I could meet with you or an associate of yours to discuss these issues.

Sincerely,

ANÍBAL ACEVEDO-VILÁ
Resident Commissioner,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 27, 2003.

Hon. JOE KNOLLENBERG,
Subcommittee on Military Construction, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN KNOLLENBERG: During consideration of Military Construction Appropriations for fiscal year 2004, I respectfully request that the Subcommittee include language that calls for a thorough evaluation of the military facilities in Puerto Rico, including facilities at Naval Station Roosevelt Roads (NSRR). This evaluation should include what excess infrastructure currently exists and what will become available once the Navy finishes downsizing at NSRR in conjunction with the closure of the Atlantic Fleet Weapons Training Facility's (AFWTF) Inner Range

The Committee should be aware that Puerto Rico has a longstanding and impressive history of military commitment and sacrifice with the U.S. I am concerned that the difficult environmental and safety issues surrounding the AFWTF inner range have overshadowed this ongoing commitment by Puerto Ricans. Furthermore, Congress cannot let this issue hamper our ability to effectively take on the numerous challenges we face, including: the war on terror abroad and here in the Western Hemisphere; efforts to wage war on drugs; to provide for Special Operations training and missions; and to provide the best facilities and preparedness for homeland security. I feel that should NSRR in particular not be fully utilized to meet numerous security threats, that indeed our preparedness could well be undermined.

An ongoing military presence at NSRR during these uncertain global conditions offers numerous opportunities beyond the traditional naval presence at NSRR. Puerto Rico's strategic location in the Caribbean along with significant base capabilities provides ready access and other advantages that should be fully utilized. I suggest the following language be considered by the Committee in order to prevent underutilization of a strategic military facility when we can least afford to make such a mistake.

''Therefore the Committee directs the Secretary of Defense, in consultation with the Department of Homeland Security, the Department of Transportation and the Department of Justice to conduct an audit of ongoing operations in Puerto Rico and report to the Committee on Appropriations what steps may be necessary to maximize the use of existing infrastructure and what additional investments may be necessary to meet the operational needs of the agencies involved.''

I appreciate your consideration of this request and remain available to discuss this matter with you at your convenience.

Sincerely,

ANÍBAL ACEVEDO-VILÁ,
Resident Commissioner,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 4, 2003.

Hon. HAROLD ROGERS,
Chairman, Subcommittee on Homeland Security Appropriations, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN ROGERS: I write to respectfully request that you include in the Homeland Security Appropriations Act for FY 2004 a feasibility study regarding the potential for Department of Homeland Security facilities to be situated at Naval Station Roosevelt Roads, Puerto Rico (NSRR).

Naval Station Roosevelt Roads, a 31,000+ acre naval base located at the eastern end of Puerto Rico, contains 1200 buildings with over 4.6 million square feet of space. In addition to myriad naval assets, this facility also houses the Special Operations Headquarters for the U.S. Southern Command. By virtue of these facilities, NSRR provides a secure location, secure communications networks, and a domestic, forward-deployed location to the U.S. government. Essential DHS functions, such as border and maritime security, customs enforcement and counter-terrorism could be suitably located at NSRR, and would permit a high-degree of coordination between DHS and the armed forces. NSRR's position in the Caribbean is vital due to the growing threat of terrorist groups in Central and South America, drug trafficking to the U.S. from the Caribbean and South and Central America, and the unfortunate possibility that experienced drug smugglers could ferry weapons of mass destruction into the United States. As the nexus between drug trafficking and terrorism emerges, this location can further aid in the interdiction of both threats.

In order to examine the benefits that NSRR may provide to the DHS, I suggest that the following language be considered by the Committee:

''The Committee directs the Secretary of the Department of Homeland Security, in consultation with the Department of Defense, the Department of Justice and the Department of Transportation to conduct a feasibility study to determine the possible benefits of locating facilities of the Department of Homeland Security at Naval Station Roosevelt Roads, Puerto Rico.''

I appreciate your consideration of this request. Should you have any questions, please do not hesitate to contact me or my staff, Eric Lausten, at 225–2615.

Sincerely,

ANÍBAL ACEVEDO-VILÁ,
Resident Commissioner.
Member of Congress.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT OFFERED BY MS. BORDALLO

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

The Clerk read as follows:

Amendment offered by Ms. BORDALLO:

Add at the end (before the short title) the following new section:

SEC. ___. None of the funds appropriated or otherwise made available by this Act may be used to overhaul, repair, or maintain in a shipyard outside the United States or Guam any naval vessel that has no designated homeport and is located in an area of responsibility of the Unified Combatant Command encompassing a United States or Guam shipyard.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

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Ms. BORDALLO. Mr. Chairman, I rise today to request that the House take action to ensure that Military Sealift Command vessels, known as MSC vessels, are repaired in American shipyards. This would ensure that the money we appropriate here today is used to not only ''buy American,'' but to ''repair American'' as well.

You would think that if anything would be repaired in the USA, it would be our naval fleet procured with taxpayer funds. Unfortunately, the Military Sealift Command thwarts the will of Congress by exploiting a loophole in the current law to designate its vessels as having no home port. The MSC then repairs the vessels in foreign ship repair facilities in places such as Singapore and Korea. Such repair work is done without regard to American health, labor and environmental standards. Using foreign ports runs counter to force protection requirements following the October 12, 2000, terrorist attack on the USS *Cole*.

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Ms. BORDALLO. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, one of the problems we have with this amendment is it should be in the authorization bill rather than our bill. But at any rate, it would really be very difficult for us to apply something like this.

I understand what the gentlewoman is trying to do, but I would hope that the gentlewoman would withdraw this amendment and let us see what we can work out, because we have a lot of ''buy American'' provisions. This is kind of a new wrinkle to it. But we have an awful lot of operational problems that we might run into if we prohibited some of these things from being done.

For instance, I remember the *Roberts* was first taken into a port in Dubai, I think it was, and then we finally shipped it back to the United States. But I think we need some more time to look at this. I appreciate your

thoughts, and I know we will work with you trying to come up with something.

Ms. BORDALLO. Mr. Chairman, reclaiming my time, I understand, and I would be very willing to work with the gentleman concerning this situation with the MSC ships. I look forward to working with you to resolve this.

Mr. Chairman, I ask unanimous consent to withdraw my amendment. I will work with the gentleman from Pennsylvania (Mr. MURTHA) on the matter.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to suspend, modify, or waive any provision of law under chapter 43, 71, 75, or 77 of title 5, United States Code, or any regulations promulgated under those provisions of law.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. INSLEE. Mr. Chairman, our amendment would ensure that no funds would be used essentially to alter our existing civilian personnel system for the proud men and women who are civilian employees of our defense system.

This basically is a response to the work we are now doing in an attempt to find a reasonable and protective reform package that originally left the House as H.R. 1588. We are concerned that the language of that bill, if in fact it would be implemented, would substantially degrade our protections of our civilian employees who are doing workman-like work.

Basically, we had concerns about that bill because it was overly broad and was really a rushed approach to civilian systems, but we are also troubled by a lack of explicit protections for fundamental worker rights. Currently, the bill has a lack of protection for true collective bargaining, a lack of a real right of fair appeals, a lack of adequate overtime and weekend compensation, preference for veterans and equal pay for equal work.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman's yielding.

Let me mention that the gentleman and I have had a chance to discuss this, and I am aware of his concerns. The gentleman and I have very similar concerns in this arena.

Frankly, I would hope that, if the gentleman withdraw this amendment, we will have a chance to discuss it further and try to provide the kind of flexibility we need to give him the assurance and employees the assurance they need so we can go forward in a positive way.

Mr. INSLEE. Mr. Chairman, reclaiming my time, I appreciate those comments, and will look forward to working with the gentleman, because we do not obviously want to go back to those bad old days of nepotism and poor performance and political selection. I look forward to working with the gentleman to get an honest, reasonable bill.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOSTETTLER:

Insert at the end, before the short title, the following new section:

SEC. ___. None of the funds made available by this Act may be used to carry out sections 2912, 2913, and 2914 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) related to the 2005 round of base closures and realignments.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

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

Mr. HOSTETTLER. Mr. Chairman, I rise today to offer an amendment to the FY 2004 Defense Appropriations Act that would prohibit any funds in this act from being used to carry out activities in 2004 related to the next round of Base Realignment and Closure, or BRAC, currently authorized to take place in 2005.

The purpose is to put a hold on the implementation of BRAC-related activities until Congress and the Department of Defense can get a better handle on the expected savings, anticipated force structure and infrastructure changes, and the actual need for additional closures.

As many of my colleagues know, in 2001, the Defense Department testified to Congress that it has 20 to 25 percent excess physical capacity that must be eliminated, so the President's fiscal 2002 budget proposal to Congress requested authorization to carry out another round of base closures.

As part of the FY 2002 Defense Authorization Act, the Senate authorized a BRAC round to take place in 2005. The House specifically refused to include any such BRAC authorization in its version of the bill, but this body did agree to the Senate's BRAC provision when it passed the conference report to the FY 2002 authorization bill.

To date, we have gone through four different rounds of military base closure process, in 1989, 1991, 1993, and 1995. Through these rounds, we saw the BRAC commission's result in the closing of over 450 military installations of various size, mission and stature in the United States.

Nearly everyone currently involved in this process agrees that all the low-hanging fruit have already been picked. Yet the current administration succeeded in enacting another round for 2005 following the horrific events of September 11, 2001. On December 28, 2001, just a little more than 3 months after those deadly attacks, and 3 days after Christmas, the President signed into law the FY 2002 defense authorization bill, which included the BRAC authorization provision at his request.

The administration seems to sincerely believe there is a 20 to 25 percent excess military infrastructure, and the administration has a laudable goal of finding additional savings in the defense budget to free up funds for procurement and new weapons systems.

Specifically, the Department of Defense claims that it could save as much as $6.6 billion per year with an additional round of base closures. But there are many reasons to question both the Department's rationale and its estimates.

First, this Congress deserves to know the details about the suggested excess capacity. Is it 20 percent? 25 percent? 23 percent? The 5 percent difference is not insignificant, particularly when you are talking about the hundreds of U.S. military bases. And where is that excess capacity exactly?

Furthermore, DOD estimates that it eliminated 71,000 Federal civilian jobs and 39,800 military positions in the past four BRAC rounds. Unfortunately, no one could give me an estimate of how many of those jobs were transferred to private contractors still paid through DOD contracts. Eliminating military positions, only to replace them with private contractors, raises doubts about any potential savings.

Regarding the estimated savings from additional base closures, I must advise the House of an April 2002 Government Accounting Office, GAO, report that indicates the previous four base closure rounds have produced a net savings of $16.7 billion through FY 2001. GAO, however, admits that these are the Defense Department's numbers and that they could not be independently verified because DOD's accounting systems are not oriented to identifying and tracking savings.

GAO further noted that the estimates do not include a cumulative $1.5 billion cost incurred by the Federal Government to assist communities affected by the closure process or $3.5 billion in environmental costs expected beyond FY 2001. Because the BRAC savings estimates cannot be supported by real data, the GAO report had to affirm the DOD numbers, while characterizing the savings as ''imprecise and rough approximations.''

The Members of this body need to understand that when Defense Department officials talk about so-called savings from a BRAC round, they are not talking about real cost savings. Most of the so-called cost savings are actually cost avoidances.

DOD also claims that it needs savings from BRAC to fund new weapons systems in support of the military transformation. However, the first few years of a BRAC round requires hundreds of millions of dollars in upfront investments costs. This includes upfront costs for new military construction, for relocated troops and families, new MILCON dollars for realigned missions, new money for environmental restoration and base conveyance procedures.

To complicate the problem, DOD still does not have solid data on costs of environmental clean up. Our current information indicates that environmental clean-up costs have exceeded $10 billion, and the estimated environmental costs beyond 2001 rose from $2.4 billion in 1999 to $3.5 billion as stated in last year's GAO report on purported BRAC savings.

Deputy Under Secretary of Defense for Installations and Environment, Ray DuBois, summed it up well when he told the DOD Roundtable in December 2002 the following: ''The excess capacity statistic, which the Secretary and others, including myself, have referred to, is based on a 1998 capacity utilization study. It is true that there is excess capacity in some range of 20 to 25 percent, but that is a clumsy number insofar as it is an aggregate number.''

He goes on to say: ''Remember that BRAC is not inexpensive. BRAC will probably end up costing the Department of Defense, over a 4- to 6-year period, depending upon how large the BRAC is, depending upon how much capacity you are reducing, and by definition, how much you are realigning it, it could cost 10 to $20 billion over that period of time.''

Mr. Chairman, I ask for my colleagues to support the amendment to limit the funding for BRAC in this appropriations bill.

Mr. LEWIS of California. Mr. Chairman, I rise to very briefly oppose this amendment.

Mr. Chairman, this is appropriately an item that should be a part of the authorization process. It is my understanding at the subcommittee level there was support for this proposal and there was a decision at the full committee to turn that around, and the authorizing committee has spoken in terms of this question.

It is, in my judgment, poor policy on the part of the Committee on Appropriations, going through the back door by limiting appropriations to essentially undo what is the policy in the existing law, a policy which has not been changed by the authorizing committee.

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

Mr. LEWIS of California. I yield to the gentleman from Washington.

The CHAIRMAN. Does the gentleman from California still reserve his point of order?

Mr. LEWIS of California. Mr. Chairman, I withdraw my point of order.

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

Mr. Chairman, it is true that it does cost a substantial amount of money in the first few years; but there is no question that, long-term, billions and billions of dollars have been saved because of the BRACs we have had in the past. So I think we should move forward on this, and it would be wrong to do it in this bill. It would be an authorization matter. I think it is a mistake, and I support the chairman in his opposition to the amendment.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I very strongly oppose the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote; and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

The point of no quorum is considered withdrawn.

Mr. CARDIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had intended to offer an amendment that would have restated the policy of our country against the use of torture. The reason that I was going to offer that amendment is that I do represent this body in the Commission on Security and Cooperation in Europe; and in many of our meetings, the issue of the use of torture has been raised, particularly in light of our war against terrorism. I might tell you there have also been press accounts recently that call into question the use of torture in regards to the campaign against terrorism.

However, Mr. Chairman, I think the President of the United States, along with the representatives from the State Department and Defense Department, have made it very clear on the U.S. policy in this regard.

□ 1300

Let me just point out that on June 26, the International Day in Support of the Victims of Torture, President Bush declared that ''Torture anywhere is an affront to human dignity everywhere.'' He observed that ''Freedom from torture is an inalienable human right.'' The State Department also noted that ''Freedom from torture is an inalienable human right, and the prohibition of torture is a basic principle of international human rights law. This prohibition is absolute and allows no exceptions.'' Finally, as the General Counsel to the Defense Department William Haynes wrote to Senator LEAHY recently, ''The United States does not permit, tolerate, or condone any such torture by its employees under any circumstances.''

Mr. Chairman, I think the record is very clear on the U.S. position in regards to the use of torture, and, therefore, I will not pursue an amendment at this time. I thank my colleagues for their patience.

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TOM DAVIS of Virginia) having assumed the chair, Mr. CAMP, 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. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

REGARDING THE ACTUARIAL VALUE OF PRESCRIPTION DRUG BENEFITS OFFERED TO MEDICARE ELIGIBLE ENROLLEES BY A PLAN UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2631) to provide that the actuarial value of the prescription drug benefits offered to Medicare eligible enrollees by a plan under the Federal employees health benefits program shall be at least equal to the actuarial value of the prescription drug benefits offered by such plan to its enrollees generally.

The Clerk read as follows:

H.R. 2631

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

SECTION 1. NEGOTIATIONS BY THE OFFICE OF PERSONNEL MANAGEMENT.

(a) IN GENERAL.—Section 8902 of title 5, United States Code, is amended by adding at the end the following:

''(p)(1) A contract may not be made or a plan approved which does not offer to Medicare eligible enrollees prescription drug benefits the actuarial value of which is at least

equal to the actuarial value of the prescription drug benefits which are offered to enrollees under the plan generally.

''(2) For purposes of this subsection, the Director of the Office of Personnel Management shall establish processes and methods for determining the actuarial value of prescription drug benefits.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contract years beginning after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

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

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

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last week the House passed H.R. 1, the Medicare Prescription Drug and Modernization Act. Part of this bill recognizes and seeks to address one of the core concerns regarding adding a prescription drug benefit to Medicare; that is, with the implementation of such a benefit, lead employers who currently offer prescription drug coverage to their employees to stop doing so. Obviously, we do not want to put a government entitlement plan into operation and drive the private plans out of existence, or the costs over the long term to the taxpayers will go off the charts.

The bill addressed these concerns by providing subsidies to private employers and unions to encourage them to maintain prescription drug benefits for their retirees. With the help of the gentleman from California (Chairman THOMAS), we were able to clarify that the Office of Personnel Management would also be eligible for these subsidies, something that I believe will lead to lower FEHBP premiums for all enrollees. However, I think it is necessary for us to go one step further.

Coming from northern Virginia, I represent over 50,000 Federal employees and retirees. As chairman of the House Committee on Government Reform, I am responsible for issues pertaining to Federal workers and retirees, along with the gentlewoman from Virginia (Mrs. JO ANN DAVIS), the chairwoman of the Subcommittee on Civil Service. Thus, not only am I acutely aware of the challenges the Federal Government faces as an employer to recruit and retain quality employees, I am also very aware that Federal retirees are sometimes treated differently than current employees in ways that are not always equitable.

For example, current Federal employees are allowed to deduct their health insurance premiums from pretax dollars, but Federal retirees are not. I look at this issue from an employer's perspective. Remember: In addition to the large number of retirees already in FEHBP, 50 percent of the Federal workforce is eligible for retirement in the next several years. With H.R. 2631, we are telling the people that we are going to live up to our end of the bargain. We are saying that with regard to prescription drug benefits, Federal retirees will continue to be placed on par with current employees, that OPM will not reduce their benefits as opposed to the benefit offered to current employees.

In crafting H.R. 2631, I thought it was important to continue to allow OPM as much flexibility as possible in negotiating future prescription drug benefits. And for the record, Senator AKAKA, my colleague in the other body, has offered similar legislation on the other side of the Capitol. Thus, H.R. 2631 does not require OPM to offer a specific dollar amount of coverage that has to be maintained; they can raise or they can lower benefits as they see fit through negotiations with individual plans, but they have to do it for all FEHBP enrollees to treat them the same, regardless of their age. In essence, we are simply telling OPM to continue to do what they have always done.

Mr. Speaker, in closing, I believe H.R. 2631 sends an important message to both Federal retirees and current Federal employees. It will be a helpful tool in our efforts to build and retain an effective Federal workforce and give these employees a career path and retirement they can depend on. Therefore, I urge all Members to support the passage of H.R. 2631.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today, H.R. 2631, was crafted to ensure that legislation expanding Medicare will not reduce prescription drug benefits for Federal retirees enrolled in the Federal Employees Health Benefits Program. While I support this legislation because it shields Federal employees from the illusive drug benefit in the Medicare proposal, the reality is it leaves millions of others unprotected.

Federal annuitants are worried, and they should be. They are worried because they see something in the government's subsidized Medicare prescription drug benefit that they do not like, and with good reason. This past Sunday The Washington Post reported that despite the Bush administration's proclamations, and I am quoting, ''The reality is that the two Medicare drug bills passed by the House and the other body do not come close to providing the level of coverage given to the 8.5 million Federal workers, including lawmakers, White House staff, and the President. Both measures would require senior citizens to buy an auxiliary prescription plan, whereas all 188 plans offered to Federal employees include drug coverage, and at far more generous reimbursement rates.''

To remedy this, H.R. 2631 would maintain prescription drug parity between Medicare-eligible retirees enrolled in the FEHB program, and active duty Federal employees and retirees. It provides that the prescription drug benefit offered to Medicare-eligible enrollees by a plan under the FEHB program be at least equal to the prescription drug benefits offered by such a plan to its enrollees generally.

This is obviously a good bill for Federal employees, but it also sheds light on what a bad bill the Medicare prescription drug benefit is for the rest of America.

Mr. Speaker, I urge Members to support this legislation and similar legislation for the rest of America's seniors.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Virginia (Mrs. JO ANN DAVIS), chairwoman of the Subcommittee on Civil Service.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H.R. 2631, a bill that has a simple, yet powerful, purpose: to protect the health benefits of our valued Federal retirees. I am proud to be an original cosponsor of this legislation, along with my distinguished colleagues from the Commonwealth of Virginia.

One of the hallmarks of Federal service has been the government's commitment to providing health care for its retired employees, those public servants who dedicated their professional careers to protecting our shores, fighting disease, keeping our air and water clean, and upholding the laws of the land. We not only owe them our thanks, we owe it to them to keep our commitments.

As the chairwoman of the House Committee on Government Reform Subcommittee on Civil Service, I want to thank the gentleman from Virginia (Chairman TOM DAVIS) for sponsoring this legislation and thank the leadership for allowing us to bring this important bill to the floor so quickly.

H.R. 2631 guarantees that Federal retirees will have a prescription drug benefit that is equal in value to the one provided to active Federal employees. This legislation fulfills the promise of the Federal Government not to eliminate prescription drug coverage to its retirees once a prescription drug benefit is also available through Medicare, which the U.S. House of Representatives has wisely decided to add.

This bill also ensures that there is no difference between the total amount of coverage offered to active employees and the coverage available to retirees. This is an important equity, one that we want to maintain.

I want to emphasize that this legislation does not diminish the Office of

Personnel Management's authority to negotiate health care benefits for Federal employees, but assures that drug benefits will still be available for retirees.

Finally, this is a case of the Federal Government leading by example. If the U.S. Government were to cut benefits for its retirees, why would we expect the private sector to act any differently?

I thank the gentleman from Virginia (Chairman DAVIS) for bringing this legislation to the floor, and I urge passage of H.R. 2631.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform.

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

Mr. Speaker, I support the legislation that is before us today for one simple reason: Federal retirees deserve an adequate prescription drug benefit just like all America's seniors do. Without the protections of the bill before us, they face the possibility of losing what they have got.

But let us be clear: This legislation is necessary because the prescription drug benefit for Medicare beneficiaries that was forced through the House by the Republican majority is inadequate and unresponsive to the needs of America's seniors and disabled persons. The President and House Republicans like to defend that bill by saying America's seniors deserve the same coverage that Members of Congress and the Federal workforce get, but nothing could make it clearer that their Medicare bill fails miserably to meet that test. The drug benefit our Republican colleagues are willing to give Medicare beneficiaries is filled with features that will be laughed out of the room if they were suggested for Federal employees.

The Medicare bill contains large gaps in coverage, like the so-called donut hole, where beneficiaries have no coverage for their drug expenses. Once they have $2,000 in drug costs, coverage stops. Beneficiaries are stuck with the next $2,900 in costs, and maybe more. Oh, they get to pay premiums for coverage during that time. They just pay for nothing, because the program gives them no help, and whether coverage ever starts up again is uncertain. It will be a catastrophic situation for many of our seniors.

The hypocrisy of claiming that Medicare beneficiaries deserve what the Federal employees health program has, and then give a prescription drug benefit that the Republicans pushed through which is so inferior, it is breathtaking. And, to add insult to injury, the Medicare benefit is designed so that any help from an employer reduces Medicare coverage. That leads to the likelihood that employers will drop drug coverage for their retirees and make people worse off.

□ 1315

That is a very real possibility that makes the bill that is before us right now necessary. But what about those retirees in the same situation that this bill does not help? Federal retirees deserve to have adequate prescription drug coverage. They deserve to keep the benefits they have, but so do the rest of America's seniors and disabled people. We should live up to the rhetoric and make the Medicare benefit a good one: simple, comprehensive, certain, and affordable. It should truly be as good as what Federal employees have and Members of Congress have. The drug benefit in the Republican Medicare bill fails that test. That is the tragedy that that bill that is now before us highlights today.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), a co-sponsor of this legislation and a leader in the fight for Federal employees' rights.

Mr. WOLF. Mr. Speaker, I rise to express my strong support for H.R. 2631 and am pleased to be an original cosponsor. Before I make my comments, I want to particularly thank the gentleman from Virginia (Mr. TOM DAVIS) for his efforts.

Those who followed this debate know, through the colloquy that took place on the floor last week, the gentleman from Virginia's (Mr. TOM DAVIS) efforts with regard to this; and I think every Federal retiree and Federal employee will be very very grateful for that. So I want the gentleman from Virginia to know that I appreciate it, as they will also.

Mr. Speaker, this bill is necessary to clarify the intent of H.R. 1, the Medicare Prescription Drug Bill, which the House passed on June 27. H.R. 2631 would ensure prescription drug parity between retirees enrolled in the Federal Employees Health Benefit Program, FEHBP, who are eligible for Medicare, and other Federal employees in the FEHBP. It is vital to pass this legislation to make sure that the bill now moving through Congress to extend Medicare will not reduce prescription drug benefits for Federal retirees enrolled in FEHBP. Federal employees in their retirement must be assured that the commitment will be kept that their drug benefit will remain unchanged and they will not be forced to pay additional costs for prescription drugs. They deserve that commitment from Congress.

I urge all Members to vote for this bipartisan legislation to protect retired and active duty Federal employees.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for yielding me time.

Mr. Speaker, I rise in support of H.R. 2631, but I am just puzzled by this. I guess I must be missing something. This bill concerns the Federal Employee Health Benefits Program, which covers President Bush, Vice President CHENEY, and Members of Congress and others. Right now the plans offer drug coverage for retired Members of Congress and other Federal employees equal to the drug coverage these plans offer current employees. This bill puts this policy in law, requiring drug coverage for Federal employees must be equal to coverage for current employees.

This bill was introduced the day the House passed the Republican Medicare prescription drug bill. It is clear that this bill is meant to ensure that Members of Congress, this is where I am puzzled, Members of Congress do not have to live under the Republican Medicare privatization plan. That is why I am puzzled. If it is good enough for Congress, it is good enough for seniors of this Nation. That is what President Bush said in Michigan in January about H.R. 1, his Medicare prescription drug plan.

In his statement of administrative policy on H.R. 1, the White House praised the Republican drug plan saying it was just like the coverage that Members of Congress get. That is where I am getting stuck, trying to figure out why the gentleman from Virginia (Mr. TOM DAVIS) has brought this bill to the floor. If the Republican Medicare bill offers drug coverage just like Members of Congress have and as President Bush says, then why do we have to protect Members of Congress and Federal employees from being forced into the Republican privatized Medicare plan? I just do not get it.

The majority leader of the other body who runs that place and the leader on this side, both said the Medicare Republican bills would accomplish the goal of giving health care security to seniors. But if the Republican drug plan provides real health care security, H.R. 1, why do we have to exempt Members of Congress and other Federal employees from the bill that the gentleman from Virginia (Mr. TOM DAVIS) and other Republicans rammed through this Congress recently?

The gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, said the Republican drug plan uses private plans to compete to provide beneficiaries better care at lower costs. It is confusing. Why do we need this plan when Congress is exempting itself from what Congress did only 2 weeks ago? I hope that my friends on the other side would explain that.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to help the gentleman solve the puzzle. The fact of the matter is there are 1.25 million Medicare-eligible Federal employees and annuitants. Only 388 retired Members of Congress are in FEHBP. The majority of retired Members of Congress do not even take FEHBP. They are in other plans or have opted out of this.

The fact is they are eligible for that by virtue of their service here. This legislation was not crafted by Members looking after themselves. It was crafted with the help of the National Association of Retired Federal Employees. It was difficult to write out the 388 retired Members who happen to use this, which is a minority of the retired Members. Most Members do not use FEHBP. I want to clarify for the gentleman that in no way, shape or form was this for Members. In fact, this was called to our attention by the National Association of Retired Federal Employees. I do not know any other way to get at the problem.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, my friend sits on the Committee on Energy and Commerce where this bill was heard. I just heard over and over people saying that we wanted to give, under the Republican drug plan that passed 2 weeks ago by one vote, that we wanted to give the same coverage to seniors as FEHBPs. Are you saying then that the coverage for Federal retirees is significantly better than the coverage that you are providing or that this House provided under H.R. 1, the Republican Medicare prescription drug plan?

Mr. TOM DAVIS of Virginia. Mr. Speaker, all it does is ensures that Federal retirees will be treated the same as current Federal employees in regard to the Federal Employee Health Benefit plan. Currently, they are not in some areas. The feeling is that with this other plan, that retirees could have a different benefit program and that creates some difficulty. So we are trying to even this up and give that assurance.

Most Members of Congress do not opt for FEHBP. That is what the record shows after this is done. So that is kind of a misnomer. It is a small percentage that ends up in FEHBP when they retire. A few do, I grant to the gentleman; but that is not the purpose.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I rise in support of H.R. 2631. Today, about 76 percent of seniors have some form of prescription drug coverage; and less than 2 weeks ago the House passed historical legislation, H.R. 1, to create a prescription drug benefit for our seniors.

Mr. Speaker, when we passed H.R. 1, we did not intend to create a new Federal benefit that would replace the prescription drug benefits that many of our seniors today already enjoy. H.R. 1 does contain a number of incentives to employers to maintain their existing level of health care coverage to their senior retirees. But I personally heard from several constituents of mine, retired Federal workers, who are concerned that the Federal Government in an attempt to save money will reduce or eliminate their prescription drug coverage once a benefit is available through Medicare. In passing H.R. 1, we called upon employers to maintain that coverage it offers to retirees, and the Federal Government has an obligation to lead by example and ensure that Federal retirees continue to receive the same prescription drug benefit as current employees. So H.R. 2631 does just that.

It is the right thing to do, and I urge my colleagues to support this bill.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for yielding me time.

Mr. Speaker, the gentleman from Ohio (Mr. BROWN) said he was puzzled by this bill, but I am not so puzzled. It seems to me quite clear that the one thing that our Federal retirees were right to be concerned once the Republican prescription drug bill had passed this House, they were right to be concerned that they might some day have to live under those prescription drug benefits which do not even come close to the benefits that they have today.

So it does make sense that as soon as the Republican prescription drug bill was passed that Federal retirees would get worried and Members would come down here and say, boy, one thing we sure do not want to have is to have our Federal retirees forced to participate in the Republican prescription drug bill that we just passed.

Now, one of the reasons that this is happening so fast, and it is happening fast, the Republican bill passed by one vote here in the House. A bill has passed in the other body, but we do not even have a conference. We do not know what the final product will be like. But we know this: it will not be good for America's seniors. It will not be good for those Medicare beneficiaries who are counting on getting some relief from the high cost of prescription drugs.

The Republican bills are a disaster, a looming disaster for our Medicare beneficiaries; but they also fall far short of what Federal retirees are likely to expect. Because under the FEHBP program we have today, there are no additional premiums for drug benefits. There is no deductible. There is a small co-payment. There is no gap in coverage, and that is different from the Republican bills passed here in the House. This bill may make some sense for Federal retirees; but the question remains, if it is good enough for Members of Congress and Federal employees, it ought to be good enough for Medicare beneficiaries. That is what the President said, but the Republican bill does not keep that promise.

Mr. TOM DAVIS of Virginia. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. CAMP). The gentleman from Virginia (Mr. TOM DAVIS) has 9½ minutes remaining. The gentleman from Illinois (Mr. DAVIS) has 10½ minutes remaining.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman for yielding me the time. I rise in support of this bill. And I am sure it will pass with near-unanimous support, because under this bill no plan on the Federal Employee Health Benefits Plan could be approved that has a prescription drug benefit for retirees that is lesser in actuarial value than the existing prescription drug benefit.

This legislation represents the commitment of the Federal Government not to reduce dues or eliminate prescription drug coverage to its retirees once prescription drug coverage is also available through Medicare. One of the core concerns with the Medicare prescription drug benefit has always been that, in the attempt to provide for those without coverage, we would take from those with coverage. The Congressional Budget Office has estimated that one-third of retired employees with employer-sponsored drug coverage could lose it as a result of the Medicare prescription drug bill that passed 2 weeks ago. Currently, there is no different prescription drug benefit for retirees than is available for current employees. Our bill simply seeks to maintain that dynamic.

We do not want the total amount of coverage offered to Federal retirees reduced for the reason that they could simply opt for the Medicare plan alone. This is an issue with the Federal Government leading by example. If the Federal Government cuts its benefits for its retirees, how can we expect private employers to do anything but follow our lead? H.R. 2631 does not tie OPM's hands in the negotiating process by requiring that they provide a plan of a certain dollar value. OPM can still negotiate higher or lower levels of benefits, but they simply cannot target retirees alone for reduced benefits.

The Federal Employees Health Benefits Plan has always led the way in setting the example for employer-sponsored health care. It should have been the standard for the Medicare prescription drug plan, but Federal retirees should not lose benefits because it was not. That is the point that many people have been making. But they should certainly not vote against this bill as a result. There is nothing wrong with this bill. This bill clarifies what the policy is and should be, and for that reason we should all vote for this bill.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I kept hearing my Republican colleagues talk about parity for Federal employees; and I support this billing as well, because I do believe that Federal retirees should have good prescription drug

benefits. But it is not an issue of parity. It is an issue of hypocrisy, hypocrisy because the Republicans say that they want to preserve a generous prescription drug benefit for Federal retirees, but at the same time they were not willing to provide it for the other seniors around the country.

The bottom line is that the Medicare prescription drug benefit that the Republicans have proposed both in this House and the other House is no real benefit. It is a meaningless benefit. It is not generous enough that anybody would even sign up for it.

□ 1330

And they wanted to make sure that the Federal retirees do not get stuck being forced into that Medicare system that they have proposed, which essentially gives an almost worthless prescription drug benefit to most seniors. Well, there is a lot of hypocrisy saying you want to preserve it for the Members of Congress, for the President, and for Federal retirees, but not give it to seniors in general.

There was an article in today's New York Times that had a little grid, and it talked about how Federal retirees' drug benefits stacked up with those under the Medicare prescription drug plan the Republicans have proposed for the rest of the seniors. And guess what? Average premium for Federal employees, nothing. No additional premium for drug benefits. But in the Senate bill, $35 a month, or $420 a year; in the House, $35 a month. What about the deductible? For Federal retirees, no deductible. But in the Senate bill, for the rest of the seniors, $275; in the House bill, $250. What about gap in coverage? For Federal retirees, no gap in coverage, but then there are major gaps in the Senate bill, $4,500 to $5,800 a year; in the House bill, $2,000 to $4,900 a year.

In fact, there is a statement that for the most popular plan among Federal workers, Blue Cross/Blue Shield, the Congressional Research Service estimates that drug benefits under the plan are worth 50 percent more than the proposed Republican bill.

Hypocrisy, not parity. Give the same benefits to the rest of the seniors. That is the fair thing to do.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume to respond that The New York Times chart is absolutely wrong when it says Federal employees have no deductible for their prescription drug coverage. What they get is, they get a set amount of dollars, and it is a cafeteria style. They can spend it on prescription drugs, preventive care, HMOs or whatever. So there is certainly a cost to that. But the way the system is set up, it is a total health care program.

So when the gentleman gets up and quotes this New York Times article, it is entirely misleading. Of course there is a cost to Federal employees opting for that over something else.

The other underlying part of the bill that this body passed 2 weeks ago is the fact that we did not want to drive private programs out of existence. Should we drive the 60 percent of seniors that are currently satisfied with their prescription drug program out of existence, then the Federal Government ends up picking up the total tab, and the cost rises significantly.

We are setting an example with this legislation that we are, in fact, making sure that the FEHBP program is not driven out of existence; that we maintain the parity it has always had with existing Federal employees. And this program ought not be diminished. It is the same thing that we have incentivized in the program passed 2 weeks ago by the subsidies that are in that program as well.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. Speaker, I cannot believe this bill is here, and I want to make clear that while I certainly do not object to the effort to insulate Federal employees from negative retirement actions, if there is a rollcall on this bill, I would vote ''no.'' And the reason is because I think this bill demonstrates a rampant double standard.

As I understand it, last week in the prescription drug bill debate that we had on this floor, the majority party in essence told seniors, ''Have we got a deal for you. We are going to set it up so that you are going to be able to get the same benefits as your Member of Congress.'' And now what are you saying this week? You are bringing a bill up that says to your future retiring Member of Congress, ''Have we got a deal for you. It is going to be a special deal. You are going to be able to make sure that when you retire, you will have better prescription drug benefits than that poor sucker on Medicare.''

That is what you are telling people, and I do not happen to think that is a very straightforward way to deal with our constituents.

I understand what the committee wants to do to protect Federal employees. I would be very happy to vote for this bill once the majority party brings back to this floor a decent deal on prescription drugs for every other American, but not under these circumstances, not under these circumstances.

Right now, if you are a Federal employee, if you are a Member of Congress, if you belong to the Blue Cross plan, you get 80 percent of your cost paid for for prescription drugs basically. But what do you say to seniors under that turkey of a prescription drug bill you passed last week? What you say is, oh, we will help you pay up to $2,000, but, boy, if you get stuck with drug costs that are somewhere between $2,000 and $5,000, for that $3,000 hit on your wallet, sorry, you are not going to get any help from Uncle Sam.

And my colleagues think that is a square deal? I mean, with all due respect to the effort behind this bill, it does not meet the laugh test, as far as I am concerned. If the majority party in this House wants to be considered a serious legislative force on this issue, they will pull this bill from the floor and bring it back when they can also bring back to the floor a bill with a decent, sustainable, consistent, reliable, affordable benefit under Medicare for all seniors for prescription drug costs. Until that happens, do not ask me to vote for a special insider deal for Members of Congress. That is what this bill does.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume, and let me just say in all candor that we have 1.25 million FEHBP employees covered by this, with 388 former Members of Congress. The vast majority of former Members do not even sign up for FEHBP, those who would be eligible for the plan passed by this body 2 weeks ago, and do not even use FEHBP, which is a more comprehensive option for retired Federal employees, including Members of Congress. So this really has nothing to do with Members of Congress.

The other question I pose is, why, when my colleagues on the other side of the aisle controlled this body for 40 years, did they not bring up any prescription drug benefit plan before this body for a vote? We have passed plans now the last 3 years, only this time has the Senate passed a plan as well, and we are giving meaningful relief to seniors who want it. It is a voluntary plan. It is not a perfect plan by any means, but it is within the budget limitations passed by this Congress. Their plan was outside the budget limitations.

I think we have to get real. I think we have a good deal for Americans in the plan that we passed 2 weeks ago. As we work with the Senate, we will try to refine it and make it better. I think this legislation today makes it better as well, recognizing that as we look at our Federal workforce, trying to make sure we have the right incentives to attract and retain the best and the brightest to fight for homeland security, to fight the battles for this country, to develop cures for cancer, that we are treating our employees well.

So I am very proud to support this legislation. I think it enhances and goes with the underlying theme of the legislation passed 2 weeks ago, and that is we do not want to drive current prescription drug benefit plans out of existence, which, if we do not pass this, we will be setting a terrible example here at the Federal level.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I am here to expose the hypocrisy of my

Republican colleagues. The previous speaker just said that this bill has nothing to do with current Members of Congress. Well, we will just wait and see.

Over on the Senate side, Senator DAYTON successfully offered an amendment to the Medicare prescription bill to ensure that no Member of Congress would receive a better prescription drug benefit than that which is included in the Medicare bill. And guess what? It passed, 93 to 3. And Roll Call reported the following hypocrisy. According to Roll Call, indeed, many Republicans, 50 of whom helped add the Dayton provision to the Senate version of the Medicare bill this week, acknowledged that they were told by their leaders to vote for the Dayton amendment with the understanding that it would not show up in the final version of the legislation.

That is hypocrisy. What is good enough for America's senior citizens is good enough for those of us who serve in this Chamber. I am circulating a letter to the Speaker, and I am asking all Members of this House to sign this letter in support of the Dayton amendment. If this House, if this Congress does not support the Dayton amendment, we are little more than hypocrites. If this language is stripped from the conference report, it can only mean that Members of Congress believe that they deserve better health coverage than the seniors they represent.

America's seniors are watching us, and I hope my Republican colleagues will sign my letter to the gentleman from Illinois (Mr. HASTERT), and I hope all of my Democratic colleagues will sign my letter in support of the Dayton amendment. We ought not to do for ourselves what we are unwilling to do for America's senior citizens. It is as simple as that. And to do less is to be hypocritical.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me this time. I think the points that have been made by some of my Democratic colleagues about the impact of the bill passed when we were last in session to cover prescription drugs for seniors is a point well taken. That bill is inadequate, and the reason we are passing this legislation is that we want to protect retired Federal employees.

Well, we do want to protect them, but we have to protect them because we passed a Medicare prescription drug bill that will give incentives for employers, public and private, to drop insurance coverage for their retirees for prescription drugs. What in effect we are saying is we do not want Federal retirees to face the plight that other seniors are going to face when they are retired and their employers decide to let them go get their Medicare prescription drug benefit under the Republican-passed bill. It will be a lot less expensive, but it will be much less a benefit, in fact, a very inadequate benefit, for those retirees.

That leads me, however, to say that we should oppose the bill that the Republicans passed for the Medicare prescription drug benefit and make sure that we pass a really decent prescription drug benefit for all Medicare beneficiaries. That is not to say that we ought to leave our Federal retired employees without the protections that we promised them, which is that they would have the health care plans that they paid into during their working years available to them as retirees.

So I commend my Democratic colleagues for their pointing out the hypocrisy, and I support what they have to say, but urge, however, that we adopt this bill because we do not want to be against Federal retirees. But in doing that, we certainly need to acknowledge that the reason we are passing this legislation is because the prescription drug bill for Medicare that was passed by the House is so filled with holes and so inadequate.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume to say two things. This vaunted Senate bill that passed a couple of weeks ago, Senator AKAKA has also offered legislation in the Senate for their legislation as well. I think whatever happens under whoever's bill that passes, we want to ensure that we do not get that separation between the retired Federal employees and current employees in their health benefit premiums, and that is what this bill is about.

We had a spirited debate 2 weeks ago on a health benefit plan, and I do not think we need to continue to air this today. But I think this is good legislation, it is good protection for our retired Federal employees, and I urge my colleagues to support this legislation and thank them for the bipartisan support this bill is getting today.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume. I think we have heard a great deal of debate, and we understand the merits of this legislation. It is unfortunate we did not have a bill last week that would have covered all of the seniors looking for relief under Medicare.

I certainly agree that we do not want Federal retirees to be at risk for giving up what they have already got, and so I would agree with my colleagues that we should support this legislation to make sure that our Federal retirees maintain the benefits they have already received.

Mr. STARK. Mr. Speaker, we've heard the President, Republican Members of Congress, Administration officials, and Republican Senators claim time and time again that their Medicare prescription drug plan will provide seniors with the same choices as Members of Congress get. They've said that if FEHBP is good enough for Federal employees and Members of Congress alike, it should be good enough for seniors.

That's a great message and I'm sure it sells well with seniors. Unfortunately, their rhetoric fails to match the reality. The drug benefit they are willing to provide to Medicare beneficiaries is far less than the drug benefit provided to Federal employees.

We've been trying to expose this hypocrisy for months. Today, the Republicans point out the truth themselves.

This bill, authored by Representative TOM DAVIS, requires that each health plan in FEHBP agree to provide the same drug benefits to Federal retirees as they do to active employees.

In other words, it protects Federal employees from ever having their retiree drug benefits reduced to the level that the bill's author just supported for the rest of our nation's retirees!

Representative DAVIS represents an awful lot of Federal employees and he knows that the Medicare drug benefit is inadequate. Therefore, he's here today—the very first legislative day we are back in session after having passed the Republican Medicare drug bill—to get a fix for his constituents and himself.

If the Republican drug bill was as good a benefit as Federal employees and Member of Congress receive, Representative TOM DAVIS and others would not be here today ensuring that Federal employees are never forced to give up their FEHBP coverage and find themselves with only the Medicare drug benefit his party has legislated.

But, the Medicare drug benefit isn't as good. That's why they're here.

Unfortunately, they are ignoring the problems that will be faced by the millions of seniors and people with disabilities who are not Federal employees or Members of Congress.

The Congressional Budget Office has told us that if the Republican Drug Bill becomes law, one-third of employers will drop their retiree drug coverage. That will cause millions of Americans to lose the coverage they have today only to be replaced with the inadequate benefit put forth by the Republicans. Yet, nothing in this bill will help them.

Put frankly, we can't buy a health plan in FEHBP with as poor drug coverage as is included in the Republican Medicare prescription drug bill that was passed last week.

Rather than protect us from having to suffer with inadequate coverage with the rest of America's seniors, we should be considering a bill that guarantees all America's seniors and people with disabilities with a drug benefit as good as Members of Congress get.

Unfortunately, Republicans refuse to go along with that.

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

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 2631.

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

A motion to reconsider was laid on the table.

□ 1345

GARNER E. SHRIVER POST OFFICE BUILDING

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1761) to designate the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the ''Garner E. Shriver Post Office Building''.

The Clerk read as follows:

H.R. 1761

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

SECTION 1. GARNER E. SHRIVER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, shall be known and designated as the ''Garner E. Shriver Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Garner E. Shriver Post Office Building.

The SPEAKER pro tempore (Mr. TERRY). Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1761.

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

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1761, introduced by the gentleman from Kansas (Mr. TIAHRT), designates the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the Garner E. Shriver Post Office Building. All members of the Kansas congressional delegation have cosponsored this legislation.

Garner Shriver represented the Fourth Congressional District of Kansas in this House for 8 terms, from 1961 to 1977. He was a lifelong resident of the Sunflower State; he spent nearly his entire adult life working for other Kansas residents, first as the State legislator and later as a U.S. Representative. This legislation is a fitting commemoration of his service to his home State and to the entire Nation.

Mr. Speaker, Garner Shriver was born in Towanda, Kansas, July 6, 1912. He and his family moved to Wichita in 1925, and he graduated from the University of Wichita in 1934. Following his college graduation, he enrolled in the Washburn School of Law and received a law degree in February, 1940.

After he was admitted to the bar, he entered into public service for the first time by enlisting in the U.S. Navy. He spent 3 years as an officer in the Navy; and after being honorably discharged, he chose to run for public office. He was elected to the Kansas State House where he served 2 terms. In 1951, he left the State House to run successfully for the Kansas Senate, which he served from 1953 to 1960. Finally, in the fall of 1960, the voters of the Fourth Congressional District of Kansas sent Garner E. Shriver to Washington for the first of 8 distinguished terms in the House of Representatives.

In Congress, he was an influential member of the Committee on Appropriations. He accomplished much during his 16 years in the House, but he fought extra hard for his fellow veterans, particularly working to secure health and education benefits for his peers when they completed their duties with the U.S. Armed Forces.

Moreover, even when he left the House in 1977, he stayed in Washington to fight for veterans by moving a few blocks north and becoming the staff director for the Committee on Veterans Affairs. He worked in the Senate for 5 years before returning home to Kansas in 1982 to practice law.

Garner E. Shriver passed away on March 1, 1998, at the age of 85. He was a remarkable American who succeeded at everything he tried in life, and I know the citizens of Kansas still feel very grateful to him for his years of dedication. Congressman Shriver preceded the gentleman from Kansas (Mr. TIAHRT) as the representative of the fourth district, and I congratulate my colleague for his work on this measure.

I urge all Members to support the passage of H.R. 1761 that honors the life and service of Congressman Garner E. Shriver.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the chairman of the Committee on Government Reform in consideration of H.R. 1761, which designates the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the Garner E. Shriver Post Office Building, which was introduced by the gentleman from Kansas (Mr. TIAHRT) on April 10, 2003. The bill has been cosponsored by the entire Kansas delegation.

Garner E. Shriver served in both the Kansas House of Representatives and the State Senate before being elected to represent the Fourth Congressional District of Kansas. Reelected seven times, Representative Shriver served on the House Committee on Appropriations. He left the House in 1977 and went to the United States Senate where he served as the minority staff director and general counsel for the Senate Committee on Veterans Affairs from 1977 until 1982. He practiced law until his death in 1998.

He was obviously a person who spent all of his life working from one career to another career doing outstandingly well in each and every one of them. I think the designation, or the naming, of a postal facility in his honor is appropriate and serves as an indication of the tremendous legacy of service that he left. I urge swift passage of this bill.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. TIAHRT), the author of this legislation.

Mr. TIAHRT. Mr. Speaker, I rise today to honor a former Member of this distinguished body, the late Congressman Garner E. Shriver. Congressman Shriver was born July 6, 1912, in the small Butler County town of Towanda, Kansas. His family later moved to Wichita in 1925 where he attended public schools and graduated from Wichita East. He remained in Wichita to receive his undergraduate degree from the University of Wichita, now Wichita State University, in 1934. Today his congressional papers are kept in the Ablah Library at Wichita State.

In 1940, he graduated from Washburn University School of Law in Topeka, Kansas. He put himself both through undergraduate and law school by working odd jobs, including serving as a doorman.

In 1941, Garner Shriver married Martha Jane Currier, his wife for the next 50 years of his life. However, before he and Martha had a chance to begin raising a family, World War II pulled him away from home. Mr. Shriver enlisted in the Navy; and after 10 months, he received a commission as lieutenant, leaving the Navy after 3 years as an officer. At the end of the war, Lieutenant Shriver found himself commanding a boat group in the Pacific for the Navy.

Not long after the war effort ended, Mr. Shriver made his first attempt at elected office. In 1946, he ran for the Kansas House of Representatives. He entered the race because, as he said, he felt he did not have anything to lose. Representative Shriver etched out a victory by a slim margin of only 222 votes. And so began the long and distinguished career of a great Kansas statesman.

After serving 2 terms in the Kansas House, Representative Shriver had greater ambitions and was elected to the Kansas State Senate where he served for two 4-year terms. During his 12 years of service in the Kansas legislature, he championed many worthwhile causes, including education for handicapped and mentally challenged children, keeping reckless drivers off the highways, creating the Kansas State Park Authority, important flood control legislation, and setting up the 4–H livestock show.

In 1960, he left State politics to run for Congress. Winning what was characterized as ''a very spirited race,'' Garner Shriver became the new Representative of the Fourth Congressional District. At that time, the district included Sedwick and 14 other counties which are considered to be heavily Democratic. Congressman Shriver went on to win eight consecutive races before losing in a narrow defeat of 3,200 votes in 1976 to former Congressman and former Secretary of Agriculture Dan Glickman.

During his 16 years in Congress, Mr. Shriver became an influential voice on significant issues of the day, including health care and education benefits for our Nation's veterans, as well as landmark civil rights legislation. Congressman Shriver served on the committee that drafted the Civil Rights Act of 1964. His family is very proud of the fact that they have one of the pens President Lyndon Johnson used to sign the historic legislation into law.

While Congressman Shriver worked on various issues of national concern during his time, he was a relentless advocate of his constituents back in Kansas. As a senior member of the Committee on Appropriations, Representative Shriver was in a unique position to protect the vital interests of the fourth district of Kansas and the State of Kansas.

When Representative Shriver left Congress in 1977, he was ranking member of the Committee on Appropriations Subcommittee on Foreign Operations and third ranking Republican on the full committee. In that important capacity, Congressman Shriver was able to make sure Kansas was never overlooked during the Federal budget process.

Although he left the House in 1977, he did not leave Congress. He moved over to the Senate and served as minority staff director and general counsel for the Senate Veterans Affairs Committee until 1982 where he made a significant impact on the lives of his fellow veterans.

Upon completion of a near-lifetime of public service, Congressman Shriver returned home to Wichita where he practiced law and spent the rest of his life alongside his loving and dedicated wife, Martha Jane, until his death on March 1, 1998. Garner Shriver is survived by his wife and three children, David, Kay and Linda. He also has seven grandchildren and two great grandchildren.

During the nearly 30 years of elected public office, the name of Garner Shriver became synonymous with Wichita and south central Kansas. Simply put, Garner Shriver was a political giant. I am honored to succeed him as the current fourth district Representative, and I am pleased to have an opportunity to commemorate his service to our Nation by sponsoring this legislation.

Mr. Shriver's beloved wife, Martha Jane Shriver, receives her mail from the United States post office at 9350 East Corporate Hill Drive in Wichita, Kansas; and this is an especially appropriate location to designate the Garner E. Shriver Post Office Building.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I commend the gentleman from Kansas (Mr. TIAHRT) for introducing this legislation. Garner E. Shriver during his years in Congress lived in Lake Barcroft, which is the community I live in and represent in Congress. He was a good family man and neighbor there as well. This is a fitting commemoration for a very distinguished statesman, and I urge all of my colleagues to support adoption of this measure.

Mr. MOORE. Mr. Speaker, I am pleased to join with the rest of the Kansas congressional delegation in supporting H.R. 1761, which will designate a post office in Wichita, KS, as the ''Garner E. Shriver Post Office.''

As a Kansas native, who was raised in Wichita, I well remember Congressman Garner Shriver. My father, Warner Moore, served as Sedgwick County Attorney in the 1950s and was the Democratic nominee in 1958 for the congressional seat later held by Shriver. My father came within less than 2,400 votes of defeating Representative Edward Rees, who had held the seat since first being elected in 1936. Two years later, Representative Rees retired, and my father lost a very close primary battle with William Robinson, who was defeated for the open seat by Garner Shriver, who won with a margin of over 22,000 votes.

Garner Shriver served as a U.S. Representative for 16 years. He was born in Towanda, KS, in 1912; his family moved to Wichita in 1925. He graduated from University of Wichita in 1934; after postgraduate study at the University of Southern California, he graduated from Washburn University School of Law in 1940. The following year, he married Martha Jane Currier, who would be his wife for 56 years—they had three children: Kay, David, and Linda. He worked for Fox-Vlient Drug Company of Wichita from 1934–36, and taught speech at South Haven High School, of South Haven, KS, in 1936–37. Shriver joined the Navy at the outset of World War II and served 10 months in the enlisted ranks before being commissioned as lieutenant, senior grade. He was a boat group commander in the Pacific at the end of the war.

Shriver agreed to run for the Kansas Legislature in 1946, because, as his wife was later quoted as saying, ''he figures he didn't have anything to lose. When we went to bed that night, we didn't know anything about elections. We woke up in the morning and he'd won by 22 votes.'' He served two terms in the Kansas House and two terms in the Kansas Senate before being elected to the House of Representatives in 1960. Senator Bob Dole, who was in Shriver's freshman class of House Members, recalled at this funeral that he ''was known as a quiet and effective legislator and someone who kept his word. He was an exemplary husband and father.'' Former Representative Dan Glickman, who defeated Shriver in 1976, recalled him as ''one how helped his district and state a lot, while being very congenial, civilized; not noisy, not polarizing.''

Garner Shriver rose to be the ranking Republican on the House Appropriations Foreign Operations Subcommittee; he also was one of the original appointees to the House Budget Committee upon its establishment. Low key and moderately conservative, he was an active supporter of medical benefits for World War II veterans and for combat pay for Vietnam-era servicemembers. Early in his career, he served on a House subcommittee that originated the Civil Rights Act of 1964; his family still treasures one of the pens used by President Johnson in signing the measure into law. As the Whichita Eagle's obituary put it, Garner Shriver ''embraced politics, seeing public service as a mandate for living a truly Christian life.'' As the Shriver family's minister and eulogist at his funeral, the Reverend George Gardner said, ''Garner Shriver was always mindful of the people. They were not his people but God's people. And he thought they must be served with generosity, kindness and compassion.''

Follwing his defeat in 1976, Shriver remained in Washington, DC, until 1982, working as the Senate Veterans' Affairs Committee's minority staff director and general counsel. After concluding that service, he returned to private law practice in Wichita, where he dead in 1998.

Mr. Speaker, it is fitting that we come together today to commemorate the life and service of Garner Shriver with the naming of this post Office. As Reverend Gardner said at his funeral, ''Garner Shriver came to us with energy and compassion and from his life we were called to a higher standard of principle. In him, we saw the value of public service as he revealed to us the great privilege of living in America.''

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 1761.

The question was taken.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

FRANCISCO A. MARTINEZ FLORES POST OFFICE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2396) to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the ''Francisco A. Martinez Flores Post Office''.

The Clerk read as follows:

H.R. 2396

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

SECTION 1. FRANCISCO A. MARTINEZ FLORES POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, shall be known and designated as the ''Francisco A. Martinez Flores Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Francisco A. Martinez Flores Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2396.

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

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation, introduced by the gentlewoman from California (Ms. SOLIS), designates the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the Francisco A. Martinez Flores Post Office. All 53 members of the California delegation have signed on to this bill as cosponsors.

The story of Lance Corporal Flores is one of remarkable courage. Born in Guadalajara, Mexico, Francisco came to the United States with his family at the age of 3. His family settled in the community of Duarte, California, east of Los Angeles. He grew up in Duarte, attended Duarte High School where he was a standout in the jazz band and on the football team. When Francisco graduated from high school in the spring of 2000, he bravely enlisted in the Marine Corps despite not yet being an American citizen. He was assigned to the First Marine Division and sent north to Twenty-nine Palms, California, the home of the Marine Corps Air-Ground Combat Center. After 2½ years of active duty in California, Lance Corporal Flores courageously journeyed with many of his fellow Marines across the globe to Iraq in January of this year for the military buildup to Operation Iraqi Freedom.

On March 25, 6 days into the war of liberation of Iraq, Lance Corporal Flores was killed in action outside of Nasiriyah in southeastern Iraq.

□ 1400

Sadly, he was less than 2 weeks from earning his United States citizenship, something that was his lifelong dream.

Mr. Speaker, Lance Corporal Francisco A. Martinez Flores lived an extraordinary life, albeit a tragically short one. He represents the best of what American immigrants bring to this country. I commend the gentlewoman from California for introducing this bill, that it will appropriately honor his sacrifices to our Nation.

I want to let all Members know that Lance Corporal Flores was deservingly granted his U.S. citizenship posthumously on April 6, right on schedule. Therefore, I urge all Members to support the passage of this bill that will name this post office after Lance Corporal Flores in his hometown.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2396, which designates the facility of United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the ''Francisco A. Martinez Flores Post Office'' was introduced by the gentlewoman from California (Ms. SOLIS) on June 9, 2003. The bill has been cosponsored by the entire California delegation.

Mr. Speaker, Francisco A. Martinez Flores was 3 years old when his family moved from Mexico to California. He joined the Marines so that he could go to college. Unfortunately, at the early age of 21, Lance Corporal Francisco Martinez Flores, who was assigned to the 1st Tank Battalion, 1st Marine Division in Twentynine Palms, California, was killed in Iraq on March 25, 2003. He died when his tank went over a collapsing bridge and tumbled into the Euphrates River.

The oldest of four children, Corporal Martinez was to have become a citizen of the U.S. in April of this year. Unfortunately, he died before he could take the oath of allegiance. He was buried as an American after being granted his citizenship posthumously.

Mr. Speaker, my heart goes out to Lance Corporal Francisco Martinez Flores, with commendations, who gave his life before being granted or having the opportunity to have been granted his citizenship. I express condolences to his mother and to his siblings, and I commend the gentlewoman from California (Ms. SOLIS) for seeking to honor the memory of a fallen hero, a soldier who gave his life so that others may experience the freedom, the liberty, and the opportunities that he never got an opportunity to fully enjoy. One cannot give much more than that, and I would urge swift passage of this resolution.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the author of this resolution, the gentlewoman from California (Ms. SOLIS).

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

Ms. SOLIS. Mr. Speaker, I thank our ranking member and also the chairman of the Committee on Government Reform. We just came back from celebrating July 4, and on that occasion I had the opportunity of attending one of the local parades in one of my cities, Rosemead, California. I met four soldiers that had just returned from Iraq, about the same age as Francisco Martinez Flores, and their stories were also heartening and compelling. They came back to their families, and I had a chance to meet them.

Lance Corporal Francisco Martinez Flores, a young man of 21 years of age, did not come back. And people ask me, Congresswoman, why is it that you want to name a post office after this young man? He was not an elected official. He was very young in life and was just barely starting out in his own career and finding his way. One of the things I have to tell the Members is that what when I read the tragic story of his death, one of the first soldiers to die among those in California, I was very moved, very moved to see his family and the community of Duarte that I now represent in the 32nd Congressional District come together. I attended his funeral where there were 1,200 people from outside of that city who came to gather to pay witness to this young man who had served and given his life.

As was stated earlier by my colleagues, this young man was not originally from the United States. At 3 years of age, he came to this country with his parents from Guadalajara, Mexico, but he attended our local high school in Duarte, participated in many activities, extracurricular, football team and the jazz band. He even wanted to be a member of our government, serving as a police officer. He will never get to realize that dream, and I saw that this was an opportunity for us to pay tribute to someone like him, like many other soldiers who are now serving and some that have not returned that we should pay tribute to, for they made and they make the ultimate sacrifice without a doubt and without question. In fact, his mother was quoted, and I recall at the church the mass that I attended at that funeral, her name is Martha Martinez, and she said of him, ''He loved the United States so much. He was from Mexico, but he was fighting for America and its ideals.'' Everyone was touched and moved by that statement.

Lance Corporal Martinez Flores was not just a brave and self-sacrificing marine, but he was a loving son, a brother and a friend to many who live in the 32nd Congressional District. He was the eldest of four siblings that emigrated to the country, and as I said, he served a short time there at high school in various extracurricular activities.

And on that day January 23, 2003, he was sent abroad to fight in Operation Iraqi Freedom, probably not knowing that he would never come home. He

was just 2 weeks shy from gaining his United States citizenship. Lance Corporal Martinez Flores was killed in the line of duty near Nasiriyah, Iraq, on March 25, 2003, and after his death, Lance Corporal Martinez's family proudly accepted a certificate of naturalization granting to Francisco posthumous U.S. citizenship on April 6, 2003. He was one of thousands of lawful permanent residents who have volunteered their service to protect the United States by joining the U.S. military.

Lance Corporal Martinez Flores was a courageous and dedicated marine who grew up in our local community of Duarte, and I am privileged that we will be naming a Federal building after him in his hometown.

Local residents in the city there have also shown their support to honor him. They have come together to put together their own funds to develop a scholarship in his name. And all 52 Members on a bipartisan effort from California support this initiative. The mayor and the city council of the city of Duarte are also bipartisan and support this piece of legislation. These efforts now will lead to the post office at 1210 Highland Avenue in Duarte, California, to be named Francisco A. Martinez Flores.

I want to thank all of them for their support for the bill, all those that had the ability to be a part of this to help us move this along in an expeditious manner, and I want to especially thank the family members and those people that represent that community that came together to fully unify themselves behind this young man. It is devastating for us to know that someone has to lose their life under such turbulent time and hardship to have a community come together like that. This was one of those moments in our history. The bill is a tribute to all those who have died to our country, and it is a tribute to all the families who have lost a loved one. The bill symbolizes the gratitude and admiration we have for our Nation's soldiers who risk their life to uphold their way of life and the American ideals of liberty, justice, and equality. And I urge all my colleagues to join me in recognizing this American hero, Lance Corporal Francisco A. Martinez Flores, who fought and died for our country, by supporting this bill today, H.R. 2396.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Let me say I commend my colleague for bringing this legislation to the floor. In our usual order of things, it is individuals with power, prestige, and notoriety that get postal namings, but it is the Francisco Floreses of this world, many of them immigrants, who built this country, who make it run every day, and who fight to keep it free. He is in a larger sense, as the gentlewoman from California (Ms. SOLIS) says, an American hero, and I urge adoption of this legislation.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LINDA T. SANCHEZ).

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, I am honored to stand before the Members today in support of H.R. 2396. This legislation designates the post office located at 1210 Highland Avenue in Duarte, California, after a courageous young marine, Lance Corporal Francisco Martinez Flores.

Lance Corporal Flores was killed in the line of duty near Nasiriyah, Iraq, on March 25, 2003, protecting the rights, beliefs, and values of a Nation that he could not yet call his own. He was just 2 weeks away from gaining his U.S. citizenship, which was granted posthumously on April 6, 2003.

According to the Department of Defense, an estimated 37,000 legal permanent residents are currently serving on Active Duty in our Armed Forces. These young men and women have willingly volunteered to carry out one of the most solemn duties any nation can ask of its people, and they have more than earned the right to become citizens of the Nation they have sworn to uphold and protect. Their contributions should always be remembered.

Naming the post office after Lance Corporal Flores is not just a way to honor his memory, but also a small way to show appreciation and respect to the other 200 soldiers who have made the ultimate sacrifice. Each day when a person walks through the Highland Avenue Post Office located in Duarte, California, they will be able to read about this hero and remember that it is the people in their community who contribute to the freedoms that we all enjoy as Americans.

I would like to thank every man and woman currently serving in the U.S. military. I hope they stay safe, and I wish them a speedy return, and I sleep better at night knowing that they are doing such a tremendous job, and I sleep better at night knowing that people like Francisco Martinez Flores are there serving our country. I urge all my colleagues to vote in favor of H.R. 2396.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

With the understanding and recognition that I agree with the gentlewoman from California that if one has the right to fight and die, one certainly has the right to citizenship, I would urge swift passage of this resolution.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 2396.

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

A motion to reconsider was laid on the table.

RECESS

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

Accordingly (at 2 o'clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1610

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 4 o'clock and 10 minutes p.m.

REPORT ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 2004

Mr. REGULA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–188) on the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

RECESS

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

Accordingly (at 4 o'clock and 11 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1834

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 6 o'clock and 34 minutes p.m.

THE CONGRESSIONAL DISTINGUISHED SERVICE AWARD

(Mr. HASTERT asked and was given permission to speak out of order, to revise and extend his remarks and include therein extraneous material.)

Mr. HASTERT. Mr. Speaker, this morning the gentlewoman from California (Ms. PELOSI), Democratic leader,

and I had the honor of bestowing on four of our former colleagues the Congressional Distinguished Service Award. The four honorees were John Rhodes of Arizona, Louis Stokes of Ohio, Don Edwards of California, and Bob Michel of Illinois.

I first discussed creating the award last Congress with the gentleman from Missouri (Mr. GEPHARDT), the then Democratic leader. We thought it appropriate and fitting to have an award that is dedicated to former Members of Congress whose service to the country exemplifies the best traditions of the United States House of Representatives.

Today we honored four former colleagues, two Republicans, two Democrats, who had widely different political views, but who shared a love for their country and for this Congress. John Rhodes, Louis Stokes, Bob Michel, and Don Edwards shared certain virtues even as they pursued different political agendas. The words integrity, humility, honesty, and steadfastness describe all four of these individuals. None of them, none of the men that we honored today, pursued political ambition at the expense of common decency. None sacrificed their souls on the altar of political expediency. They inspired many with their political insight and their remarkable ability to bridge differences when seeking compromise.

All of them left their mark on this institution. Some were succeeded by a former staff members who they mentored. All were giants in their district who cultivated many to go into public service. All of them left this institution a better place by their service, and for that we give them our humble thanks.

It was an honor to award these individuals, to hear them speak from their hearts today about what this House meant to each of them. It is a very special place for them and their generation and for us today. I wish them Godspeed.

Mr. Speaker, I ask unanimous consent to enter the entire proceedings of this morning's proceedings into the CONGRESSIONAL RECORD.

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

There was no objection.

The material previously referred to is as follows:

REMARKS FROM THE CONGRESSIONAL DISTINGUISHED SERVICE AWARD CEREMONY, JULY 8, 2003

HASTERT. Several years ago, in conferring with then-Democrat Leader Dick Gephardt, we thought it was very fitting and proper for us to recognize members of Congress of this House of Representatives who've gone before us, who've laid the cornerstones of the good things that we enjoy in this Congress: the ability to communicate with one another, the ability to move forward good legislation, people who have shown the very best human attributes in this pursuit that we carry forth day in and day out.

I just want to thank every one of you, for being here today in Statuary Hall as we honor and recognize the first recipients of the Congressional Distinguished Service Award.

In doing this, we said, ''Here are thousands of great people, people that we deal with, people that we live with in a sense day in and day out. But yet there are certain people who add a very special meaning to serving in this Congress and this House of the Representatives of the U.S. Congress.''

The Distinguished Service Medal Award is dedicated to former members of Congress whose service to the country exemplifies the very best traditions of the United States House of Representatives.

We are honoring four men today, two Republicans and two Democrats. The purpose of this was to start two years ago, but because of illness and some extenuating circumstances called 9/11 and others we have put both the Congresses together today in this presentation.

The two Republicans and two Democrats who had widely different political views but who shared a love for their country and for this Congress, all four are members of the greatest generation who—those Americans who lived through the Great Depression, who fought in the Second World War, who played a critical role in making America the brightest beacon of freedom in the darkest days of the Cold War.

It is altogether appropriate that we honor these four men with this new award.

Since my colleagues selected me as their Speaker, I've had the distinct pleasure to participate in ceremonies recognizing recipients of the Congressional Gold Medal, our nation's highest civilian award given by the United States Congress.

I have had the pleasure to participate in ceremonies honoring Rosa Parks, the World War II Indian windtalkers, Ronald Reagan and Pope John Paul II with the Congressional Gold Medal. The gold medal awarded by the Congress is an important way for our nation to pay tribute to leaders who make this world a better place with their service.

The Distinguished Service Award pays tribute to those who make this House a better place with their service.

John Rhodes, Lou Stokes, Bob Michel, Don Edwards—all of these men shared certain virtues even as they pursued different political agendas: integrity, humility, honesty, steadfastness.

None of these men pursued political ambition at the expense of common decency. None sacrificed their souls on the alter of political expediency. They always respected each other's differences and opinions. They inspired many with their political insight and their remarkable ability to bridge differences when seeking compromise.

They're all war heroes who served their country during World War II, then continued to serve their country as leaders in this United States Congress.

John, Louis, Bob and Don will always be remembered not just as the first recipients of this award, but also as great leaders who truly made a difference in the lives of so many Americans.

You're all very deserving of such recognition.

Congratulations again for being the first recipients of the Congressional Distinguished Service Award.

And now it's my privilege to introduce the Democratic leader, Nancy Pelosi. (Applause)

PELOSI. Good morning.

Thank you, Mr. Speaker, for those very, very inspiring words about the people whom we are gathered here today to honor.

Thank you also, Mr. Speaker, for having the idea, along with Congressman Richard Gephardt—then-Leader Richard Gephardt, to recognize the distinguished service of our former colleagues.

Those of us who served with them are blessed to be able to call them colleague.

As you know, it's a privilege to be here in this role to honor the first-ever recipients of the Congressional Distinguished Service Award and their families. It's an honor for all of us to be part of this historic ceremony.

I'm so pleased that we've been joined by some of the pages, because they, of course, were not here when these distinguished gentlemen served. But what they should know is that all four of them had public service as a high calling, all four of them were an inspiration to other generations to serve to be attracted to public service. And that's one of the reasons we're honoring them today.

Again, I want to commend the speaker and Dick Gephardt for their foresight in establishing this award.

Today's ceremony offers the opportunity both to honor these individuals and to remind ourselves how outstanding the character of a few fine people through sheer measure of their decency can elevate the institution for everyone.

These former members were on different sides of the aisle, but they took a shared oath and recognized a greater obligation to serve the country together, both to find common ground where they could and to stand their ground where they could not. No one has come closer to the ideal, the perfect member of Congress, perfect public servant, than John Rhodes, Lou Stokes, Don Edwards and Bob Michel.

Though John Rhodes cannot be with us today, we are honored that his award will be received in the most appropriate way. John Rhodes earned the love and the respect of his colleagues and constituents for his service to his district, to his beloved house and to the country. We remember his calming strength and the dignity he displayed during the last days of the Nixon Administration, when his leadership was so important to the country.

I hope that you will convey, in addition to the award, all of the good wishes of all gathered here today to your distinguished father.

Lou Stokes and I served together for many years, both on the Appropriations Committee and the Ethics Committee. A man of humble beginnings and high principle through his integrity and his commitment to the less advantaged was unsurpassed. He came from a strong public tradition of public service, as did Mr. Rhodes—continuing that. His colleagues were blessed to see Lou's character in acton every day. But, the whole country caught a glimpse and were affected by what made his so special, and his moving personal statement during the Iran-Contra hearings.

He comes, again, from a distinguished family. His mother has a federal building named for her, and rightly so, because she produced two great public servants. And I have a personal connection because my brother served as mayor of Baltimore when Lou's brother was mayor of Cleveland, and went on, of course, to represent our country with great distinction as an ambassador.

And part of that family tradition is, obviously, the service of Lou Stokes in the Congress of the United States. On the Intelligence Committee, where he was chair, he introduced diversity into the mix: integrity, diversity, mission success.

On the Ethics Committee, it was always the highest possible standard. And on his work on the Appropriations Committee, he did a great deal to put forth the values of our country into our spending priorities, and he has been recognized for that at the National Institutes of Health, among other distinctions.

I had the privilege of naming this—Lou was name by Dick Gephardt when he was leader, and as the speaker said, the service of this presentation was deferred.

I, in my capacity as Democratic leader, had the privilege of naming Don Edwards, a great patriot in the finest sense of the word, absolutely committed to his country, to our country into making it better. Don spent his entire adult life defending the Constitution and protecting our civil liberties. Successfully demonstrating that neither our security nor our liberties need to be sacrificed. In order to have both, we need leadership; Don Edwards provided that.

Don is the only member who upon his retirement received both the American Civil Liberties Union Award and had a dinner honoring him hosted by the FBI

And while in Congress, he was a mentor, a gentleman, a floor leader of the ERA. Well, you're going to hear so much more about all of these from our distinguished presenters, but suffice it to say, as a Californian, I am particularly proud of Don Edwards.

Bob Michel—anyone who served with Bob Michel knew that it was a special privilege to do so. He always had a basic respect for his political friends and political foes alike. He never questioned the motives of his colleagues.

A great Republican leader, Bob's strong working relationships and personal friendships with the Democratic speakers of the House, Tip O'Neill and Tom Foley, were on full display when then-Speaker Foley invited Bob to take the chair on the last day of the lame duck session in 1994. That spoke volumes as to the respect with which Bob Michel was held as a member of Congress as a Republican leader, and is held as a statesman for our country.

It is a joy always to see him as a source of great intellectual power, political strength and dignity in his service to the Congress.

I am honored to be part of any program that Bob Michel is being recognized.

As individuals, our honorees today are some of the finest people ever to pass through these halls. Together, they are a welcome reminder of what our country and our Congress can be at its best. These first recipients of the Congressional Distinguished Service Award call all of us to a higher standard.

Again, thank you, Speaker Hastert, for your vision and leadership in establishing this award with Leader Gephardt.

Congratulations to all of our honorees, and thank each and every one of you for being with us this morning.

Thank you, (Applause)

HASTERT. Thank you, Leader Pelosi.

Now I'd like to introduce the chairman of the Defense Appropriations Committee, a 25-year veteran of the House, a distinguished gentleman from California, the distinguished Congressman Jerry Lewis. (Applause)

LEWIS. Thank you very much, Mr. Speaker, Leader Pelosi, Reverend Dan and friends (inaudible).

Ladies and gentlemen, it's my distinct privilege and honor to say a few words about John J. Rhodes and remind all of us a bit of his service.

I first met the then-Republican leader in 1969—'79—'89—1979 as I came to the Congress a part of a band of wild men who arrived on the scene recognizing that the House had been dominated by one party too long and by golly it was our responsibility to do something about it.

The wild men led by Newt Gingrich and the likes of then-Congressman-elect Dick Cheney were counseled early on by Bob Livingston, who had arrived about six months before us, and he had special tools in mind to help us carry forward our quest.

At that point in time, we were fortunate enough to have a Republican leader who recognized that there was much to be done, including changing the House, but who also recognized that there were ways to accomplish things. And his advice and counsel, over that period and over the years, has been very, very important to me personally and to all of us.

John J. Rhodes, a man of the House, served in the House as the first Republican elected from Arizona. For 30 years, a member of the House of Representatives. John J. Rhodes, first and foremost a Republican but beyond that a public servant committed to representing his people and his state well and committed to bringing about change in our national government.

Over the years, John served on several committees in the House: the Education and Labor Committee, the Interior Committee, the Appropriations Committee, in which he served on my Subcommittee on National Security, and on the Rules Committee. During all of that service, he made many a contribution to the work of the House in terms of impacting public policy.

During those early years, he had a direct involvement in developing Republican policy or perhaps an alternative to the then leadership direction that might be a bit more conservative. He was chairman of the Republican Policy Committee, and he did a fantastic job helping the leadership to hold our band together to impact the direction of our government.

In 1973, his life changed rapidly for the then-Republican leader, Gerald Ford, was tapped to become our vice president. And by acclamation, John Rhodes was selected to be our leader. His advice and counsel, his stability, his solid commitment to the House made all the difference for the minority of those days.

He was a gentleman who everyone recognized as a person who cared about the House, the institution and public policy first. He reached out to the leadership on the other side of the aisle, seeking compromise, where possible, to impact the best possible of directions.

John J. Rhodes developed an interest in water because of its importance to Arizona. And while serving on the Interior Committee, he literally developed more base knowledge regarding the challenges in this difficult arena than anybody in the entire body.

John J. Rhodes, a public policy specialist, who early on expressed concern about the direction of our country in terms of national security. It was his voice that was heard time and again talking about the challenge and the problem of decreasing defense budgets. It was his voice that suggested we should have an intertwining between foreign policy and national defense that projected itself not for five years but for 10, 20, perhaps 50 years, to make certain that America played that leadership role that was necessary to make certain that we were the force for peace and freedom in the world, a voice that's heard today in many a circle, the first echoed in these halls by our leaders, John Rhodes.

A fabulous Arizonan who would be with us today if it were not for the fact that he is fighting another battle, the battle of cancer that we all know about affecting our country.

John J. Rhodes, a man to be remembered, a man of the House who indeed served out his destiny, making a difference in strengthening the House and laying the foundation for the future of this great institution. (Applause)

HASTERT. At this time, I'd like to call up Jay Rhodes.

Jay. (Applause)

On behalf of the Congress of the United States.

JAY RHODES, son of John Rhodes. Thank you, Speaker, and thank all of you for being here today. It's a great privilege and it's such a great honor for me to be here. I wish I weren't. There are so many of you in the audience that I recognize, members of my dad's staff, members who served with him, members who served with both of us.

As you all know, service in this House is a great honor and it's a great privilege. One of my honors and privileges was to serve with both Speaker Hastert and Leader Pelosi. And I thank you both very, very much for the kind words that you've mentioned here this morning.

And, Congressman Stokes, Congressman Edwards, Congressman Michel, it's an honor to share this podium with you.

We are here to award four longtime members of the House, members who lent a significant part of their lives and of their dedication to service to the House of Representatives, and that's quite appropriate.

But in many ways these four members are simply reflections of the House, because the House, while it's made up of a group of fiercely independent individuals, when it is the House, when it's the House acting on the country's business, it's a grouping of Americans, a grouping of Americans who have ideals and thoughts and aspirations and hopes and goals which basically can be boiled down to a peaceful, free, harmonious United States.

And those are the goals of every member of this body, regardless of the time that they served and regardless of the party that they served.

And so you award four very deserving former members of the House, but at the same time you're honoring yourselves and you're honoring the institution, and rightfully so.

And were my dad able to be here today—and let me hasten to say to you that he is not currently at death's door, he just simply would be physically unable to make the trip—but were he here he would tell you that service in this body is an honor that has been conferred upon and enjoyed by very few in the history of this country, and it's an honor that cannot be replicated and it's an honor that can sometimes barely be described.

But he would tell you that service here made him when he left a better person than he was when he arrived, and I think that each and every one of us who's had the honor to serve here would concur in that. I think that being here makes you a better person. Having the opportunity to be of some measured service to your country has to make you a better person.

If I could use two words to describe my dad, they would be service and they would be loyalty. Service is self-described in terms of the amount of time that he spent, both in the military and then here in this body, and what he has done since he's left the body.

Loyalty, of course, to his family, tremendous loyalty to his family. Tremendous loyalty to his wife, to my mother. But loyalty to this institution, because he felt and feels very strongly that this is democracy's cradle, this is where the work of keeping people free and hopeful starts and sometimes is concluded, hopefully always positively.

And were he here he would tell you that he appreciates this from the bottom of his heart, as do I for him. Thank you all very much. (Applause)

HASTERT. Thank you, Jay.

When Louis Stokes decided to retire after 30 years of service in the House many in Ohio thought it would be impossible to fill his shoes. But when a certain prosecutor by the

name of Stephanie Tubbs Jones decided to run for his seat, the people chose her as their candidate to do that job.

Please welcome Congresswoman Stephanie Tubbs Jones. (Applause)

U.S. REPRESENTATIVE STEPHANIE TUBBS JONES (D–OH). To Speaker Hastert, Leader Pelosi, Reverend Coughlin, my colleagues, current, my former colleagues who I have not had a chance to meet, imagine this: In 1968, I was completing my freshman year in college at Case Western Reserve and I had the opportunity to work in the campaign for the first African American to be elected to the U.S. Congress from the State of Ohio. Imagine this: He didn't know who I was. (Laughter)

Imagine this: Some 30 years later, I would be running to hold that very same seat in the U.S. Congress, and today, 35 years later, I have the opportunity to participate in the presentation of this Distinguished Service Award to the Honorable Congressman Louis Stokes, to celebrate and recognize his outstanding service and achievement.

Let me fill in the blanks. Prior to serving in Congress, Congressman Stokes practiced law for 14 years and was one of the founders of the firm Stokes, Character (ph), Terry (ph), Perry (ph), Whitehead (ph), Young (ph) and Davidson (ph) law firm. His brother Carl (ph), the first African American mayor of a major American city, was also a partner. Congressman Stokes argued three cases before the U.S. Supreme Court, one of the most famous the stop-and-frisk landmark case of Terry (ph) v. Ohio. On November 6, he ran and was elected to Congress, serving 15 consecutive terms. When he left the Congress he was 11th overall ranking in the House.

But during his tenure he served as chair on several important committees, including, most notably, the House Select Committee on Assassinations, the Ethics Committee, the House Intelligence Committee and the Appropriations Subcommittee on Veterans Affairs, HUD and Independent Agencies.

He was the dean of the Ohio delegation and was one of the founding members of the infamous Congressional Black Caucus.

It is through his work and leadership that he became the chair of the Congressional Black Caucus health brain trust, and his name is marked across the country for his service in this area. He has worked in health care in so many different areas that he is recognized for the Alliance for Minority Participation program that was created under his leadership and funded by this Congress, and more than 20 programs across this country are participating in this wonderful program.

His work in the area of health care has also been recognized by the National Institute of Health, the Louis Stokes Libraries, the Case Western Reserve University Louis Stokes Health Center, the Department of Veterans Affairs Louis Stokes VA Hospital campus, Howard University Louis Stokes Health Science Libraries.

I'm smiling, Congressman Clay, because Congressman Clay said if another building in Cleveland is named after Louis Stokes they might as well call it Stokes, Ohio. (Laughter)

He has received more than 26 honorary degrees from colleges and universities across this country. The Congressional Black Caucus, in association with the Heinken Company (ph), created the Louis Stokes Congressional Fellows Programs.

Now, why do you think that a man like this would be recognized in so many instances? It is because of his leadership. It is because of his willingness to stand up and talk about issues that are important for all Americans.

In Cleveland, the Cleveland Public Library has a Lou Stokes wing. The public transit station is named after him. A street is named after him and his brother. A day care facility. A post office after his wonderful mother, Louise (ph) Stokes.

Yet with all of this recognition, he takes time to talk to children at schools, to teach at Case Western Reserve, to serve as an adviser to the National Committee on Minority Health.

And you would think after retiring, at least in my conversations with Jay, that he would get a fishing pole and find a cool stream. Not my congressman. He, in fact, says, ''How would you characterize successful aging?'' These are not my words, these are his. ''I'm not sure I know precisely what the term successful aging means. If by successful aging you mean continuing to be active and involved and productive, notwithstanding that I am older than 65, then that might be a good definition of successful aging. I've worked since I was 12 years old. I have never been without a job. I love work. I''—I need my glasses—'' (inaudible) when I am productive and I am involved in being active. I perhaps overdo it in that one should have hobbies. Perhaps, people say to me all the time. 'What are your hobbies?' I don't know. I don't have any hobbies. My hobby is work. I just love work. If anything has enabled me to fill a category of successful aging, it is that I have spent my lifetime working.''

And quote he says—well, the question is, ''With your public service career behind you, to what are you looking forward to now?''

''The challenge of engaging a third career at the age of 74 is very exciting. To think that now I come back to the city to practice law is thrilling. I practiced law for 14 years as a criminal defense lawyer before I went to Congress. I spent 30 years in Congress. Now to come out and have a worldwide law firm, Squire (ph), Sanders (ph) & Dempsey (ph), accept me as senior counsel in the firm is very flattering. Most law firms kick you out at 65. The fact that they have a lot of seniors and juniors in respect to one of the myths that after 65 you don't have much utility to a law firm, for them to reach out and take a man who is 74 years old and say, 'Oh, he does have value,' should cause some of the law firms to rethink that myth.''

It goes on, but I won't spend time reading it.

I have been personally blessed to have the ear, the heart and the support of the Honorable Congressman Louis Stokes. On each occasion that I've asked for help he was there for me, and occasionally when I didn't ask he was there. (Laughter)

People often ask, ''Is it hard coming behind an icon like Congressman Louis Stokes?'' I answer, ''Of course it is. But I'm not trying to fill his shores, I'm standing on his shoulders.''

He's blazed the trail for me, cleared the bushes, and it's my obligation to keep moving forward. God has truly blessed me. I viewed Congressman Stokes from afar and I watched him on that TV doing that cross-examination or standing up on issues or bringing people in Cleveland out to vote or turning out people in support of issues important to our community. I sat at his feet, and now I can sit at his table.

What a great country we live in and what a wonderful and mighty God we serve that I've had the opportunity to go from afar and to come this close to my icon, the Honorable Congressman Louis Stokes. (Applause)

HASTERT. Would Louis Stokes please come forward?

Louis, on behalf of the United States House of Representatives.

FORMER U.S. REPRESENTATIVE LOUIS STOKES (D–OH): Thank you, Mr. Speaker.

And thank you, Stephanie.

To our leader, Nancy Pelosi. Distinguished members of the dais. Ladies and gentlemen.

I want to thank Congresswoman Stephanie Tubbs Jones for being my presenter on this occasion and for her very warm and kind remarks.

The choice of who in the current Congress would present me was not an easy one because I still have many friends here. But I chose Stephanie because she is not only my friend, she is the embodiment of all that I hold dear about this institution. She is now the current and the future for the people who gave me the honor of representing them in the United States Congress.

The torch I placed in her hands is burning brightly, and I anticipate her exceeding any accomplishments that I may have had in this house. She is now the pride and the joy of the 11th congressional district of Ohio.

Stephanie, I thank you. (Applause)

Mr. Speaker, I thank you for this honor bestowed upon me today. It is humbling to be accorded this honor by the speaker of the House of Representatives. Having served in this house with you prior to and during your speakership, I have great admiration and respect for both your leadership of the House and the great service you are giving to our nation. Thank you, sir.

Madam Leader, Nancy Pelosi, as you and I know, before Stephanie Tubbs Jones arrived you were my favorite female in the House. (Laughter)

Madam Leader, I am so proud of you, and I am proud of our friendship over the years. As members of the Appropriations Committee and the Ethics Committee, as you've already stated, you and I stood and fought together on many issues on behalf of health, education, housing, women, children, minorities, the poor and the disadvantaged. We didn't always win, but we always fought.

I want to thank you, Nancy Pelosi, also for this great honor.

I'm also indebted to my friend Dick Gephardt, who last year, while still Democratic leader, selected me for this honor. When I served in the House I was proud to be a member of his leadership team. His leadership in the House was exemplary, and I am grateful to him for deeming me worthy of this high honor.

In this audience today are a few people whose presence I would like to acknowledge. I share this great honor today with my lovely wife and closest friend, Jay Stokes, with whom next month I will celebrate 43 years of marriage. (Applause)

We have with us here today our four children, Shelley, Angie, Chucky, Lori, Lori's husband Brian. We also are privileged to have with us five of our seven grandchildren. My children and my grandchildren have been my greatest inspiration.

Also present is my best friend in the House, former Congressman William ''Bill'' Clay, who came into Congress with me, with whom I served for 30 years.

I'm also proud to acknowledge the presence of a number of my current colleagues at Squire, Sanders & Dempsey, a worldwide law firm, including the chairman of that firm, Tom Stanton (ph).

The word ''ultimate'' seems to best describe the award being given me, John Rhodes, Bob Michel and Don Edwards. Serving with each of them was a great honor.

I have always thought that to be one of the small group of Americans privileged to have been elected to serve in the greatest legislative body in the world was the highest honor that one could achieve. But to be given this ultimate award here today by my former colleagues in an institution which I revere is the most humbling experience of my life. No greater honor can ever be accorded than to be honored by one's own peers.

In accepting this award today I'm reminded of my first day in Congress, January of 1969, 34 years ago. My mother, my wife and family had been specially seated in the gallery, in the section usually reserved for the family of the president or other special guests. My mother had just been honored as Ohio's mother of the year. Seated next to her was my brother Carl, the mayor of Cleveland, who was America's first black mayor of a major American city.

Growing up on welfare in the housing projects of Cleveland, in the heart of Cleveland's slums, this mother, who scrubbed floors and cleaned houses for a living, constantly admonished Carl and me to work hard and grow up to be somebody. That day, 34 years ago, as I stood on the floor of the United States Congress and looked up in the gallery at her, painfully aware that Carl and I were the first in our family to ever to go to college, I was determined to make her proud.

Thanks to all of you in my prayers tonight I can say, Mom, I worked hard, and Congress said I grew to be somebody.

Thank you very much. (Applause)

HASTERT. Thank you, Louis.

I'd now like to introduce the distinguished gentlewoman from the state of California, who for eight years worked for Congressman Don Edwards before his retirement from Congress. She then ran for his seat and was elected to serve the people of the 16th District of California.

Ladies and gentlemen, please welcome Congresswoman Zoe Lofgren. (Applause)

U.S REPRESENTATIVE ZOE LOFGREN (D–CA). Thank you, Mr. Speaker, and Democratic Leader Nancy Pelosi. It is great to see all of you here today, and especially so many Members of the House. I know how hard it is to take time to be at a ceremony. We're pulled in a million different directions. But someone who's probably even busier than us is a Cabinet secretary, and I's especially like to thank Secretary Norm Mineta, who shared San Jose with Don Edwards for so many years, for being here. (Applause)

Norm was the Watergate class, the class of '74. And I see people who served with Don Edwards, and I know that there was a scramble, every one of them would have wanted to introduce Don Edwards. And I guess I was lucky enough because not only was I elected to represent the people that he represented so well for 32 years, but I also served on his staff for nearly nine years.

And you know, those of us who were on the staff sort of divided up our service. I mean, there were different decades, the '60s, the '70s, the '80s, and the '90s. And some of those who served in the '90s never really knew the people who served in the '60s, but we knew that Don Edwards made a difference in every one of those decades.

It's worth noting that Don Edwards was not always a Democrat, hard to believe. A native of San Jose, he grew up on 13th St., just a few blocks from where I live today, on 16th St. He graduated from Stanford, passed the bar exam. He was a scratch golfer, he was ''AM'' in the winning Pro-Am at the Crosby one year. He established and ran a successful business in San Jose and looked like he was going in one direction when all of sudden the world turned.

And in 1960, John F. Kennedy was elected president of the United States, Don Edwards came to his senses and became a Democrat, and he got elected to Congress in 1962 to join the country's new president in changing the world. And he did.

As floor leader during the omnibus civil rights act in the '60s, he also led on the voting rights act; he was a key figure in the establishment of fair housing laws.

You know, he was part of the greatest generation in World War II. He was not afraid to fight for our country as a gunnery officer and later as an intelligence officer, but he also wasn't afraid to stand up for what he knew was right. And so he was one of only nine people who voted against the first funding for the Vietnam War, in the '60s. And he knew that he was right and he wasn't afraid to stand up for it.

In the 1970s, he was the floor leader for the equal rights amendment, and we all called him the Father of the Equal Rights Amendment, but he was gracious enough to make sure that women got to be the mothers and the authors. He was a gentleman.

In the 1980s he led the fight for the ADA. And although he and Congressman Henry Hyde had sharp differences of agreement on many issues, he was able to work with Congressman Hyde together on the assault weapons ban, and also on voting rights issues, because he is the kind of person who would not let a disagreement stand in the way of reaching an agreement when you could if it served the public interest.

There are things that he did that people don't even know about. I remember in the '70s, and you'll think back, when the junta threw out the democratically elected government in Greece, and his office became the center of the Greek parliament in exile. And they would meet in his office, and we would come in and find all the parliamentarians from Greece plotting their return. And I think actually the democracy in Greece today has a lot to do with what Don Edwards was willing to do then.

As a former FBI agent, he knew about and had the stature to go after misconduct in the FBI, the CoIntelpro, the misuse of FBI resources for politics. J. Edgar Hoover was not a fan. But the FBI has now become a better place because of the efforts that he did to make sure that we had standards and that law enforcement could not be misused.

I remember during 1974 in the impeachment inquiry of Richard Nixon, President Nixon, and having served on the Judiciary Committee's impeachment inquiries here, I am especially impressed by the dignity and the fairness with which Don Edwards dealt with that issue. He was never interested in getting to an end, to reaching a conclusion; he was only interested in making sure that the facts were out and that fairness was applied and the country was served.

As chairman of what was then known as Subcommittee Number 4, later the Subcommittee on Civil and Constitutional Rights, he spent full time securing constitutional rights for Americans, and, yes, trying to expand civil rights. He spent every day thinking how he could expand freedoms for America, not just in his bills: I think you can tell a lot about someone not just by their voting record and by the bills introduced, but how they act in their daily life.

And I remember so clearly a situation where the least powerful employees of the House of Representatives, workers in the cafeteria, were being unfairly treated, and the one person they felt they could come to in the House was Congressman Don Edwards. And this group of totally powerless people came to see him and he sat down with them and listened to them and became their advocate so that they could receive fair treatment.

I first saw Don Edwards in Mitchell Park in 1964. He was running for reelection. And Larry O'Brien, then the postmaster general, was with him. He gave a speech and I was totally inspired. I was totally impressed. And although he didn't know it, I walked a precinct for his election.

Later, on the staff, I was inspired again. And I will say, also, on a personal level, I would not be here today as a member of Congress except for the help and assistance and encouragement that he gave to me, both in terms of working here and helping me to go to law school and always inspiring me to do my best.

You know, when I got elected in 1994, after Don's retirement, members would come up to me and say things about him, and I think you can learn a lot by what people—the words used to describe someone they had served with, and let me just give you some of those words: ''a gentleman, fair, decent, honest.''

''Even when I didn't agree. I knew he was a principled person. He was someone who actually listened to other points of view. He stood up for his country.''

I was inspired when I first saw Don Edwards in 1964. I'm inspired today that even in his retirement he continues to fight for civil rights, for civil liberties.

He continues to stand up for what is right and decent in America. Our country is a better place because of his service. We are all in his debt. And I am very, very honored to be participating in this ceremony today. Thank you very much. (Applause)

HASTERT: Will Don Edwards please come forward?

On behalf of the House of Representatives. (Applause)

EDWARDS. Thank you, Zoe.

And thank you, Mr. Speaker and Leader Nancy Pelosi, The people's house is in very good hands with your leadership.

I'm pleased today that my wife, Edie Wilkie Edwards (ph), can share in this happy day, and also that I have members of my family have come from a long way, from California, to share in this lovely day. My grandson, Eric Edwards (ph), and his fiancee, Susan Parret (ph), are here. They're going to be married in September in Carmel, California. Carmel is a little village...

(Laughter)

... out of the Third World...

(Laughter)

And we're looking forward to the ceremony.

Also, Eric's mother, Dr. Inger Sagatin Edwards, who is Norway's great gift to the United States. Inger is a professor, got her doctorate at Stanford University, and is the head of the Administration of Justice Department at San Jose State University.

We also have other people from different parts of the country, and welcome to all of you.

No member of Congress would be anything without a staff that is competent and skillful, and I was very lucky for all the many years to have a marvelous staff. And from Portland, Oregon, Terry Pocué came all this way to share in this celebration. Catherine LeRoi was the chief counsel for the Subcommittee on Civil and Constitutional Rights, where I was chair. Stuart Ishimaru from the Department of Justice and a valued staff member. And Virginia Stone, Ginny Stone, was a valuable lawyer, and she and I worked very closely on a lot of issues.

So I couldn't have gotten along without these valuable staff members, and I thank you all for coming.

I am very grateful to have had the privilege of being a member of the House of Representatives. It's a glorious organization, and I have many happy and important memories of my service.

One day in 1983 I was sitting in my office and the sergeant at arms called and said that You, as the senior member of the California delegation, have the honor of escorting the president into the House chamber tonight so that the can deliver his State of the Union message.

And I said, fine, and so I showed up at quarter of nine in the speaker's formal sitting room, I walked into the room, and there

was only one person: It was President Ronald Reagan.

And I said, I said, What in the heck am I going to talk to President Reagan about? (Laughter)

All by myself. So I walked over and shook hands, and then I, there was a moment of silence, and I said, Mr. President, at your ranch in San Diego, do you have rattlesnakes? (Laughter)

And his face lit up, big smile, he said, We sure do. He said, And I wear boots up to my knees because they're pretty dangerous. And he said, When I see one on the path, I just stomp on it with those big boots.

Oh, but, he said, Two weeks ago Nancy and I had been riding, and we were walking back from the stable to the ranch house, and I saw a rattlesnake and I stepped on him, and I looked down and I had on tennis shoes. (Laughter)

But the most glorious moment in 32 years in Congress was in 1964, when the House enacted the omnibus Civil Rights Bill that did away with segregation and American apartheid in this country.

The House was the leader, and we didn't have the votes on the Democratic side because we lost so many votes in the South. And the Republicans joined us in enacting this glorious piece of legislation.

Bill McCulloch of Ohio was the Republican leader, and other great ones there were Bob Michel, John Rhodes, and the Republicans did better in the vote than the Democrats, and then next year this same thing happened with the Voting Rights Act.

So that was my glorious moment, when the House in a bipartisan way did this great movement. Now, if anybody asks me what's your advice as you leave the House—nobody ever asked me, but I said anyway——

(Laughter)

And all I would say is do good. Do good for the American people, don't do any harm. And the same would apply to the billions of people throughout the world. Do good for them, too. Be a good neighbor. Thank you very much. (Applause)

HASTERT: Thank you.

Now I'd like to introduce a congressman from my own state of Illinois, who also is known for his fair and balanced approach in the House, just like his former boss, Mr. Bob Michel.

Please welcome Congressman Ray LaHood. (Applause)

REP. RAY LAHOOD (R-IL): Thank you very much. Thank you, Speaker Hastert, for the honor you bestow on me and to my friend, Bob Michel, and the opportunity to say a few words of introduction to our great leader.

I've had the honor to know Bob Michel for over 20 years, so that I know there are three things that he dislikes very much. The first is to miss a three-foot putt at Burning Tree. The second is to see his Cubs lose a game they should have won. And the third, worst of all, is to sit quietly by while a former staffer sings his praises in public.

So Bob, I ask you to bear with me this morning. I'll try to make this as painless as possible.

We all know Bob as a great legislator, a combat veteran, a great singer, a patriot and as a man devoted to his beloved Karin (ph) and his great family.

But today I want to speak of Bob in another capacity. I want to speak about Bob Michel the teacher. I consider myself a graduate of the Robert H. Michel school of applied political arts and sciences, and there are some in this room who are also students, like our friend Billy Pitts, who's now at the Rules Committee; like John Feehery, who works for the speaker; and Ted Van Der Meid, who works for the speaker; and Karen Haas who works for the speaker, all students of Bob Michel. And Paul Vinevicy, who works at the House Administration Commission.

And my own staff, Diane Liesman and Joan Mitchell and Erin Reif, all students of the Bob Michel school. We went to one of the finest schools anywhere in the world.

His classrooms were his office, the floor of the House, its committee rooms, and the farms and towns of the 18th Congressional District. Everywhere he went, he taught his staff by his example what it means to be a great public servant.

President John Adams once said the Constitution is the product of, quote, ''good heads prompted by good hearts.'' Bob Michel taught us that both of these qualities, head and heart, are necessary in order to make this institution work. Bob taught us by his example that the House floor should be a forum for reasoned debate among colleagues, equal in dignity.

He inherited an old-fashioned Peoria work ethic from his beloved parents, and he came to the House every day to do the work of the people and not to engage in ideological melodramas or political vendettas. And he expected, in fact he demanded, that all his staff do the same.

Bob knew warfare first hand. Not a war in a Steven Spielberg movie, or war fought on the pages of books, but real war. I guess that's the reason he never used macho phrases like ''warfare'' and ''take no prisoners'' when discussing politics with his staff. To Bob, the harsh, personal rhetoric of ideological warfare had no place in his office, no place in the House, and no place in American politics. He knew that the rhetoric we use often shapes the political action we take.

Bob Michel was a superb Republican leader. And he would have been a great speaker of the House. But fate decreed that this was not to be.

So Bob, today I want you to know that you are, in the opinion of many, the greatest speaker this House never had.

Bob, in a sense, you have never left this place you love so well. Whenever there is a debate on the House floor conducted by men and women with good heads and good hearts, treating each other with mutual respect, you are there among us, and will be so long as the House endures.

You are a great congressman, and you remain, as ever, a great teacher.

And if I may just indulge—I was told we only had three minutes, and some of the other people didn't get that memo, so I'm not going to abide by it either. Right after I was elected in 1994, and Bob was obviously a big help and came to our victory party that night. Right after we were sworn in, I had the great privilege of chairing the House of Representatives. And during that chairing of the House, there was a phone call to our office from our great leader, Bob Michel, and he said to one of our staffers, You know, I served in the House for 38 years. LaHood's been there three months and he's chairing the House. How could this happen?

And it happened because of the great leadership that he showed to all of us. He was a great teacher, he is a great teacher, and we all—we all, not just those of us that worked for him, but all of us who stand in the House, or serve in the House, stand on his shoulders.

Thank you, Mr. Leader. (Applause)

HASTERT. Bob Michel, will you please come forward.

Bob, it's my great honor to present this to you on behalf of the House of Representatives. (Applause)

MICHEL. Well, thank you, Ray, for your introduction. And Mr. Speaker and Mrs. Pelosi and my erstwhile colleagues in the House and those currently serving, and my friends, I thought when I retired from the House, nine years ago, that I had received far more than my share of plaudits and awards. And yet, today there is one more.

I wouldn't feel right accepting it if I didn't share it in a way and acknowledge those over the years who made it all possible, those closely associated with me, working in my office back in Illinois, here in Washington, here in this Capital building.

And of course it would also include my dear wife of 54 years, members of the family.

When I first came—well, let me begin by saying that I decided upon embarking upon a career in politics without the blessing of my parents. I remember Dad and Mother telling me, why would you want to get involved in this dirty, rotten, nasty game of politics? And I had to respond to my mom and dad, Folks, you've taught me the different between right and wrong.

Michel: And while my father was a French immigrant, probably didn't quite understand our system all that well, and my mother was first-generation American, I told them that I was quite sure that politics could be a very noble profession, and that I'd give it a try, and then from time to time, Dad, we'd come back and we'd check signals with one another and see if you were right or if I was right.

And, well, time passed, and I went up the ranks, leadership, and became leader, and before my parents passed away, they changed their mind. And I think they were proud of their son.

But I mentioned that only becuase, well, for several reasons, because of the nature of things today, and how we have changed as a country. And mention has been made, or surely should be made, of my 38 years, all as a member of the minority party. All those were frustrating years, believe me. (Laughter)

And there wasn't many cheers. But I tell you, I never really felt that I was out of the game, or that I had no part to play. Under the rules of the House, the traditions of the House and practices of the House, there is a role to play for the minority and a solo voice from here and there.

And for me to have all these voices from around the country, men and women, of different persuasions, come to this body and argue those differences, the clash of ideas and views of members. And then I guess the more exhilarating fays from me as I became leader and took on more role of responsibility, that those differing vies, those clases of ideas, verbally, not personally, but on the issue, had to be harmonized, they had to be rationalized, and we struck a deal, we made a bargain, hopefully, and the joy of bringing dissonant factions together, to work together, to craft good legislation for the country.

That was the joy of it, and I can honestly say today, emotional as this is for me, that my service in the Houe was a real joy. And my collegues, particulary John and Luke, with differing views than John Rhodes and I, were always just good friends.

And we went at it hammer and tongs from whatever it was, 12:00 to 6:00 or 7:00, but then after all the arguments, back and forth, you know, you could still be good personal friends.

That's the way I like to see these deliberative bodies work, and I hope we can continue to keep our eye on striving toward that end, because in that way, I think, we bring credit to ourselves and for our country to the rest of the world.

I tell you, this has been just some, such memorable day for me, Mr. Speaker, and Nancy, Majority Leader, thank you for the high honor that you do me by once again honoring me as you do today.

I shall surely treasure this moment for the rest of my life. Thank you. (Applause)

HASTERT. Thank you, Bob Michel.

As somebody has said several times today, we do stand on the shoulders of giants. That's how we can make this a better place. I think we can all learn from lessons passed and those heroes that have gone before us.

I want to thank everyone, including all the families and friends who have joined us for today, as we honor John Rhodes and Lou Stokes and Don Edwards and Bob Michel. Please stand and join me in a very deserving round of applause for all recipients of the first-ever Congressional Distinguished Service Award. (Applause)

And now please welcome the House chaplain, the Reverend Daniel Coughlin.

COUGHLIN. Every blessing comes from our eternal father. May divine providence continue to guide this nation, hold this House together with clear ideals, civility toward all, aware of the deepest needs of the people.

May God grant all who have gathered here, especially the family and friends of the honorees, his continued blessings. And let the honorees assure them happiness and health in the future, with unwavering faith, constant hope and love that will endure to the end.

God, order all our days and grant us peace of heart, hear our every prayer and bring us all to everlasting joy and life forever. Amen.

Mr. HASTERT. Mr. Speaker, I yield to the gentlewoman from California (Ms. PELOSI), Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank the Speaker for his very inspiring words about the people who were honored today and for having the idea along with the gentleman from Missouri (Mr. GEPHARDT), our former leader, recognizing the distinguished service of our former colleagues.

Today's ceremony was an opportunity to honor these individuals and to remind ourselves how the outstanding character of a few fine people through the sheer measure of their decency can elevate the institution for everyone. It was a sincere pleasure, Mr. Speaker, to see our friends and former colleagues today, and it was a moving occasion to thank them for their service and to rededicate ourselves to the ideals by which they lived. Those of us who served with them are indeed blessed to be able to have called John Rhodes, Louis Stokes, Don Edwards, and Bob Michel our colleagues. These former Members, as the Speaker indicated, were on different sides of the aisle, but they took a shared oath and recognized a greater obligation to serve the country together to find their common ground where they could and to stand their ground where they could not.

No one has come closer to the ideal of a perfect Member of Congress, a perfect public servant, than John Rhodes, Republican of Arizona, who could not be with us, but his son accepted the award for him, accepted the award and the very good wishes of all assembled. And let me say that the gentleman from California (Mr. LEWIS) had the opportunity of making the presentation on behalf of Congressman Rhodes, and moving it was indeed; Congressman Louis Stokes, who was presented by the gentlewoman from Ohio (Mrs. JONES), his successor, and with great pride; Congressman Don Edwards, who was presented by the gentlewoman from California (Ms. LOFGREN), his successor; and Congressman Bob Michel, who was presented by the gentleman from Illinois (Mr. LAHOOD), his successor.

Any who have served with these people know what giants they were, and as individuals they are some of the finest people ever to pass through these halls. Together they are the welcomed reminder of what our country and what our Congress can be. These first recipients of the Congressional Distinguished Service Award call all of us to a higher standard.

Mr. Speaker, it is so appropriate that this ceremony took place in the days following July 4, because all of these people honored the memory and the sacrifice of our Founding Fathers, every one of them, in their service to this country. And in the course of these holidays, and July 4 being a great one for our country, we are all singing God Bless America, and we know that God in the service of Louis Stokes, Don Edwards, Bob Michel, and John Rhodes in their service to this country, God truly blessed America.

Mr. HASTERT. Mr. Speaker, I thank the Democrat leader for her remarks, and I think in the spirit of Bob Michel, God Bless America was probably a very fine resemblance.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, June 26, 2003, and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2658.

□ 1840

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 further consideration of the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment by the gentleman from Indiana (Mr. HOSTETTLER) had been postponed, and the bill was open for amendment through page 116, line 19.

AMENDMENT OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 57, noes 358, not voting 19, as follows:

[Roll No. 334]

AYES—57

Abercrombie
Allen
Bishop (UT)
Bradley (NH)
Cannon
Carson (OK)
Carter
Costello
Cubin
Cummings
Davis (CA)
Davis, Jo Ann
Farr
Filner
Foley
Forbes
Gingrey
Hefley
Hinojosa
Hostettler
Jones (NC)
Kanjorski
King (IA)
Lewis (GA)
Lewis (KY)
Lucas (OK)
Marshall
Matheson
McInnis
McIntyre
Meek (FL)
Michaud
Miller (FL)
Moran (KS)
Musgrave
Napolitano
Ortiz
Paul
Platts
Pomeroy
Rodriguez
Rogers (AL)
Ryan (OH)
Ryun (KS)
Scott (VA)
Shimkus
Shuster
Slaughter
Stearns
Strickland
Tauscher
Taylor (MS)
Thompson (MS)
Tiberi
Udall (CO)
Waters
Wilson (NM)

NOES—358

Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Cox
Crenshaw
Crowley
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fletcher
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Kolbe
Kucinich

LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Stupak
Sullivan
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Cramer
Crane
Flake
Frost
Gephardt
Gibbons
Goss
Gutierrez
Harman
Hastings (FL)
Knollenberg
Lipinski
McKeon
Millender-McDonald
Owens
Pickering
Rush
Sandlin
Sweeney

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 1900

Mrs. JONES of Ohio, Ms. CORRINE BROWN of Florida, Ms. LINDA T. SANCHEZ of California and Messrs. BURNS, RADANOVICH and HOLT changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the final lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Department of Defense Appropriations Act, 2004''.

The CHAIRMAN. Are there further amendments to the bill?

If there are no other amendments, under the order of the House of June 26, 2003, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. TERRY) having assumed the chair, Mr. CAMP, 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. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, pursuant to the previous order of the House of June 26, 2003, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

□ 1900

The SPEAKER pro tempore (Mr. TERRY). Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment 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 the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 19, not voting 17, as follows:

[Roll No. 335]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Baldwin
Brown (OH)
Conyers
Farr
Filner
Frank (MA)
Jackson (IL)
Kucinich
Lee
Lewis (GA)
McDermott
Oberstar
Paul
Sanders
Schakowsky
Stark
Watson
Watt
Woolsey

NOT VOTING—17

Cramer
Crane
Flake
Frost
Gephardt
Gibbons
Goss
Gutierrez
Harman
Hastings (FL)
Lipinski
McKeon
Millender-McDonald
Owens
Pickering
Rush
Sandlin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised that there are 2 minutes left in this vote.

□ 1918

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CRANE. Mr. Speaker, my return flight to Washington was unavoidably detained due to inclement weather, and I therefore missed two votes this evening. I ask that the CONGRESSIONAL RECORD reflect that had I been here, I would have voted ''no'' on rollcall vote No. 334, the Hostettler Amendment, and ''aye'' on rollcall vote No. 335, final passage of H.R. 2658.

GARNER E. SHRIVER POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1761.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 1761, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 19, as follows:

[Roll No. 336]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Burns
Cox
Cramer
Flake
Frost
Gephardt
Gibbons
Goss
Gutierrez
Harman
Hastings (FL)
Lipinski
McKeon
Millender-McDonald
Owens
Pickering
Rush
Sandlin
Schakowsky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1935

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1063

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors for H.R. 1063.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GERLACH). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

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

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

TRIBUTE TO NORMA KIPNIS-WILSON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I stand before the House today compelled to share the inspirational story of a most extraordinary constituent. At 75 years of age, Norma Kipnis-Wilson remains a dynamic philanthropic force in the wonderful Miami-Dade County community which I am proud to represent. Norma fondly recalls making flower wreaths for the USO

during the Second World War, and in her own words reflects, ''I have always been an activist. I am a patriot, greatly influenced by my being born on the 4th of July.''

A native of Jacksonville, Florida, Norma came to Miami in 1959. She studied at the University of Miami and later worked as a stockbroker and real estate agent. Although always involved in service, she entered the business world more out of necessity. After gaining financial security, she drove right back into her lifelong passion, extending a caring hand to those less fortunate.

According to Norma's daughter, Deahni Kipnis, philanthropy runs in her blood. In the late 1970s, Norma pioneered gender equality on the University of Miami's campus by breaking into that institution's male-dominated board of trustees. ''It was wonderful to be a part of this change,'' she recalls. Deahni feels very grateful to her mom and remembers her mother's advice. ''Don't ever learn how to type or take shorthand.'' In Deahni's own words, ''She is a very forward-thinking, modern woman.''

Norma's son, Dr. Douglas Michael Kipnis, adds, ''It is a great honor to know that your mother was a pioneer in women's equality.''

Deahni, considering her mother's struggle for female ascendancy, recalls an instance when she observed Norma sitting with a female Jackson Memorial Hospital nurse. Deahni promptly declared, ''You're sitting in the presence of a legend. Your life is easier today because of the work my mother has done.''

After her work at the University of Miami, Norma focused her attention on Jackson Memorial Hospital, serving as the chairman of the board of the Rape Treatment Center. She is also a member of the board of the Foundation at Jackson, where she raises money for many causes, ranging from the renovation of the Holtz Children Hospital to funding the Breast and Ovarian Cancer Center.

According to Norma's son Douglas, ''She works effortlessly for the masses, people she will never see; but she knows that they will benefit from her work.''

Striving to better her community, Norma Kipnis-Wilson, with her colleague Rosey Cancella, founded the Guardian Angels, an organization dedicated to lovingly supporting sick kids at the Holtz Children's Hospital. Norma was not content to just sit on a board; rather, she has always tried to make a difference.

In addition to her extensive local service, Norma Kipnis-Wilson has reached out to the international Jewish community as a lifetime contributor to and leader of the Greater Miami Jewish Federation, where she helps foster support and expedites programs for Miami-Dade and Israel. Indeed, Norma has recently been named as a life member of that institution's board of directors. Through her involvement with the Jewish Federation, Norma developed the Lion of Judah pin, which signifies outstanding generosity.

Considering the Lion of Judah to be her greatest contribution, Norma marvels at how her idea has become a benevolent global sorority, over 7,000 strong, helping to raise millions of dollars every year.

According to Norma's son, Captain Daniel Carlin Kipnis, ''I have to credit her with my becoming a moral person.'' This is just one example of Norma's far-reaching influence, an influence that has helped better many lives and has inspired many others to adopt the cause of community service as their own. In the words of her lifelong friend, Roxcy Bolton, ''Norma cares about the human race and cares about Israel.''

Norma is also a tough survivor, recently triumphing in her battle against cancer. Never complaining about her pain, she continued to attend board meetings at Jackson Memorial Hospital throughout her chemotherapy and radiation treatment.

Norma Kipnis-Wilson is a remarkable woman who has had a profound effect on her immediate community and, indeed, on the world. In addition to her legacy of uncompromising perseverance in the face of obstacles, Norma encourages the young people of today with a challenge: Care about others as much as you care about yourself.

Mr. Speaker, I want to congratulate Norma and her entire family for their selfless contributions to our community.

BIOTECHNOLOGY RESEARCH AND DEVELOPMENT IN AFRICA

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I appreciate the opportunity to be here tonight, and I want to especially thank my good friend, the gentleman from Maryland (Mr. CUMMINGS), the chairman of the Congressional Black Caucus, as well as the gentleman from New Jersey (Mr. PAYNE) for bringing us together tonight to talk about Africa.

The United States' focus on Africa has been sporadic at best, despite our extensive ties to the continent. I strongly believe that our past, present, and future is closely intertwined with Africa.

□ 1945

The United States is the leading foreign investor in Africa. Last year the total U.S.-African trade approached $30 billion, and America is Africa's largest single market. Over 30,000 Africans study in America today, and we have almost 35 million citizens of African descent.

Mr. Speaker, it is estimated that about 200 million people in Africa are chronically hungry. At least 25 percent of the world's undernourished people live in this region. Millions of Africans, mostly children under the age of 6, die every year as a result of hunger. Since becoming a Member of Congress, I have visited Africa a dozen or more times and have seen both the continent's problems and its promise. From Zimbabwe to Kenya, Gambia to Cape Town, I have been both saddened and inspired.

Just 2 weeks ago, I met with the Gambian President, A.J.J. Jammeh, in my office, and we spoke about how our nations can work together to promote economic reform, end conflicts, and build sustainable peace. We also discussed our partnership against crime and terror, which know no borders. I welcome the President's courage and farsightedness in supporting the democratic institutions and accountable government. There is an opportunity to build a true partnership between the United States and Africa, to leave behind the attitudes and habits of the past and seize opportunities to work together to achieve our shared goals.

I pledge to work to return American assistance to Africa to its past high levels. I join my Congressional Black Caucus colleagues in making the case to the American people that Africa's peace and well-being are closely bound to our national interests, whether fighting crime and terrorism or promoting exports and trade. The fight against poverty and underdevelopment is a critical part of our struggle of democracy and stability in Africa.

I am a passionate believer in the power of biotechnology to boost food production and fight hunger in this developing world. I know that the African continent is in special need of agricultural biotechnology, including transgenic crops. I believe that biotechnology is an indispensable tool that can produce dramatic benefits in food production on the African continent.

Biotechnology research has the potential to help the nations of Africa increase food security and improve the quality and nutritional content of food. Additionally, biotechnology can also improve the health of citizens of developing African countries by combating illness. Substantial progress has been made in the developed world on vaccines against life-threatening illnesses. Unfortunately, infrastructure limitations often hinder the effectiveness of traditional vaccinations methods in several developing nations.

For example, African clinics sometimes lack the electricity necessary to properly refrigerate and store vital vaccines. Even if a health clinic is able to effectively deliver the vaccines, the cost of multiple needles may hinder vaccination efforts. Additionally, the improper use of hypodermic needles can spread HIV, the virus that causes AIDS. Biotechnology offers the prospect of orally delivering vaccines to

immunize against life-threatening illnesses through agricultural products in a safe and effective manner.

Mr. Speaker, during the 107th Congress we successfully created a competitive merit-based grant program at the National Science Foundation to conduct bio genome research on crops that can be grown in developing countries. I strongly believe this program can make invaluable contributions to the fight against hunger, malnutrition, and disease by providing research grants to the U.S. institutions and scientists in developing countries to address their agricultural challenges.

It is my hope that trade disputes between the United States and the European Union and the African countries do not prevent this promising technology from benefiting ordinary Africans who face ongoing food shortages due to agricultural challenges such as pest, drought, and disease. Indeed, the continent may be able to reduce dependency on food aid and increase self-sufficiency through increased investment in generic engineering.

We cannot hope to combat poverty without winning the war on HIV/AIDS. The HIV/AIDS epidemic has killed more people than all of the wars of this century combined, and it will leave 40 million children homeless and orphaned by the end of the next decade. The way to beat AIDS is not to ignore or deny it, but to actively prevent it. Countries such as Uganda and Senegal that have faced the threat squarely have begun to see reductions in their infection rates.

However, in order for these reforms to take place, Africa must have sustainable stability and peace. I have said repeatedly that our involvement in peacemaking in Afghanistan and Iraq, East Timor and elsewhere around the world is not an excuse for inaction in Africa. It is a challenge to do better. Crises in Congo, Liberia, or Sudan are serious roadblocks to the way of Africa's development, and ending them will be crucial to securing long-lasting prosperity.

One of the areas where the international community must improve is in developing the resources of our African partners—so that we can move together, quickly and effectively, to prevent and respond to crises.

Mr. Speaker, there is an Arab proverb that says, ''He who drinks of African waters will drink again.'' Africa is too big to ignore, and too rich and too important to be the object of our pity. Africa matters. We will drink, and drink again.

Africans will determine their own fate, but our help can make a difference. Our support for democracy, conflict resolution, market reform and sustainable development—these policies serve our national interest and help give Africa hope.

LEAVE IRAQ TO THE IRAQIS

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

Mr. DUNCAN. Mr. Speaker, it seems that every day we read about a young American soldier being killed in Iraq. Three were killed in a 24-hour period from Sunday to Monday. In its November 25 issue, ''Fortune'' magazine, long before the war started, said an American occupation would be ''prolonged and expensive'' and that it ''could turn U.S. troops into sitting ducks for Islamic terrorists.''

Unfortunately, this prediction has turned out to be deadly accurate. This past Saturday, the top of the front page of The Washington Post had a headline reading ''Attacks By Iraqi's Growing Bolder.'' The next day a young American soldier was shot in the head at point blank range as he stood in line to buy a soft drink.

A few days ago, the leading Shiite cleric, the most respected figure of the largest population group in Iraq, demanded that the U.S. get out and leave Iraq to the Iraqis. It is so politically correct today and sounds so fashionable and intellectual to say that the U.S. will have to be in Iraq for several years and that it will not be easy and that we must be prepared for the sacrifice and the difficulties ahead.

Well, someone should ask why. Saddam Hussein was a very evil man, a tyrant, a dictator; but his total military budget was only about two-tenths of 1 percent of ours. He was no threat to us, as this 3-week battle, with almost no resistance, proved. Our military did a great job, as we all knew they would. Now we should bring them home.

President Eisenhower, as everyone knows, was a retired Army general, a graduate of West Point. He loved the military. Yet he warned us as strongly as he possibly could against what he call the military industrial complex. Pressured by this complex, we have now spent over $100 billion on the operation in Iraq. The Congressional Budget Office originally estimated that a 3-month war followed by a 5-year occupation would cost us at least $272 billion. Most estimate that we will stay in Iraq for 5 to 10 years, at a cost of 200 to $300 billion, or more. And because we already face a $400 billion deficit for this year, and hundreds of billions more in the years ahead, we will have to borrow the money to do all this. Once again, we should ask: Why?

Already we have had demonstrations by Iraqi soldiers demanding back pay, and similar demands from Iraqi retirees. Why should Americans taxpayers borrow hundreds of billions to pay the Iraqi military or Iraqi retirees to rebuild Iraq? We are jeopardizing the futures of our children and grandchildren. I believe our Founding Fathers would be shocked if they knew what we were doing today.

I remember reading a few years ago in The Washington Post that we had our troops in Haiti picking up garbage and settling domestic disputes. Later I read that we had our troops in Bosnia building latrines and giving rabies shots to Bosnian dogs. I have nothing against the people in either Haiti or Bosnia, but they should pick up their own garbage and build their own toilets.

Now we are told that the military will build or rebuild 6,000 schools in Iraq and give free basic health care to any Iraqis who need it. We will stay in Iraq for many years, at great expense to U.S. citizens, because several large multinational companies will benefit from large contracts there. We will stay there because all the pressures and money and power and glory within the Department of Defense, the State Department, the National Security Council, and our intelligence agencies are to continue to do more and more in other countries.

These people are not seen as world statesmen and men and women of action unless we get involved in every dispute around the world. They never debate or discuss the merits of all this; they just label all opponents of an interventionist foreign policy as isolationist. However, whenever anyone uses this term, they are simply resorting to mindless name-calling.

Now I suppose we are going into the chaos in Liberia, as we have Haiti, Rwanda, Somalia, Bosnia, Kosovo, Iraq, and Lord knows where next.

What we really need are more Calvin Coolidges, more people in government who believe in a humble foreign policy. None of these countries were any threat to us. Should we now change the name of the Defense Department to the Department of Foreign Aid or the Department of International Social Work?

I believe in and have always supported a strong national defense, but I do not believe in massive foreign aid. Most of our foreign adventures are creating great resentment toward the U.S. around the world.

The Iraqi people may have hated Saddam Hussein, but they do not want Americans or our puppets running their country either. They have humongous oil wealth. Let them rebuild their own country. The only Iraqis who want us to stay there are the ones we are paying or who believe they can get money from us in the future.

Our first obligation should be to America citizens, and the lives of American soldiers should be precious to us. Let us bring our troops home before more and more of them are murdered. We can be friends with the Iraqi people without making our soldiers sitting ducks for Islamic terrorists.

Mr. Speaker, let us leave Iraq to the Iraqis.

PAYING TRIBUTE TO TOMAS SOTELO, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I rise to pay a posthumous tribute to Tomas Sotelo, Jr.,

one of the fallen sons of the 18th Congressional District in Houston, Texas, whose funeral today was commemorated and celebrated by his family and friends and by the city and by those who loved him.

Tomas Sotelo, Jr., Army corporal, lost his life in Iraq on June 27, 2003, fighting for the values and virtues of this Nation. This young man, barely 21 years old, lost his life in battle. Today was his funeral at his beloved Reagan High School, and I had the honor of saluting him at that service.

But more than that, I think it is appropriate to come today to raise up this young man for he was well admired and respected. In getting to know his family during this very troubling and trying time, I can say they love this country; and this family gave the ultimate sacrifice, their loving baby son.

Corporal Sotelo is immediately survived by Mr. and Mrs. Tomas Sotelo, Sr.; his brother, Jose; and his sisters, First Lieutenant Flor Lopez and Erica. Sitting in their living room, I got to know the family and heard them talk about the love and friendship and fellowship that this family engaged in. I heard the mother tell me that she had spoken to her son just 3 days before his death, that he always told them that he missed them and he loved them. He was never far from their hearts and minds.

Mr. Speaker, it is important that we be reminded as we stand in this body that we have an obligation to those young men and women who now are in Baghdad. We have an obligation to them to be reminded of their willingness without question to give the ultimate sacrifice, and we owe them not only the tribute and salute on the day of their death and funeral, we owe them a tribute as we conduct ourselves in determining the future that holds for this country and for Iraq.

I am told by Tomas' friends that he was a person of great humor, always lively and always engaging in some activity to make people smile or laugh. He loved Reagan High School, and graduated in the year 2000. He was a member of the ROTC. Let me say how proud I was to be able to have worked with the family to hold his funeral ceremonies at Reagan High School. I thank the Houston Independent School District for their courtesies in making every arrangement for that to be possible today.

□ 2000

Let me acknowledge his grandparents, who traveled more than 24 hours by bus from Mexico to be with his family. And let me acknowledge the fact that though this family may not have had its original origins in this Nation, they stand equal to any of us by having given the ultimate sacrifice, the loss of their young and their most beloved son.

So, Mr. Speaker, it is with great humbleness, great sorrow that I express on behalf of the United States Congress our deepest sympathy, for on this day there are conflicting emotions, the emotions of having lost its fallen son and hero, a recipient of the Purple Heart and Bronze Medal for his heroic achievements, and, of course, the ultimate sacrifice. And yet I stand here representing the fact that this young man, this Army corporal, Tomas Sotelo, Jr., was a hero of the 18th Congressional District of the State of Texas and, yes, the Nation. And might I say as he was a member of the Howitzer Battery, Squadron 2, Armored Cavalry Regiment from Fort Polk, Louisiana, that as he lays with the angels, we will not forget him, and we will simply thank him and bid farewell to this young man, dying in the prime of his life, being reminded that we will never forget him and that we will continue to thank his family for the ultimate sacrifice that they made.

Might I say, Mr. Speaker, in closing that he remains a true American hero, and we will tell his story over and over again so the young people of his high school will know that a hero walked this way.

Mr. Speaker, I rise today to pay tribute to Army Corporal Tomas Sotelo, Jr., a hero to the people of the 18th Congressional District of Texas and to the people of the United States of America.

Corporal Sotelo died last week while valiantly serving his country in Operation Iraqi Freedom. Corporal Sotelo served his country as a member of the Howitzer Battery, 2nd Squadron, 2nd Armored Cavalry Regiment, from Fort Polk, LA. Corporal Sotelo is also a cherished resident of Houston, TX.

Since his days as a youth in Houston, Corporal Sotelo has been dedicated to serving Americans as a member of our uniformed services. He was a member of the Reserve Officers Training Corps at Reagan High School in Houston, TX, where he received his high school degree. Dedicated service runs deep in the Sotelo family. Corporal Sotelo's sister is a First Lieutenant in the Armed Services as well.

As with every brave member of our military who has died in service to our country, the United States of America owes Corporal Sotelo an immeasurable debt of gratitude. His willingness to put himself at risk to create a world of peace will never be forgotten. He made the ultimate sacrifice by giving his life in service to our Nation during Operation Iraqi Freedom, and he has contributed immeasurably to the freedom and security of both Iraq and the world.

Corporal Sotelo epitomizes the best of the United States of America—bravery, selfless service, dedication, and honor. Corporal Sotelo possessed all of these attributes, and many more, in abundance. Corporal Sotelo's life and sacrifice should be celebrated by all Americans, and his contribution to this country should be remembered always. He will truly be missed.

To the family of Corporal Sotelo, I extend my deepest condolences and sorrow at the loss of their loved one. The memory of his bright life will remain an inspiration to all of us.

So today, Mr. Speaker, I ask every Member of Congress, and every American to join me in paying tribute to the life and courage of Army Corporal Tomas Sotelo, Jr.—a true American hero.

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

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

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

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

SOCIAL SECURITY'S COMING CRISIS

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

Mr. SMITH of Michigan. Mr. Speaker, I rise today to talk about Social Security's coming crisis. The actuaries and trustees of the Social Security Administration have long understood, at least for the last 15 years, the challenges facing our Social Security program. With the impending retirement of the large baby-boom generation starting around 2012, there will be a shift in the proportion of workers paying into Social Security compared to those retirees drawing benefits. As a result, there will not be enough money as benefits going out will exceed taxes coming in by about 2015.

Recently I met with White House staff and political director Karl Rove to encourage Presidential leadership and Republicans and Democrats in Congress to deal with the coming crisis. It is easy to put off. There is even a greater need to face up to the Social Security problem now with the probability of more money being spent for a very expensive prescription drug benefit that probably is going to be added to Medicare.

Let me talk about what is happening to the population 65 years old and older. It is going to increase from currently 37 million today to 75 million in 2035 and to 95 million by 2075, so a huge increase in the number of retirees while the birth rate is going down, so fewer workers to pay their in taxes to cover those benefits. This population will grow much faster than the workers due to increased life expectancy for seniors and lower birth rates. Because Social Security is a pay-as-you-go system, with workers' payroll taxes going immediately to pay benefits to seniors, these demographic changes are going to lead to the program's insolvency in a little over 10 years unless something is done.

The options for Social Security are straightforward, I think. We can increase payroll taxes, which are already

too high. Seventy-five percent of American workers now pay more in the payroll taxes than they do the income taxes. We can cut benefits, or, instead of using all the extra money coming in now from Social Security taxes for other government spending, get a real rate of return on payroll taxes we already collect.

It is obvious, to me at least, that the last option is best, but it cannot work unless we give money time to grow with interest. If we wait another decade to act, there will be no choice but to take drastic action.

I have introduced my own reform proposals in each of my last five terms in Congress. They have been based on slowing down the increase in benefits for high-income retirees and having a real rate of return on some of that extra money coming in. I am working on the final aspects of this year's bill, which I plan to introduce in the next 2 weeks, and as I finalize provisions to make the system more fair for women in this bill.

One thing I have learned over the last decade is that time is running out for reasonable solutions. As I have introduced each new bill in each new session of Congress, the way to solve the problem has been more drastic as we have been giving up the extra funds coming into Social Security that are dwindling, that are running out. It is this situation that gives me such a sense of urgency to act so we can avoid burdening our children and grandchildren with more debt, more taxes, and a failing Social Security system.

Many people are concerned that a Social Security system with worker-owned accounts is unsafe because people might invest poorly or lose their savings. I have studied the problem as chairman of the bipartisan Social Security Task Force and think that investments can be limited and protected as they have been in other countries such as Britain, Australia, New Zealand, Chile. My bill requires the government to start paying back what has been borrowed from the trust fund, and that current payroll taxes go someplace safe, earn interest and end up keeping Social Security solvent.

In conclusion, Mr. Speaker, government officials here in Washington need to act on Social Security, but they are too often focused on the next election to deal with problems that are still a decade away. The truth is that Social Security is headed for a cliff, and if we begin to turn and slow down now, we can avoid it smoothly. If not, a panicky swerve and screeching brake is coming. Let us avoid that. Let us stand up to our responsibility and deal with Social Security.

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

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

AFRICA

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

Mr. PAYNE. Mr. Speaker, we are members of the Congressional Black Caucus here tonight, and we stand here tonight to speak on the state of Africa as the first day of President Bush's trip concludes. The President's trip shows a level of commitment that surprised many of us when we read in the newspaper that he was intending to visit Africa, but African journalists recently said Africa appreciates the words, but is awaiting the deeds.

Many people have written Africa off as a place that has too many grave problems, and that it is irrelevant to the United States' interest. Indeed, there are still a lot of people whose views of Africa are certainly limited by disasters and civil wars. However, engagement with Africa is a vital U.S. interest. From the war on terrorism to the supply of critical resources, from the campaign against threatening diseases to the opportunities for economic trade and investment, Africa is a global player. We ignore the continent at our own peril.

If we had paid a little more attention to Africa and Sudan, where Osama bin Laden lived from 1993 to 1997, recruiting and planning the al Qaeda movements that terrorized our U.S. Embassies in Kenya and Tanzania and then went on to organize the Taliban and to have havoc wreaked through Afghanistan, if we had paid attention to Africa, if we had looked at some of the requests for us to intervene in some way by assisting John Garang and the Sudanese Liberation Movement with trucks and telephone equipment and other things they were appealing to, perhaps Osama bin Laden would have been put out of existence, because the liberation movement from John Garang and his organization could have defeated the Khartum government which gave haven to Hamas and to al Qaeda and many of the other terrorists. By our ignoring Sudan, where 2 million persons have died and 4 million have been displaced, where food has been used as a weapon, if we had decided that that was an important country for us, then we perhaps could have avoided many of the things that we see today as our soldiers are in harm's way in Iraq and we continue to move through Afghanistan and Africa towns.

I will talk briefly between our speakers, but I do want to quickly bring focus to our main concern, my main concern tonight, and that is the situation in Liberia. On July 2, I wrote a letter to our Secretary of State and a week before that had the opportunity to be in his presence and asked the Secretary of State if attention could be given by the Bush administration to the country of Liberia. First of all, the Liberians have been asking us to come in and assist. People are in the streets with American flags and signs asking President Bush and Secretary of State Colin Powell to come to their aid, and people are saying, why should we be concerned about Liberia? There are 50 sub-Saharan African countries on the continent. Why should we be concerned?

I think many of our citizens in this country and it appears many of our lawmakers in the House and in the Senate have no knowledge at all of where Liberia's beginning came from. It was in 1822 that President Monroe, the Monroe document, President Monroe said that we should have a return to Africa movement and free black men. Many people have the opinion that these were simply illiterate slaves, ex-slaves that went to Liberia, but these were free men, some slaves, but free men, lawyers and businessmen, who went to Liberia to start that country in 1822. And in 1847, Liberia became a republic, started by African Americans who returned to Africa, to Liberia, to start this republic.

Their Constitution was based after the United States Constitution. Their laws were based on laws of the United States of America. There were very strong ties between the United States and Liberia. In World War II, the West African country allowed American troops to be positioned on their soil. Again during the Cold War Liberia was an important ally when it served as a leading U.S. base for intelligence activity against Moammar Ghadafi of Libya and other threats to the United States. Even Samuel Doe, even though he came to power in a bloody coup, the United States in the midst of the Cold War supported the government because Liberia served such a great interest to the United States during World War II when the Pacific region was cut off for rubber supplies. Liberia with Goodyear Rubber Company that had been established in Liberia for decades, for perhaps close to a century, Liberia was there to help the U.S. war effort.

So when people say why should we go there, there are many problems around. We should go there, and the reason that the British have asked us to intervene, the reason that President Kofi Annan of the United Nations have said the United States should lead a peacekeeping force, these are because Liberians, the world, look at the United States as the power that could come in and change the situation.

□ 2015

So I wanted to give that brief background of the country of Liberia and to say that is why this particular country is different, if we want to remove ourselves from other countries in Africa.

As I conclude my portion and will yield to the chairman of the Congressional Black Caucus, I would like to say that in Sierra Leone currently the British went in. They went in and they prevented the RUF, the terrible group that terrorized people in Sierra Leone,

the British went in, because that was a former colony of theirs, and they made peace; and now Sierra Leone is on a peaceful track.

In Cote d'Ivoire, the French troops went in several months ago because of disorder there, and they have saved thousands of lives and are still there.

Just last week, the French, British and Belgian troops went into Eastern Congo, the city of Bunia, where there had been a civil strife between two ethnic groups. The French came in and said that this must stop, we are coming in; we give you 3 days to get out. And they have saved thousands of lives just last week.

So why the United States? Why Liberia? We are in Iraq right now and are receiving a terrible time. It is because we are being asked. President Taylor said he will step down, he will leave the country. We could really save lives there. It is a totally different situation.

With that, it gives me a great deal of pleasure to yield to the chairman of the Congressional Black Caucus, the gentleman from Maryland (Mr. CUMMINGS), who has done an outstanding job in his chairmanship of the Congressional Black Caucus, bringing us to the floor on every important issue to America in general and African Americans in particular.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for yielding. I want to also thank the gentleman for his leadership. It is no doubt, Mr. Speaker, that the gentleman from New Jersey (Mr. PAYNE) is by far the most expert in the Congress on Africa and international affairs. His expertise certainly extends to Europe, Asia, Latin America and the Caribbean, just to name a few places around the world. His expertise is invaluable; and he is a very, very valuable asset to both the Congressional Black Caucus and this Congress.

I have often said of the gentleman from New Jersey (Mr. PAYNE) that so often people, Mr. Speaker, determine their response to a crisis by whether they will be uncomfortable. The gentleman from New Jersey (Mr. PAYNE) consistently travels around the globe, not concerned about his comfort, but more concerned about the comfort of those he touches. So I want to thank the gentleman for leading our discussion this evening.

Mr. Speaker, I am pleased to come to the floor this evening to discuss the state of Africa. Africa deserves and America needs a real strategic alliance with the continent of Africa. It is in the national security of the United States for us to have a strategic alliance with this great continent.

Just some brief facts: Africa is the second largest continent in the world, behind Asia. There are 54 countries in Africa. The population of the continent exceeds 770 million people.

Mr. Speaker, the economic potential and the natural beauty of the continent is extraordinary. Just this past May, Mr. Speaker, several members of the Congressional Black Caucus visited the nation of Nigeria on the West Coast of Africa. These distinguished members included the gentleman from New Jersey (Mr. PAYNE), the gentleman from Louisiana (Mr. JEFFERSON), the gentlewoman from Michigan (Ms. KILPATRICK), the gentlewoman from Texas (Ms. JACKSON-LEE), the gentlewoman from Florida (Ms. CORRINE BROWN), and the gentleman from Florida (Mr. MEEK). Although we mainly went there to attend the presidential inauguration of the Nigerian President, Obasanjo, we gained some valuable insights from our visit.

The people of Nigeria admire the people of the United States for how our democracy works. They also admire our form of government. As such, they expressed shock regarding the controversies surrounding the 2000 Presidential elections. They also noted their disappointment regarding the gradual decline in civil liberty protections post-9/11. In this regard, many of these citizens and government officials pleaded with us to defend the true meaning of our democracy because, as they put it, the best way to impact the world is through what America stands for, not by using our unilateral force as the world's only superpower.

But this feeling is not just present in Nigeria. The many countries of Africa, 54 in all, their governments and the people of Africa are looking to the United States for leadership and a real partnership. They do not just want rhetoric.

Contrary to what many people believe, the people of Africa do not want aid or a handout. What they want is opportunity for a level playing field from the United States, Europe, the World Bank and the International Monetary Fund as they pursue economic progress.

For many countries, the overwhelming financial debt from loans that were in some cases misused by governments in Africa is now stifling the economic progress of these countries. The payments on these debts are also diverting significant funds away from infrastructure improvements, education and other health needs for the people of Africa.

Through all of this, though, Mr. Speaker, the people of Africa are cautiously hopeful about the future. The African Growth and Opportunity Act, AGOA, legislation that was signed into law by President Clinton, embodies the philosophy that the United States, as the world's largest and most technologically advanced economy, can and should do more to contribute to Africa's economic development. It is one of the most significant pieces of legislation on Africa to be enacted into law in many years. Now the continued implementation and expansion of AGOA offers our country an opportunity to consider how this Nation can construct a comprehensive African policy that will facilitate Africa's success in the 21st century.

Before I close, Mr. Speaker, I must mention the issues of conflict resolution, hunger and disease in Africa. Quite simply, Mr. Speaker, the violence and civil war that has torn so many countries apart, displaced hundreds of thousands of families, killed countless others, and, in my opinion, is one of the biggest impediments to progress on the continent, must end. The people and governments of Africa need to know that it is difficult to make progress if we do not have an end to war and an end to violence.

The United States also has a role and our government and State Department should put forward every effort to help bring an end to the wars and conflicts that trouble so many African countries. The Congressional Black Caucus will also continue our efforts in this regard.

I agree with the gentleman from New Jersey (Mr. PAYNE); and I applaud him for all of his efforts over the last several years with regard to Liberia, and wholeheartedly support his opinion and his conclusions that we must have peacekeeping forces from the United States in Liberia.

With regard to hunger, the Congressional Black Caucus has been at the forefront of advocating for hunger relief efforts all around the world, and we will continue to press the issue. In a world with plenty of food for everyone, we have a moral obligation to feed those who are hungry. I am so honored that our former colleague, Congresswoman Clayton, has continued her battle against hunger around the world since leaving the Congress at the United Nations Food and Agricultural Organization in Rome.

Finally, Mr. Speaker, the medical diseases. HIV/AIDS, malaria, tuberculosis and countless other diseases that plague millions of Africans must be addressed. The Congress, following years of advocacy by the Congressional Black Caucus, passed what I would characterize as a 5-year, $15 billion down payment toward addressing these diseases in Africa. Now we must actually come up with the actual funding to make this commitment a reality. The world is watching, and we must provide the resources to eradicate these diseases.

So, Mr. Speaker, I call on this Congress and this country to renew our commitment to working with the people of the great continent of Africa for our mutual benefit. As I have said, it is in our national security and our strategic interests for the continent of Africa to succeed and prosper in our global community.

I also take a moment, Mr. Speaker, to thank all the members of the Congressional Black Caucus who have taken time out tonight to express their feelings about Africa and for their hard work over and over and over again, giving their blood, sweat and tears to lift up the people of Africa.

Mr. PAYNE. Mr. Speaker, let me thank the gentleman from Baltimore

for those remarks. As he has indicated, for example, in 2002, the United States exports to Africa totaled over $5.8 billion, while the U.S. imported over $18 billion from Africa, more than all of the USSR put together, including Russia. So many people do not realize the importance of Africa to the U.S.

While oil is clearly a source of U.S. interest, it is also something that must be dealt with closely and carefully as we discover new finds of oil. The Chaad Cameroon pipeline, in addition to Nigeria and other places in Africa, 16 percent of U.S. consumption of oil comes from Africa today; and it will grow to 20 percent in the next 5 years. It may exceed the point of being one-fourth, or 25 percent, of oil imports. So Africa is extremely important to the United States.

Mr. Speaker, at this time I would like to yield to the gentlewoman from Florida (Ms. CORRINE BROWN) who 2 weeks ago helped organize a rally of Liberian Americans here and has been very vocal on the issue of Liberia.

Ms. CORRINE BROWN of Florida. Mr. Speaker, let me first of all thank the chairman of the Congressional Black Caucus for his leadership on African issues and particularly on this Liberian issue; and let me thank the gentleman from New Jersey (Mr. PAYNE), who has been one of the leaders in the Congressional Black Caucus and Chair of our African subcommittee, for his leadership.

The Bush administration sent troops to Iraq, for, so they claim, so they claim, humanitarian reasons. Our troops went over there to alleviate the suffering of the Iraqi people, to liberate the Iraqi people from a tyrant, to bring justice to the people of that nation, so they claim.

At this very moment, leaders in the United Nations, leaders in various African nations, members of the Congressional Black Caucus, members of the human rights community worldwide, are pleading with the President to send peacekeeping troops to Liberia. Yet the President set off for Africa without any intentions of even visiting Liberia and without bothering to consult with members of the Congressional Black Caucus about his trip, many of whom have worked on issues pertaining to Africa for decades.

As you know, Liberia has always been a faithful ally of the United States. Both nations share close historic ties. Liberia in fact was founded by free slaves from the United States in 1820. The capital, Monrovia, is named after a United States President, James Monroe.

Unfortunately, the situation in Liberia has turned chaotic. Non-emergency staff at the United States embassy were evacuated when fighting broke out in the capital between government troops and rebels. Hundreds of Liberians have been killed and thousands have been wounded. The fighting is not over. Tens of thousands of others have been driven from their homes and aid workers say that up to 1 million Liberians may end up displaced.

This recent conflict is nothing new. This is a country that has been suffering from civil war for years. About 200,000 Liberians died in fighting during 7 years of war in the 1990s. We have been successful in drawing attention, thanks to the leadership of the Congressional Black Caucus and others, both nationally and internationally.

The CBC has been strong in its efforts to encourage the Bush administration that the United States play an active role in the conflict in Liberia, especially before it spreads to other nations in West Africa. We do not want this fighting to spread to other West African countries.

Let me repeat that. Liberia is now making headlines in newspaper and TV news across the country, making people around the United States aware of the conflict and forcing the administration to put it on their radar screen. Recently the U.N. secretary asked the U.S. to play a bigger role. African countries and others have pledged up to 3,000 troops if the United States helps out.

On all borders of Liberia, the Europeans are showing that peacekeeping missions can be successful. Clearly, our Nation plays an influential role in world politics. We saw that many times in the past and recently in Europe. And, remember, the State Department, when they argued for intervention for a European country, they always say it is for humanitarian reasons.

□ 2030

We do not want it to spread to other countries. So why should Africa be given the same treatment? The situation in Liberia is critical, and this is a perfect time for the United States to play a leading role in bringing about an end to the misery and suffering of the Liberian people.

In closing, my favorite scripture is ''To whom God has given much, much is expected.'' We are expecting that the administration will come forward and help the suffering Liberian people.

Mr. PAYNE. Mr. Speaker, I thank the gentlewoman for her continued support.

Democracy is moving through Africa. Mr. Speaker, 1990 saw the spread of democracy in many African countries once dominated by military dictators. As the chairman of the Congressional Black Caucus indicated, many of us recently went on May 29 and spent several days in Nigeria to see the reelection and inauguration of President Obasanjo. It was Moshood Abiola that started the democracy movement, but it took General Abubakar to say, the time is up, and now we saw the election of President Obasanjo.

We saw in Zambia's recent elections where the former President and member of the same party as the new President was elected, who said he wanted the courts to look into the books to see whether the former President had run the country legally, and has now had an indictment on the former President Chiluba to look at the books to see if there was illegal activities.

This is a new breed of African leaders. In Ghana, the popular President Rollins stepped down after two terms. He could have run again and probably gotten reelected. President Moya, after many years being the Vice President under General Uhuru Kenyatta during the first movement of the Mau Maus in Kenya where colonialism was fought, stepped down. And, as a matter of fact, the grandchild of former President Kenyatta was the candidate and supposedly was supposed to win as a member of the Kenya Party. However, he was defeated because people wanted a new life, and it went on well. In South Africa we saw Mr. Mandela change from a white majority government.

So there are successes in Africa. In Timbuktu in Mali we have seen great strides going on. So we hear about the negatives, but so many positive things are happening, and that is why it gives me great pleasure to continue our Special Order. We will hear now from the gentleman from Illinois (Mr. DAVIS) to have his comments.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding. I also want to commend the gentleman from Maryland (Mr. CUMMINGS) for the tremendous leadership that he continues to display as he projects thoughts, ideas, and helps to focus the activities of the caucus.

I would agree with the gentleman from New Jersey that Africa is indeed changing, and that change is seen throughout the continent in many places that one goes. But even as the changes occur, problems have been so profound and so severe until it is difficult to stabilize, it is difficult to have the kind of economy, it is difficult to have the opportunities to grow and develop, and that is one of the reasons why we continue to have instability, one of the reasons why we see the inability to shape governments and hold those firmly in place.

I would also agree with my colleagues who have suggested that if we can spend much of our time, energy, and effort trying to make sure that there is a world order with peace and security, then the African continent is one of those places where our resources and our efforts are needed most.

Yes, I am in agreement that we need to intervene in Liberia, and we need to do it immediately. We need to do it now. We need to make sure that there are peacekeeping forces. We also have to make sure that we do it with a level of sensitivity, that we do it with a level of humaneness, that we do it in such a way that we do not overshadow, overpower; and that we make sure that the local indigenous people have control of the operation and further development of their government, and that they continue to be liberated and be able to produce for themselves the kind

of government and the kind of governmental structures that they find desirable.

So, I say to the gentleman from New Jersey, I am pleased to have been able to join with him and other colleagues to come and simply say that the time is now. It is critical that intervention must come immediately before things escalate and before they reach other countries surrounding Liberia. So I thank the gentleman again for his tremendous effort and for his leadership.

Mr. PAYNE. Mr. Speaker, let me thank the gentleman from Illinois for his long years of government service in the great State of Illinois, and we look for his continued support.

Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE), a real fighter on HIV and AIDS, and a person who has served as an aide to the former Congressman and took over from Congressman Dellums and made her own footsteps; smaller feet, but very pronounced footsteps.

Ms. LEE. Mr. Speaker, I thank the gentleman and commend him for his consistent leadership, his vision and his real purpose as a Member of Congress in terms of really making sure that this Congress understands the connection between our United States foreign and domestic policy, especially as it relates to Africa.

Mr. Speaker, as we have been discussing Africa this evening, I am reminded now of the first day that the President has had in Africa. Now, let me just say, I believe it is always helpful when the President of the United States really visits neglected parts of the world, especially Africa. So I am glad that he finally made it.

Now, one of his first stops on this trip today was Goree Island off the coast of Senegal. It is important, I believe, that the President saw firsthand this real jumping-off point to the murderous Middle Passage. For centuries, millions of Africans were placed in chains and shipped off to generations of enslavement in the United States and elsewhere in the Western Hemisphere, and I am certain the President understands that now. Many of them passed through Goree Island on that very terrible journey. Millions upon millions died along the way. Families were destroyed. Men, women, and children were locked in chains, forced into the cargo holds of ships, and transported thousands of miles to a life of slavery. They were kidnapped, raped, murdered, and sold into bondage in an enormous crime against humanity. The bodies of those who died were tossed overboard as lost cargo.

But these were human beings. On Goree Island, President Bush stood in their footsteps, peered into their cells, and glimpsed the horror that was slavery.

This morning the President denounced slavery as one of the greatest crimes of history and called it a sin, which it was, but he failed to offer an apology on behalf of the Government of the United States that engaged in this deplorable, despicable institution for hundreds of years.

It is extremely important that the President understand the history of slavery. It is also extremely important because the vestiges of slavery are still with us in the United States. On Goree Island, President Bush stated that history moves in the direction of justice. But then I had to ask myself, why does he oppose affirmative action?

So let us just look at the facts for a minute. African Americans' income is lower than that of whites. Black Americans have fewer assets and experience far higher unemployment. Economic injustices have persisted long after emancipation. African Americans, on average, make 95 cents for every dollar earned by whites doing exactly the same jobs.

These disparities in the workplace and on the unemployment line are echoed in the health care system. African Americans are less likely to have health insurance and receive poor health care when they do finally see doctors. As a result, of course, our lives are shorter.

In this country, life expectancy projections are profoundly shaped by race. Racial disparities literally follow a cradle-to-grave cycle, beginning with infant mortality, continuing with workplace hazards and increased exposure to toxins, and ending with disparate access to health care, diagnosis, and medical treatment.

Asthma, one of our latest epidemics, is one more example of racial disparities in health care. Death rates from asthma and a host of other treatable diseases are significantly higher among African Americans than any other ethnic group. African American children are also more likely to suffer from lead poisoning, which can have devastating effects on mental development. More than one out of every four low-income African American children suffers from lead poisoning.

Now, some of these realities are realities that I hope the President really understands while he is in Africa. These are still realities of American life in the 21st century, and these are legacies of past oppression and continuing injustice.

In presenting the Bush administration's arguments to the Supreme Court opposing affirmative action on behalf of the President, Solicitor General Ted Olson called for race-neutral admissions policies. That is because the administration apparently believes we live in a race-neutral society, but that is a dangerous fantasy. It means that the administration is blind to the legacy of slavery in our own country and does not really get what the current ramifications are.

So maybe this visit to Goree Island will help the President better understand the legacies of slavery and racism, both in Africa and here at home. It is my hope that this African trip, short though it may be, will also drive home to the President the importance of following through on his welcomed rhetoric with real dollars. We need him to exert the power of his office to ensure that the HIV/AIDS initiative, the Millennium Challenge Account, and other promises for foreign assistance and development aid will be fully funded. He must support our request for a supplemental appropriation to meet the meager, which is really meager, $3 billion authorization with regard to the HIV/AIDS pandemic.

Goree Island was the start of a terrible journey for our African ancestors. Hopefully, it will be the start of a journey of enlightenment for this American President.

There is an Akan word called ''Sankofa.'' This means that we must go back and reclaim our past so, of course, that we can move forward, so we can understand why and how we came to be who we are today. When African men, women, and children were dragged into the Slave House at Goree Island where the President was today, they went through the door of no return. As the word ''Sankofa'' evokes, we have to understand that journey.

This President must understand that journey, and he has to understand what destination we have reached in the United States and in Africa, and how far we still have to go.

I close by thanking all of the Congressional Black Caucus members who have come before all of us in this Congress, who help strengthen the bond between Africans and African Americans, who represented the voice of Africans who were left out of the democratic process here in our own country in terms of foreign policymaking. Especially I would just like to thank the great gentleman from the State of Michigan, Congressman Charles Diggs, who not only chaired the Subcommittee on Africa as the first African American Member, but really did provide an opportunity and an avenue for other African American staff and Members to get involved with international relations issues, especially relating to the continent of Africa.

I also want to thank Congressman Ron Dellums and the gentleman from Michigan (Mr. CONYERS), who took risks and fought against racist regimes in South Africa and Namibia and Zimbabwe, even when our own government supported those policies. We must not forget that, because the Congressional Black Caucus has to move forward, and the President must understand that we will not rest until Africa flourishes, and those who came before us really charted the course. Members of the Congressional Black Caucus, if it had not been for them, there would be no foreign policy as it relates to Africa.

So I want to thank the gentleman from New Jersey (Mr. PAYNE) again for continuing with that legacy and for continuing to ensure that our Black Caucus and the entire Congress understands and really begins to come to grips with the fact that Africa matters

in terms of our policies and our funding.

□ 2045

Mr. PAYNE. Mr. Speaker, let me commend the gentlewoman for the outstanding work she has done.

Quickly, as I talked about how democracy was taking over, we also have seen Africans step up to the plate, the Egat process led by President Moi has dealt with the problem of Sudan; and the peace accord, even though fragile, has been done by the Egat countries of Ethiopia and Eritrea. South Africa's Nelson Mandela took over from the late President of Niari, from Tanzania, negotiating the Burundi situation where now President Thabo Mbeki has sent peacekeepers from his country to Burundi to see the new transitional government, and it is working.

We have seen Nigerians go into Sierra Leone and into Liberia, taking leadership on their own. And so when we say why is the U.S. in Liberia, it is because of the ties, as I mentioned, the British were in Sierra Leone just recently to save lives, the French in Cote d'Ivoire and in the Congo right now with Belgian troops. The Australians are going into the Somalian islands right now, as we speak, and we are in East Timor because they are the regional powers. No, we cannot go anywhere and everywhere; but I think that with the traditional history between President Monroe, the whole country of Liberia, it is the responsibility of the U.S.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WATERS), who has done outstanding work for many years. We all know her. She needs no introduction.

Ms. WATERS. Mr. Speaker, I would like to thank the gentleman from New Jersey (Mr. PAYNE) for his leadership, for his years of commitment to the continent and for the constant effort that he puts forward in this Congress to draw attention to Africa and to try and negotiate funding to help not only this administration but past administrations understand the role we could truly play in helping Africa to become the continent that it could truly become.

Now, Mr. Speaker, the eyes of the world are on Africa. Clearly everyone is watching because the President of the United States is visiting five countries in Africa. We are pleased that the President of the United States has decided to go to Africa. As a matter of fact, the members of the Congressional Black Caucus truly believe that there will never be another President, no matter Democrat or Republican, who can avoid Africa. We are very pleased about the leadership that Bill Clinton provided, and we are proud that this President is following in his footsteps.

We are in a state of confusion about this President and his policies toward Africa. While he is visiting five countries in Africa at this time, it was just a short while ago right prior to his election in a debate that I believe he said something to the effect that we have no strategic interest in Africa and, no, I would not have intervened in the genocide that took place up in the Congo there with the Tutsis and the Hutus. And so we are perplexed by this visit, that comment; but we are pleased also that we have moved this government to the point where this President came forward with significant funding for HIV and AIDS in Africa, and we hope that it gets into the budget and that that funding will become a reality.

We are perplexed by the recent revelations that, in fact, the President made an announcement in his State of the Union that a country in Africa had supplied Saddam Hussein with materials for biological warfare. We now know that that is not true, that that statement was not based in fact. And while we are pleased that the President is providing some funding for HIV and AIDS in Africa, we are perplexed by the statements and the accusation of the President about a country in Africa supplying Saddam Hussein with dangerous materials, materials for biological warfare, and we expect the President to explain that to us.

The President is visiting South Africa, but the fact of the matter is we do not have, as one of the countries in Africa, we do not have an Africa policy. We do not know where the President is going with all of this. Today he gave a stirring speech from Goree. He went to Dakar, to Goree Island where he said he understood what had happened at Goree Island. He understood that slaves had been sold there, that they had been beaten there. They had been housed and stored and stacked like animals there, and that they had gone through the door of no return where many of them were simply just dumped into the ocean because they were sick or too weak to be sold into slavery from that point.

We listened and most of us read very carefully the words in that speech. But we are wondering as we stand here whether the President truly understands that we are the descendents of those slaves that he talked about. We wonder if the President really understands the connection between our work and our history. We wonder if the President of the United States truly has an appreciation for what we have been trying to do for so many years.

Most of the Members of the Congressional Black Caucus have been working on the problems of Africa for years. Long before I came to the Congress of the United States, I was involved, as were others, in trying to dismantle the unconscionable apartheid regime of South Africa. We worked to free Nelson Mandela. There are those who are wondering why Nelson Mandela may not be meeting with the President on this trip. The President certainly needs to get to know Nelson Mandela and understand who he is and where he came from. He needs to understand the struggle that Nelson Mandela was involved in. But he needs to understand why we work so hard to dismantle apartheid in South Africa. He needs to understand why we urge this country not to support Mobutu, not to have a puppet up in the Congo that would dance to the music of the United States and kill his own people.

We tried to get the Presidents in the past to understand why we were opposed to Savimbi that was supported by Reagan and others who were up in the bush causing displacement in Angola. We tried to get them to understand. We visited these places. We have been to Dakar. We have been to Benin. We have been to Botswana. We have been in Zimbabwe and Angola and the Democratic Republic of Congo and Rwanda and many countries in Africa. We understand.

The President of the United States needs to talk to the members of the Congressional Black Caucus. We are pleased that he is now paying attention to Liberia, and we believe that Charles Taylor needs to be dealt with. We do not know if the President is dealing with him in the proper way. And the President does not know whether or not he is dealing with him in the proper way, but he ought to talk with us. Should he be working out an agreement with Obasanjo of Nigeria to give him asylum?

There is a warrant out for Charles Taylor's arrest. He is responsible for working with RUF and the chopping off of the limbs of the people of Sierra Leone and other places. He is responsible for children being soldiers in the war. He is responsible for the rape and the pillage of many people. Should he not have to stand before the bar of justice in the U.N.-supported and -backed court that has a warrant out? Should he be allowed to have asylum and just go off up into Nigeria somewhere with the billions of dollars that he has stolen, the wealth he has reaped from the blood diamonds that came out of Sierra Leone? The President of the United States needs to talk to the Congressional Black Caucus because we understand the complications, and we understand what has been taking place in many of these spots. We would like to engage him on the future of Liberia and what should happen with Charles Taylor. We would like to help this President to build a real policy for the continent of Africa.

Mr. Speaker, we have been working on HIV/AIDS, and we are glad that the President has gotten involved in it and we will continue to do this work. We have got a long way to go.

I have been involved for years in working on debt relief for Africa. Africa needs assistance in many ways, but Africa is rich in resources and talent that needs to be developed by people who have Africa's best interest at heart.

Africa has been exploited, not only in many ways by our own government, by other governments and other countries. Everybody comes to Africa to get

a little bit of gold and a little bit of diamonds. Everybody comes for the rich resources of Africa without real thought and planning and work for the development of Africa and the utilization of those resources for the benefit of the people. We can do better.

If this President is not simply reading a speech written for him by others in a photo opportunity, talking about that which he may not really understand, if he really wants to understand what is going on, the President of the United States needs to talk to the members of the Black Caucus. It seems to me that if the President can go to five African countries and talk to Africans about what is going on in Africa, he ought to be able to talk about the descendents who are here in the United States, who are just a few blocks away from him that he refuses to meet with. Yes, some of us are concerned about why the President has not engaged us in any discussion.

I do not believe that the President would travel to Israel, would take actions on Israel without speaking with the Jewish Members of the Congress of the United States of America. We need to talk with the President not only about what he is doing in Liberia, but about the future of that continent and about the possibility, about the importance, yes, there is oil, and, yes, there should be the kind of trade relationships that would help us to benefit from some of those natural resources and oil so that we are not dependent just on one section of the world. But this will never happen unless we go to the continent with good intentions, not unless we are all engaged as a family working in the best interest of our country.

I am not happy about the fact that the President took this as an opportunity to say simply, Mr. Charles Taylor, I want you out of Liberia within so many hours. That is not the way to handle this. We do not want to simply see American soldiers deployed there. This should be an international effort. But there should be international peacekeeping efforts not only in Liberia but in Iraq and other places because we do have to be concerned about stretching ourselves too far and too thin. We do have to be concerned about protecting our soldiers wherever they are. We want to help. We want to help frame and shape how that help should be given.

With that, I know that there will be those who will say perhaps there should be no challenging of the President at this point, no criticism of the President at this point while he is traveling in Africa. If the President wants to talk about Africa, now is the time for us all to do it.

□ 2100

We have been working too long and too hard to get this debate on Africa. We have fought and worked. We have tried to leverage and do everything within our power to get Africa on this President's agenda. Now perhaps we can do it, and we welcome the opportunity.

Mr. President, we are waiting for you.

Mr. PAYNE. Mr. Speaker, let me thank the gentlewoman from California. As I indicated, she needs no introduction. We appreciate her comments.

At this time we will hear from the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), who is, as we know, our health expert, a physician, and a leader on HIV and AIDS and other health issues around the Nation.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman for yielding to me. I thank him as well for putting together this Special Order and for the leadership that he provides to the Caucus and the Congress on issues concerning Africa.

Mr. Speaker, I want to say something briefly about three different issues because of the tremendous and tragic toll they have taken on the people of the countries involved, because they are representative of the challenges facing Africa, and also because of the relative indifference of this country and the global community to addressing them.

The first is the 5-year civil war in the Republic of the Congo, Africa's third largest country and the native country of one of my closest friends and medical school classmates, Dr. Louis Kanda, who often shares the grave concerns he has over the ongoing conflict and his and the frustration of many others over the lack of attention it has received from this country despite repeated calls from members of the Congressional Black Caucus.

With many of its bordering countries involved in the conflict, it has become Africa's first continentwide war. Just today, The New York Times reported that an estimated 500 civilians have been killed in just one province in the northeastern region between July 2002 and March 2003. There is elsewhere children as young as 10 who have been robbed of their childhood and trained as guerilla fighters and terrorists.

Mr. Speaker, I join the U.N. Deputy High Commissioner Bertie Rancharam in his call for a speedy investigation of the massive abuses and appropriate intervention in northeastern Congo, and I would add that this country should not only support such action, but be fully a part of it.

I also want to call attention to the longstanding drought, severe food shortages and suffering of the people of Ethiopia. The groups of caring people raising funds, many of whom are from Ethiopia, can only go so far. Despite donations of wheat and other food products from this country and others, Ethiopia still needs much more food. There is no telling when the drought will end, and so the urgency to act and act appropriately to that need is now.

I would be remiss if I did not also support the words and works of my colleague, the gentlewoman from California (Ms. LEE), on HIV/AIDS and the other illnesses plaguing the continent and our need to be, at the very least, appropriating the full $15 billion and all related funding now, and then to release those funds without condition. To wait here, as in the case of widespread starvation, is to wait until it is too late in the process, and that would mean millions more lives being lost, and the cost to bring this global pandemic under control would multiply.

Lastly, I want to say a word about Liberia, as we in the U.S. Virgin Islands have specific ties to that country, in addition to those shared by African Americans here on the mainland, and all Americans. One of our most esteemed native sons, Edward Wilmot Blyden, born in St. Thomas, became an important Liberian educator and statesman, having served as Secretary of State and Ambassador to Britain and France from that country in the 1880s. He also became president of Liberia College. And there were others, such as Dr. John Moorhead, another of our local treasures, who lived there with his family and practiced medicine during the 1950s.

So I want to join my colleagues on calling on President Bush to work with President Obasanjo while he is in Nigeria to work towards a satisfactory agreement for the departure of President Taylor and peace and recovery for this war-battered and torn country that we helped to establish.

What I would want to leave my colleagues with this evening, though, Mr. Speaker, is a picture of a continent that is rich not only in natural resources, but also in people and in culture and in spirit. On this continent, despite the great and many challenges, democracy is growing, and the standard of life and level of civil liberties are being raised. Africa needs our support, either alone or within the context of multinational groupings, whatever the case might require.

It is my hope and prayer that not out of interest and what we can get from Africa, but in the interest of seeing those on that continent who are brothers and sisters to all of us prosper and develop in ways that are in their best interests, and that this country would continue to increase involvement begun during the Clinton administration and not just mimic a Presidential visit.

Mr. PAYNE. As we conclude, Mr. Speaker, I do want to acknowledge that the gentlewoman from Texas (Ms. JACKSON-LEE) will be allowed to speak for 5 minutes on this Special Order, and we certainly appreciate the participation of the members of the Congressional Black Caucus.

We hope our message is getting out loud and clear. We think that Liberia has a special place in this country with African Americans who feel very close to this situation. Our young men have fought in every war, from Crispus Attucks, the first person that died in the Revolutionary War, up to just a

week ago, when they buried a young Haitian soldier from my district who was one of the two men who were kidnapped and murdered. So we have fought in all the wars.

We hear people say that there should be a vote in Congress regarding sending 2,000 troops to Liberia. We have not heard that for the Colombians or for Panama. We did not hear that where the President is attempting to go into the Philippines now. Is there a different standard for Africa? Is it that 435 Members must get up and talk about 2,000 troops going into a country that we founded, that we colonized, that we have close ties with, that asked us to come so that the fighting will cease, and that other African countries will be there at our side? Is there a double standard? I hope not.

We have had failures before. There was a failure in Somalia. That did not mean we should no longer then go in on humanitarian issues. I hope this President and administration will have the same standard as we have had throughout this world, whether it was in Panama, whether it was in Colombia, whether it was in the Philippines, whether it is in places like even Haiti, where we went and were not asked to come. I hope that we will send those few peacekeepers, 2,000, to go in and lead the ECOWAS troops so that the cholera can stop, the children can stop dying, and the women can stop dying. They are asking us to come in. I think we have an obligation and a responsibility.

Mr. Speaker, I appreciate this opportunity to present this Special Order to the House.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 438, TEACHER RECRUITMENT AND RETENTION ACT OF 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–189) on the resolution (H. Res. 309) providing for consideration of the bill (H.R. 438), to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2211, READY TO TEACH ACT OF 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–190) on the resolution (H. Res. 310) providing for consideration of the bill (H.R. 2211) to reauthorize title II of the Higher Education Act of 1965, which was referred to the House Calendar and ordered to be printed.

REPORT ON H.R. 2657, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2004

Mr. SESSIONS, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–191) on the bill (H.R. 2657) making appropriations for the legislative branch for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. GERLACH). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPORT ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. SESSIONS, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–192) on the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

COLOMBIA AND THE ANDEAN INITIATIVE ON NARCOTICS

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

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my Special Order this evening.

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

There was no objection.

Mr. SOUDER. Mr. Speaker, I yield to my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

THE STATE OF AFRICA

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the distinguished gentleman from Indiana (Mr. SOUDER) for his kindness, because I am joining the Congressional Black Caucus in their Special Order regarding the State of Africa.

It is this time, Mr. Speaker, that many of us have come to the floor of the House to discuss foreign policy issues that have great concern to us, and I thank the gentleman from New Jersey (Mr. PAYNE) for his leadership over the years as the chairman and ranking member of the Subcommittee on Africa on the Committee on International Relations, and for his leadership and consciousness about the continent of Africa. Likewise, let me thank the chairman of the Congressional Black Caucus for his wisdom in having us be pointed this evening, pointedly speaking about these very vital issues.

Mr. Speaker, I rise on this floor tonight to speak globally about what the continent represents to the United States of America. Besides the historical perspective of Africa's desire to be an ally and a friend with the United States over the years, throughout the 20th century, from World War I to World War II, it should be known that after 9/11, as many of us were quite aware of, some of the loudest voices in opposition to the horrific incidents that occurred in New York on 9/11, in Washington, and in Pennsylvania was the continent of Africa. Their voices were those of support of the United States in our fight in the war against terrorism. So this bond with Africa and the United States is deep, it is strong, and it needs to be further cultivated.

Clearly, President Clinton established one of the strongest bonds in his long and extended visit just about 4 years ago. It was a visit to not only develop friendships, but to develop economic partnerships in the fight against HIV/AIDS. So I rise today to say that this momentum has not been carried forward, and it disturbs me that we are now debating why a friendship with Africa; why the intrusion, if you will, or the assistance in the issue of Liberia. Why? Because there are 700 million individuals, and that number is growing, who desire a strong and related friendship.

I am very impressed with the Global Business Council, headed by Ambassador Holbrooke, that brought together businesses from the private sector to fight the devastation of HIV/AIDS. I think it is important for Americans to be aware of the fact that so goes the continent of Africa, so goes many of the issues here in the United States. Of the 42 million people infected worldwide, over half, 29 million of them, live in sub-Saharan Africa. Also a higher proportion of women are living with HIV infections or suffering from AIDS than men in Africa. As of 2002, women in sub-Saharan Africa represent more than half, approximately 58 percent, of all adults living with HIV/AIDS.

We can applaud the work that has been done here in this country, as I said, with the Global Business Council; also with the work in this Congress, where we passed legislation in a bipartisan manner to give $15 billion in aid, as well supporting the Millennium Fund to help in our fight against HIV/AIDS and to help in Africa. But it cannot be continued if we do not embrace the momentum and embrace it in a collaborative way. The President needs to

consult with the members of the Congressional Black Caucus and the African American community and others on policies dealing with Africa.

It is sad that on this trip we have not found an opportunity to collaborate and not recognize the voices being raised in the media proclaiming that Africa is a strategic partner. So I rise today to be able to reinforce the fact that we are stakeholders in the continent of Africa. One of the largest oil-producing nations is Nigeria, and just a week ago I hosted the chairman of OPEC, the distinguished chairman from Qatar, who responded that Nigeria and Africa is a very vital partner, just as Iraq is an important partner, as relates to oil production in the world.

There was no hesitancy, no question of whether there should be a vote as related to going into Iraq. And now, not recognizing or maybe failing to recognize the strategic relationship we should have with the continent, and particularly Liberia, there seems to be some debate. I happened to have been one who opposed the war in Iraq, and I can distinguish this. I would hope these troops would be peacekeeping. I would hope they would be a collaboration with the United Nations. I would hope they would be a collaboration with African troops. And I would hope we would recognize that Liberia has asked for us to come.

So I think it is important, Mr. Speaker, as we discuss the state of Africa that we discuss and say that Africa has had many successes; that we have seen the growth in Nigeria. We understand their stock exchange gives a 30 percent recovery on investments. We have heard from the President of Botswana just a few weeks ago speak about democratization and stability, and that country has been a stable government for more than 25 years.

We realize we have work to do, and that means to help them fight in the war against terrorism, help them fight in the war against HIV/AIDS, and help them fight, as our distinguished colleague in Rome, Eva Clayton, has said, help them fight with the issues of food and nutrition. And, yes, we must help Africa build its growth and its opportunities for jobs and give resources for the young people who want to be educated.

There is much that we can do as partners with Africa. Let us not stand a distance back while many are slaughtered and ask the question, why Africa? I would hesitate to say, Mr. Speaker, that it should not be a question of race, whether or not Africa happens to be a continent that is filled with Africans, people of color, black people. I hope that is not the dividing line that gives us reason to question when we ran without being invited to Iraq.

So I hope that as we look at this, and I thank the distinguished gentleman once again as I close, let me just simply say the state of Africa is good, it is a partner, it is a friend. And I would only hope that we look at Africa in our fight on the war against terrorism, in our fight, of course, for the opportunities to fight against HIV/AIDS, and, yes, to fight for peace and stability, and, of course, Mr. Speaker, to be able to say that Africa is our friend because it has stood with us. It is now time for us to stand with Africa and as well to stand with it as it fights for peace and stability for its people.

I thank the distinguished gentleman for his kindness.

Mr. Speaker, I thank Congressman ELIJAH CUMMINGS, Chairman of the Congressional Black Caucus, for calling this special order to discuss the very important issues that are facing Africa. The most perilous of those issues is the HIV/AIDS pandemic. The HIV/AIDS pandemic has claimed more than 28 million lives in Africa. Current estimates suggest that 42 million are living with HIV in Africa.

Sadly, as a region, Sub-Saharan Africa has the largest number of individuals living with HIV/AIDS in the world. Of the 42 million people infected worldwide, over half 29 million of them live in Sub-Saharan Africa. Also, higher proportions of women are living with HIV infection or suffering from AIDS than men. As of 2002, women in Sub-Saharan Africa represented more than half, approximately 58% of all adults living with HIV/AIDS. The infection rate is particularly high among young girls.

In some African nations, infection rates are five times higher in young women then young men. What is more, AIDS now ranks as the number one cause of death in Africa and the fourth leading cause of death globally. These numbers are staggering and should strike a nerve in you each time you hear them. You have likely heard these figures before. However, these facts should constantly be reiterated in order to emphasize the dire situation that Africa is in today.

We must recognize that AIDS is not only a threat to the health of populations; it is a threat to the social, economic, and political stability of nations as a whole. In the past, what we had failed to do, particularly in Africa, was to chart a plan of action to address HIV/AIDS as a social crisis that affects all spheres of everyday life. Now we have allocated funds to provide for the prevention of the disease in Africa. Now is the time for a targeted response that aims to address the multiplicative effects of HIV/AIDS in each sector. This includes making sure that young girls have access to educational opportunities and trying to develop methods by which women do not have to rely on their husbands for their economic stability. It is time to stop placing old bandages on fresh wounds and to begin the process of healing our beloved Africa.

CONFLICT RESOLUTION IN LIBERIA

Mr. Speaker, another great challenge facing the continent of Africa is armed conflict. Clearly, many countries have the need for effective conflict resolution. Liberia is one of the countries. It is on the front page of our paper and it should be at the front of our minds.

Liberia was founded during the nineteenth century by freed American slaves. Once a nation founded on the premises of freedom and opportunity, the Liberia of today is wrought with political upheaval and social unrest. Liberia has been the site of intense devastation and profound loss due to years of civil war. The latest war has lasted for approximately three years and has caused immense disruption to the social and political fabric of the region.

The health infrastructure in Liberia has crumbled, schools have become refugee camps, and people have taken the law into their own hands. Nearly half of the Liberian population has been forced to flee to neighboring countries or to internationally assisted refugee camps in Liberia. Large numbers of innocent, young children are being made into child soldiers. Those children that are able to escape the life of forced military service are often left with little to no options aside from living on the streets. This conflict has brought about political destabilization on a mass scale, increased economic disparity, and what can only be described as societal chaos. And although a cease fire was recently agreed upon, fighting and civil disobedience within the country has yet to subside.

The United States has had a long historical relationship with Liberia dating back to its original founding. Liberia has served as an important ally for the U.S. particularly during the Cold War era. It is in recognition of this longstanding relationship that the U.S. should serve as a vigilant presence in the efforts to bring calm and civility to this war ravaged country.

The United Nations High Commission for Refugees (UNHCR) should work diligently to ensure that the basic human rights of those seeking refuge from the war in Liberia are preserved at all costs. A consistent supply of humanitarian aid in the form of shelter, food, water, and medical care should be supplied to the region as well. We must do all we can to ensure that peace and stability return to Liberia.

TRADE AND ECONOMIC INVESTMENT

On the matter of economic development, Africa is a continent rich with some of the most sought after natural resources in the world. Yet, this region has not been able to use its natural resources for activities that will stimulate growth in domestic economies and generate increases in national profit. Mr. Speaker, to create a stable Africa we need to promote the competitiveness of African goods and services. We need to create avenues by which these products can become profitable in the global market economy.

Mechanisms need to be established to promote increased working partnerships between U.S. and African businesses and organizations. Ideally, these initiatives should be directly targeted through existing trade and investment programs like the African Growth and Opportunity Act (AGOA) but other possibilities also exist. Established in 2000, AGOA offers tangible incentives for African nations to continue their efforts to open their economies and create free markets. If we hope to encourage our partners in Africa to strive for economic strength, then we need to ensure that they receive the training necessary to comply with the rules and regulations of both AGOA and the World Trade Organization (WTO).

Finally, in regions where conflict and civil war have decimated local economies, efforts should be made to provide the necessary technical assistance to help troubled African states, like Liberia and Sudan, transition out of conflict by fostering feasible economic activities that may ultimately lead to effective resolutions.

□ 2115

COLOMBIA

Mr. SOUDER. Mr. Speaker, tonight's Special Order is going to be on Colombia in particular and the Andean Initiative on Narcotics. I appreciate the gentlewoman's assistance over the years and having gone on a Codel with us down in the Caribbean last summer when we worked on the narcotics issue, and while we may have nuances of differences on the African question, Members are aware we cannot have superficial involvement in any area of the world anymore; and Africa is, indeed, a key area.

The gentleman from Virginia (Mr. TOM DAVIS), chairman of the Committee on Government Reform, and myself as chairman of the Subcommittee on Drug Policy and the cochair the Speaker's Drug Task Force and the gentleman from Arkansas (Mr. BOOZMAN) just returned yesterday from Colombia, and I would at this time yield to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Speaker, as the gentleman from Indiana (Mr. SOUDER) mentioned, this past weekend I had the pleasure of going to Colombia by invitation of the gentleman from Indiana (Mr. SOUDER) and the gentleman from Virginia (Mr. TOM DAVIS). I am a member of the Speaker's Drug Task Force, and we are going to celebrate the third anniversary of the Colombia Plan. We have spent a lot of money in Colombia; and we have tried to thwart the growing production and distribution of drugs, primarily heroin and cocaine. I really wanted to see firsthand if we were being effective, if we were spending our money wisely.

What I saw was beyond my expectation. I think we are doing very, very well in that area. The Colombians, with our help, are working very hard to eliminate the illegal drug production. They do this by spraying, by intercepting drugs by land, sea and air, and are actively breaking up drug laboratories, places of production.

I had an opportunity to ride in the boats that they use to intercept the drug traffic on the high seas. These are little speed boats. They will basically be watching the radar and they will see a little blip. They run out and jump in the boat and race out and intercept the ship, the boat, whatever. We had an opportunity to do this, and it was a lot of fun to see these guys in action, and they did a great job. I was very, very impressed with their professionalism and the fact that they were doing such a good job. And yet after we left, after the Americans left, the Colombians were there and went about their business. Since then, they have intercepted trafficking in cocaine, heroin, whatever.

The Colombians are fighting this battle. Certainly we are providing some help and resources. We were able while I was there to go to a Colombian hospital and see some of the soldiers that had been injured in the last few weeks. One of them had lost a leg. One of them had shrapnel blow up in his face and lost an eye and part of his face. But their spirits were high. The young man that lost his leg was talking about going ahead and trying to remain in the military and continue to fight the battle.

So the Colombians are making great headway. They are taking back their country from the terrorists and thugs that are financing this effort by kidnapping their own people and ransoming them and producing illegal drugs. I think what I like about the way that the Colombian Plan is structured is in the sense we have an exit strategy. We are providing a lot of resources, a lot of know-how, but the Colombians have done a tremendous job of picking up on that.

I have a good friend that is an ophthalmologist, an eye doctor; and he will go to Africa and he will work on the natives and do cataract surgery and glaucoma surgery. And while he is there, he will help a lot of people; but where he really helps is while he is there, he teaches the surgeons there how to do the procedures so when he leaves, the surgeons that are there go on about their business and continue to care for people, continue to do a good job.

Mr. Speaker, I thank the gentleman from Indiana (Mr. SOUDER) for asking me to go on the trip. I appreciate the gentleman's leadership in this area, and I thank the gentleman from Illinois (Mr. HASTERT) for taking on this scourge that is a problem to America and so many other places in the world. I really feel like the Colombia Plan is doing just what we want it to do.

Mr. SOUDER. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BOOZMAN) and thank him for his leadership in the meth issue. I know that is very important in northwest Arkansas. We are trying to work out doing a hearing on a new initiative on that possibly next week partly because of the gentleman's leadership in encouraging us to do that. We are all trying to deal with cocaine and heroin, meth, and Oxycotin hitting our districts.

Mr. Speaker, let me put this in context. From the world map, Members can see South America just south of the United States. Panama is connected to Colombia, and at one time in the Andean countries, which include Peru and Bolivia straight south of Colombia, that was at one point nearly 100 percent of the world's coca production and a large percentage of the heroin production. The other parts of the world that heroin is predominantly coming from, a little bit from Mexico and a little from the Golden Triangle, that is still significant in Afghanistan and that region kind of northwest or to the left of India, the far part of the map, that Hamas and Hezbollah are using to finance their efforts. Most of the heroin on that side of the world is flowing to China and Europe. But all of the coca in the world is coming out of this region. At one point it was fairly evenly split between Peru, Bolivia, and Colombia with Colombia being mostly a processing country; but it is increasingly concentrated in Colombia, taking one of South America's oldest democracies and turning it into a battle zone.

One other thing we can see from this is why we have a Plan Colombia and an Andean Initiative. If we look at that as a funnel, as it comes out of Colombia, if we do not get it when it is being grown and it gets to the border, it can go to the north side of Colombia into the Atlantic or to the southwest side of Colombia into the Pacific. Once it gets up to the United States border, it becomes even harder to stop. Or it can go across the Atlantic Ocean to Europe, across the Pacific Ocean to Asia, and the farther one gets from the actual poppy and coca fields, the harder it becomes, which is why we have dedicated and made Colombia the third largest recipient of foreign aid in the United States behind Israel and Egypt because the drug problem in the world right now is centered in that zone; and if we cannot tackle it there, it becomes far more expensive and far harder to tackle the problem as it moves out of Colombia.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. WELLER), who has been leading an effort for Members of Congress to learn Spanish. The gentleman has taken an aggressive interest in that region along with the gentleman from North Carolina (Mr. BALLENGER), the subcommittee chairman.

Mr. WELLER. Mr. Speaker, I thank the gentleman from Indiana (Mr. SOUDER) and commend the gentleman for his leadership and efforts to eradicate the threat of narcotics coming onto American soil. I commend and am thrilled to participate tonight in this Special Order.

Imagine this here in the United States, if our judges were assassinated, our candidates for Congress, our candidates for President were threatened with kidnapping and assassination. Imagine if our elected officials were threatened and ordered to resign their positions at gunpoint, and this threat emerged from narcotraffickers here in the United States. Imagine how the American people would feel about the need to deal with this threat to our democracy and such a threat to our Nation's security.

Well, the people of Colombia have been threatened with these types of threats for decades where you have narcoterrorists organize military groups, in fact three groups, two left wing, one right wing, who are funded through the trafficking of narcotics, cocaine and other drugs. And, of course, they threaten something we hold very dear, which is freedom and democracy.

Mr. Speaker, Colombia is a wonderful country. It is a country of great history, great heritage; and today its democracy is threatened at gunpoint by

those who make their means through the trafficking and production of narcotics.

I support Plan Colombia. I support President Bush's Andean Regional Initiative. Colombia is important to the United States. Not only does Colombia share our values of freedom and opportunity and free enterprise, but Colombia is an important partner in the western hemisphere for the United States. It is a trading and economic partner. We share a culture and heritage. Latin America is important to us, and Colombia is an important part of Latin America. Colombia continues and has always been a strong ally and friend of the United States. It is a significant U.S. trading partner and supplier of oil.

In fact, Colombia, as I noted, is today the longest-standing democracy in Latin America, and it is currently under siege by a number of guerrilla and paramilitary groups that we in the United States have designated as terrorist organizations, designated terrorist organizations by the United States Government. These terrorist groups today obtain their primary means and monetary support by the destructive drug trade.

Unfortunately, our friends in Colombia suffer from this; and today Colombia serves as a source of 90 percent of the cocaine and a majority of the heroin found on the streets of America, significantly contributing to the 19,000 drug-induced deaths in the United States each year. And many of those 19,000 drug-induced deaths here in the United States are children, kids in our home communities back in Illinois and Indiana and Arkansas and all 50 of our great States.

Today, Congress needs to support Plan Colombia. We also need to support President Bush's Andean Regional Initiative, legislation that recognizes the importance of Colombia. Today, as we approach the 3-year anniversary of Plan Colombia, it is important tonight to review the progress being made by the United States' support for the freely elected government of Colombia.

I am proud to say and pleased to say that our support of Plan Colombia has given us positive results that we can point to. In fact, there are many strong indicators that Plan Colombia and the Andean Regional Initiative programs are beginning to bear fruit.

Eradication of coca plants has led to major decreases in cocaine production, and purity of the drug has dropped as well. Law enforcement efforts have led to increased seizures on land and sea. Extraditions of drug traffickers to the United States is at an all-time high, and I note something that is so important for us, and that is the professionalism and the performance and the human rights record of Colombia's armed forces, and in particular that the counterdrug battalions and the Colombian National Police have shown tremendous improvement, as well as getting results.

□ 2130

I would also note that alternative economic development programs are also beginning to show great promise, and utilization of expanded authorities are being fully leveraged by our friends in Colombia to more effectively attack both drugs and terrorism. These are positive things that we can report happening right now today in Colombia, and there are many others. But the job is not done yet, and that is why we stand here tonight to continue our support for Plan Colombia as well as the Andean Regional Initiative. Plan Colombia and the Andean Regional Initiative has put Colombia on the road to success, but as I noted, the road is long, and we must continue to support Plan Colombia.

I would note that Colombia today is in much better position to win this fight against narcoterrorism than they were 3 years ago, not only because of U.S. support, but also because of Colombia's freely elected, democratically elected President Uribe. Since taking office in August of 2002, President Uribe has shown an unwavering commitment to achieving democratic security and has brought new hope to Colombia. He has acted quickly and decisively to address terrorism and narcotics trafficking while also promoting human rights. His national security strategy shows his determination to deny terrorists the drug-related resources they use to finance their operations against the people of Colombia. And President Uribe has made tough decisions necessary to improve Colombia's economic prospects, moving forward and ahead on tax, pension and labor reforms.

Overall President Uribe has energized Colombia, receiving high praise and high job-approval ratings from his own people, the Colombian people. No doubt with President Uribe's leadership, Colombia is on the right track to restoring security and prosperity, and we in Congress applaud Colombia's efforts of late and recognize the sacrifices that Colombian people have made over the last few decades.

Again, Colombia matters, Latin America matters, and I know there are meetings that will soon be held in Europe, and my hope is our friends in Europe will join the United States in supporting the people of Colombia and supporting the freely elected democratic Government of Colombia. And again, I note that no Latin American country has a longer history of democracy and freedom than Colombia. They are our friends. They are our allies. They stand with us in the values that we as Americans stand for, freedom and democracy and free enterprise. We in this Congress want to ensure that the people of Colombia continue to have freedom and opportunity, and that democracy grows and flowers and blooms, and that the people of Colombia have the opportunity to enjoy economic freedoms and free enterprise. So I would urge our European friends to join with the United States in supporting Colombia in its war against terrorism and to support Colombia's war against narcoterrorism which is threatening democracy right in our own neighborhood.

I again thank the gentleman from Indiana for his leadership in the war against drugs which finances, and let us remember the primary source of terrorism in the Western Hemisphere is narcotrafficking. That is why his leadership is so important, my good friend from Indiana.

Mr. SOUDER. Mr. Speaker, I want to thank the gentleman from Illinois, and as he knows, as a long-time close personal friend of the Speaker, from the State Legislature in Illinois, and since we have been to Congress that our Speaker has been a leader on this issue, and he asked us to do this Special Order tonight. He asked us to go last weekend down to Colombia and has stood firm in making sure that this initiative was funded, make sure that we stayed focused on the narcotics issue. And it is our appreciation for his leadership in addition to each of us trying to take responsibility and work to help solve these problems that are big. Whether it is the streets of Joliet, Illinois, or the streets of Fort Wayne, Indiana, and throughout the rural parts of his district and the rural parts of my district, we see that drug problem, along with alcohol, as being the number one problem of crime and breakup of families, the reason people lose jobs. It is a problem that is not only a world problem, but it is a problem back home where the people are talking about it at their dinner tables, they are talking about it with their kids hopefully, but they are certainly talking about the byproducts of illegal narcotics. So I thank him also for his leadership.

What I would like to do is lay a little bit further out how we got into the Andean Initiative and the Colombian problem, how some of it has evolved over the years here in Congress and with our funding, some of the primary questions that have been coming up often in the news media, but with my colleagues here in Congress and address some of the myths that have been plaguing us in these debates.

First, let me describe a little bit what our Criminal Justice, Drug Policy and Human Resources Subcommittee was working with. When the Republicans took over Congress in 1995 and reformulated the committee that I now chair to focus on drug policy so we had one committee that pulled together oversight from what was 23 different committees looking at the narcotics problem, as we looked at this, we saw certain basic things that needed to be addressed. One was eradication. Two was interdiction. If we failed to eradicate it, we had to try to intercept it before it got to our borders. If it got inside the United States, we needed to do law enforcement, which explains the DEA, local police forces, State police. Then if we could tackle the problem at

either end through prevention or treatment, we could try to reduce the demand side, too.

So there were five prongs: Eradication, interdiction, enforcement, along with prevention and treatment. And in that part it became apparent that the Andean region and the Colombian region was most in danger because of the drug habits of the United States and particularly Western Europe.

Myth number one is that there is a civil war going on in Colombia. There is not a civil war going on in Colombia. The FARC as well as the ELN, and even counting the paramilitaries, we are talking about a percent of the population that is, quite frankly, less, far less, than the prison population in the United States. What we are basically talking about are terrorists and criminals who have not been captured. Some of them early on may have started with the revolutionary idea that they wanted power and did not want to get it through a democratic process.

We have already heard from my colleagues that this is the oldest Latin American democracy, that has had many stable elections. They have had a history of some violence for numerous geographical reasons and others, but so have we in the United States. So have we in other parts of Western Europe. But a few dissidents that are a tiny minority of a country do not constitute a civil war. It is a rebellion of people who want to take the law into their own hands.

Over time, as we had the ELN which used kidnapping as its main route, we saw the FARC, which was the largest of the groups, decide to finance themselves by providing first protection and then actually running the growing operations after some of the big cartels were broken up; the Medellin and the Cali cartels, for example. Then we saw communities try to form a contract with so-called paramilitaries. Sometimes they were former members of the military. Sometimes they dressed like military and they were really kind of like Pinkerton detectives on steroids, that people wanted to protect themselves, so they hired them. Pretty soon that group got corrupted as well by narcotics, at least much of them, whatever their original intention was, to protect themselves from others because they could not establish order in the community, and the government was not strong enough to do so or whatever. Now we have three groups, still a tiny percentage, maybe numbering 40,000 in a country of 28 million, a tiny percentage of the country. It does not constitute a civil war. Their motives are not civil war. Their motives are to make money on narcotics.

Some of them now would like to buy peace and get power without having to go through a democracy, but President Pastrana, who more than bent over backwards, who turned every cheek times three to try to negotiate with them and wound up with what? Nothing. He had the right motives. I and others backed him in that effort to try to do that as we tried to rebuild and organize the Colombian military and the Colombian national police. But the bottom line is they did not want to come to the peace table. They are not interested in peace. They are terrorists, they are interested in selling narcotics, protecting narcotics and terrorizing villages.

We were sold to the United States Congress that Plan Colombia and the Andean Regional Initiative was going to be a joint effort, and while I have talked about the United States using the narcotics, the truth is we only consume about 50 to 60 percent of the cocaine production coming out of Colombia. Europe is consuming huge quantities of that, but also Canada, the region itself, and others, and Asia, because that is where they are getting their cocaine, and this should not all be the United States' problem. But some of the European countries and other countries who in the beginning promised huge amounts of dollars to help Colombia have not followed through. Their argument was they did not want to spend money on the military and law enforcement violations.

Okay. Let us accept that premise, which I do not think it was a very good premise, but let us accept that premise. Now as we are making progress in Colombia, and as villages are finally getting stabilized where people are again ready to be a judge or to be a mayor, where is Europe? Where are the alternative development dollars that they said were coming? Where is the help with setting up those law enforcement systems? If the United States has been willing to bear, along with Colombia, 100 percent of the burden even though 50 percent of the problem is not ours, and none of this basically is Colombia's, these groups would not be armed if it was not for drug abusers in the United States, and Western Europe, and Japan, and Canada and other places using cocaine and heroin.

We stimulated and funded the terrorism that is occurring in Colombia, the thousands of deaths, the police who are getting massacred, the individuals who are getting massacred. They are getting massacred with our money. It is our problem, not Colombia's problem. They need the help with it. Their people are using this. Their people are growing it. But they met our market demand. We have an obligation to help put order back and to help them reestablish their country.

The United States is helping Colombia, and Colombia has taken tremendous efforts, particularly under President Uribe, to go after the eradication, to go after the law enforcement, to get some stability in these areas. We need partners around the world now to follow through on their commitments, because if we cannot provide alternative development, if we cannot provide jobs, if we cannot make decent schools, if we cannot get a legal system that works with local police and mayors, we will go back to chaos with our money, because we have been the drug abusers and we need allies around the world.

Let me step back again and illustrate. Earlier I talked about the funnel, and let me in particular here show one of the problems that we face in the United States before I get into some specifics. My subcommittee has been holding hearings on the borders in the north and south border. We just did a hearing in El Paso. We spent 3 days here in this region of Texas. We did a hearing over here in Sells. We have had a hearing over here at San Isidro. We did a hearing and visited multiple times in Nogales and the area of Douglas, Arizona.

Let me guarantee the Members something. If the American people are saying it is not working, and we are not getting it stopped in Colombia, let me assure the American people something. We cannot get control of that border, and this is the easiest border to control in the south. We have virtually no control over the water coming in from the Caribbean. We have had to pull our boats in for homeland security, but once they are coming in water and going up the coast, it has been very difficult in the Caribbean region. It is even worse in the Pacific. As they come in with little boats up the California coast and out into that water, it has been very difficult to intercept.

We have 1 million plus illegal immigrants making it across the border every year in the south border, 1 million. That is a huge number. Some of them are running small amounts. Most of them are not. But it shows how porous the border is. We have thousands of Border Patrol. We are doing everything we can to control that and will continue to try to close it, but as we start to close the border, let me tell the Members about a hearing we had here in the Tohono O'odham Reservation. That day while we were having a hearing, one person was interdicted. It is a town of maybe 2,500 on an Indian reserve, the Tohono O'odham. Their police did one seizure of 200 pounds, one seizure of 300 pounds, one seizure of 500 pounds, and one of 400 pounds; a total of 1,500 pounds in 1 day. Then seven SUVs went through later in the day, of which one got through, but they managed to catch a number of them. They found a hole in this zone. A National Park Ranger was killed in the Organ Pipe National Monument, and as we squeezed other parts of the border, they moved to that hole. This is important because the previous 3 months they had 1,500 pounds, the previous year they had 1,500 pounds, and in that day between 9 and 2 o'clock, they got 1,500 pounds even though we had Federal people around.

There is so much stuff moving across, we cannot even intercept it all, even though we keep boosting the number of Border Patrol people. We will continue to make the efforts because when that comes in, the two biggest cocaine busts in my district's history, or it appears

to be two of the biggest, if not the two biggest, occurred last 3 weeks in Fort Wayne, Indiana.

□ 2145

One of them came from Texas, and I believe the other through Arizona, and it was Colombian.

Now, as that moves through, it is not a theoretical exercise we are talking about here. When you are driving down the road at night and you do not know whether somebody is whacked out on coke or whether they have injected themselves with heroin or are high on this high-grade marijuana, that has nothing to do with the historic marijuana that you hear about from the sixties and the news media jokes about. That is not what we are talking about in marijuana. We are talking about THC content; in my hometown a lot of the marijuana is selling for more than coke and heroin. This stuff is potent.

Think about it. When you get behind the wheel, whether you want to legalize drugs and whether you think we should back off from the drug war, do you feel safe? Does your family feel safe, knowing that the more that pours across there, the cheaper it is, the more of it there is, the more you could be killed driving home or there could be a robbery at the bank where you get caught in the shoot-out, or watching neighborhoods in your communities get sucked under, or people operating a bus or truck or equipment as they are building, using this drug?

Harmless crime? Harmless drug? Baloney. This is the biggest threat to the United States, 30,000 people dying because of illegal narcotics. We talk a lot, and I am on the Committee on Homeland Security, but the numbers we are looking at on an annual basis dwarf what we have seen yet.

Yes, one nuclear weapon and we could all be destroyed; but the fact is, while we are talking about that, we are watching people get killed every night. Tonight, in every city of the United States, somebody is going to be impacted. Maybe shot in some cities; in other cities it will be a dad or mom who use their money for drugs when they should have been supporting their family, or not being with their kids or abusing their kids or spouse abuse or not making their child support payments because they used it on illegal narcotics. Those are the real problems with that, and we are not going to be able to control, no matter how hard we try, enough of our borders; but we will improve that, but we have to get it at the source.

Now, let me deal with a couple of other questions. We heard a little bit from my colleagues about is it working? Let me start out with, first off, how do you define ''working''? I constantly hear Members saying, well, there is still drugs.

Well, should we stand up when we deal with spouse abuse and say, you know, we funded spouse abuse last year and there is still spouse abuse. In fact, we funded spouse abuse programs for the last 10 years, and there is still spouse abuse. In fact, we have tried to deal with spouse abuse ever since the American Republic was started, and there is still spouse abuse, so we should give up?

On child abuse, when we come down here on Labor-HHS later this week and talk about funding for child abuse, could you imagine if somebody stood up and said, well, you know, we have been fighting child abuse the last few years. We spent hundreds of millions of dollars over decades here, and there is still child abuse here in America.

Of course there is. There will always be drug abuse. The root problem in my opinion is sin. It may be different variations and different people have different problems; but every day, somebody is newly exposed to the temptations of narcotics, and no matter how much we try to prevent it, and treatment is after the fact, and treatment is very important and I am pretty much on most treatment bills that are moving through Congress, but the truth is, that is treating the wounded.

We cannot just treat the wounded; we have to get into prevention. But there is a funny thing about prevention. You can convince people they should stay off drugs, and then they break up with their girlfriend and go to a party and all of a sudden they forgot everything they learned in the drug prevention program. They lose their job. Somebody packages something more potent or they are smoking cigarettes or having a beer and somebody says you want a little bit bigger high? And all of a sudden, at the very least, they are psychologically addicted, if not physically addicted. New people are exposed by the minute and by the hour. It is not something that you can ever fully eliminate.

But we can control it. And we have made successes. Even though we had a surge between 1992 and 1994, of which we are only making a little progress, the truth was that its peak was at 1994.

Let me briefly mention another method. ''Just Say No'' does not work. Under Just Say No under the Reagan administration, we had 8 straight years of decline that carried through the first 2 to 3 years of the Bush administration, 11 years of decline.

In that 11 years of decline, it went down so far that even in the surge up in 1991 to 1994, in the last year of the Bush administration and the first two of the Clinton administration, where now we would have to have a 50 percent reduction to get back to Reagan, even that peak in the United States was less than the peak in 1980 before Just Say No. So it is a myth that Just Say No did not work. It worked, because it was not Just Say No. That was one part. We did treatment, we did interdiction, we did eradication where necessary, but we fought and we had a consensus of how to fight it.

When we lost the consensus, the problem ''upped'' again. Now we have had a couple of years of success. But now they are better funded.

So among the things we are hearing about Colombia is, for example, everybody violates human rights. It is simply not true. There are degrees of violations of human rights, that human rights are not respected much at all by the FARC and the ELN. Kids are kidnapped, they use 14-year-olds in their military, they terrorize people. They do not respect human rights at all.

There have been problems with the paramilitaries, and the question is, are they too tied to the military? The answer is we have worked hard in this government. Uribe's government is committed to trying, for once and for all, to prosecute them all.

When you go and talk to the counter-narcotics brigades of the Defense Department, off to the side what they will tell you is literally when there is a firefight with the terrorists, they have to have an attorney there. They cannot move the bodies so they can identify and make sure they were not shot in the back, and they do things we do not do.

We are holding Colombia to a different standard even than the United States. Now, that is because we are putting money in. They have had a historic problem with human rights and there is an accountability with it.

But it is just wrong for anybody on this floor or anywhere in the world to imply that there has not been tremendous progress, that we have not vetted these brigades better than we have ever in the past, and there is not accountability, and that when you go to a Colombian military camp, their prisons will have a number of people in it who are being held for possible violations, something that is stricter than any other process we are doing; and it is important they have that, because if the American people are going to put the money in, they want to know we are doing human rights.

But we have been making progress and have made dramatic progress on human rights, and those who want to criticize the Colombian military and the government, I have asked people in my district too, sometimes they are criticizing what we do and sending our money down to violence. Why do they not criticize the FARC? Why do they not criticize the FARC? Why do they not criticize the ELN? Why is it always the government or the paramilitaries?

The FARC are the ones who started it, who have violations. I am not defending any human rights, but let us at least acknowledge that they are the primary perpetrators of human rights violations, that there is still violence, therefore the program has not worked because there is still violence in Colombia.

Yes, there is still violence. You know what? There is going to be violence for quite a while. They have got a lot of dollars from the American Government to work with. They can buy weapons. And one proof we are successful is they are getting more violent.

When we were down there, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Arizona (Mr. BOOZMAN), and I this last weekend, we went to a hospital. There we talked to a bunch of young soldiers, basically 22- to 24-year-olds. One of the solider's eyes was gone and his leg was gone; and he was in pretty bad shape, generally. A number of them were dead; he was in better shape than them.

They died because they were trying to eradicate the drugs Americans wanted to buy and Europeans wanted to buy. It was not predominantly Colombians who want to buy it. It was our money.

They were attacked from both sides. A number of them said it was the worst firefight they had ever been in. It was homemade bombs, screws coming at them, going into their eyes and their bodies. It was terrorist-type bombs, not traditional.

Now, they have traditional weapons too. For the first time we are seeing it looks like some arms-for-drugs shipments coming in from some of the arms negotiating sales places in Eastern Europe and some of the Mafia-type around it, not the traditional definition of the word, that are shipping arms in there.

We are going to see more sophisticated weapons. This myth that if we suddenly legalize this, that there would not be this conflict, oh, yeah. They are making $3 billion a year; and if we say we are going to legalize something, forget a second that I do not want to be driving down the highway worried about whether somebody is whacked out on drugs.

Let us say it was not that. But they are going to suddenly give up? Are you going to legalize cocaine and heroin? Are you going to legalize whatever the next thing is? Of course not. They are not going to give up their market. They are going to continue to step people up to more potent drugs.

They are making money on this. They are making buckets, trucks and boatloads of money on this, and they are not suddenly going to say, oh, they legalized marijuana, I think we will quit. We will just retire.

I mean, give me a break. There is going to be violence because there is tremendous money; and to the degree we try to cut off the source of their money, they are going to continue to become more violent.

Another question that comes with this is, yes, but you have not stabilized any villages. I have heard my colleagues on the floor testify that they have been to villages where there still is not order.

We all know that. When you have a place in a country where people, judges are getting shot, mayors are getting shot, we have a president of Colombia whose father was assassinated, we have a vice president of Colombia who himself was kidnapped for 9 months, they know what it means.

Quite frankly, I was sitting there in the presidential palace along with the gentleman from Massachusetts (Mr. FRANK) with the delegation for the inauguration of President Uribe, and we heard this big boom, and the gentleman from Massachusetts (Mr. FRANK) said I never heard a one-gun salute.

They blew off part of the corner of the presidential palace. They were trying to aim with their howitzer, blew up a housing complex, killed many innocent people, shot to the left, shot to the right. They did not care that there were thousands of troops around. They were shooting from a mile and a quarter away with sophisticated equipment. This is a tough battle, and they do not care who they hit. Even President Chavez, who you would think would have some connections, was in the building they were shooting at.

It is an equal-opportunity terrorist. They will hit anybody if they are trying to threaten their money. And we have to understand that this is not something you can just sit down and have a nice negotiation, maybe we can give them some trinkets and they will give us some trinkets and everybody will pat each other on the back and say, yeah, I will give up my $3 billion business.

We have to establish order in those communities. The plan under Plan Colombia, quite frankly, is taking a little longer than we thought, because they have chosen to fight, because another myth is that it is a balloon: if you squeeze Colombia, it is going to go back to Peru and Bolivia. The truth is that that is hard.

We have made progress in those countries. Some seem to be coming back a little bit, but it is nothing like it was, and they are trapped.

In Colombia, if you look at this map, much of the progress is being made a long the Putumayo. If we squeeze in from the south, and this is a big coca region, the heroin is in the higher elevations. Those mountains, by the way, are up to 18,000 feet. I thought the topography here was important, because you can see most of the people are on this side of the mountain range. That side is the Amazon basin.

They kidnap and harass people and terrorize people on this side, but most of the growing is over there. And as we start to put the pressure on, they move more out in the jungle. This is not an easy task. When you fly over, you cannot see the stuff. And the coca fields are at least big. The heroin poppy, you cannot see it.

Furthermore, I have heard people say, well, they are spraying legitimate crops. Walk on the ground. They are smart. They can make more in coca than they can make in palm heart; and unless you convince them that you are going to provide stability and protection for them and there is going to be an alternative crop, they just grow it underneath.

We are spraying where there is evidence that there is coca or heroin poppy; but as they move further in the jungle, you are farther and farther from any air base, you are farther and farther from re-fueling places, you are farther and farther from any roads. If you have a helicopter crash, guess what? They go in and capture your pilots, which they have right now with three Americans.

The farther out we go, they are going to get there. But the farther out they go, guess what? They are longer in the air and we can see them longer. They have more risk that we are going to interdict.

It is not true that we do not make progress by moving them. It just is that we are not going to eliminate the problem by moving it. We reduce the problem, we manage it. To the degree we reduce the amount of cocaine coming into the United States, we change the price and purity questions. They do not package it with marijuana as easily. It is watered down. It does not have the same potency. Addicts are not as difficult. You make step-by-step progress; you do not make huge progress.

Now, back to the villages. They have been able to establish a reasonable amount of order in about half the villages. The goal was to establish it in more than that.

Now what are some practical implications of that? Let me first show you something here. On the spraying of poppy crops, there is a discussion of why is this so hard to spray. First off, you have to hit it several times. Heroin poppy is one of the cases. They can replant it, so you need to do it multiple times a year.

But, do you know what? They try to shoot down those planes. This have taken more hits in the last couple weeks than they had in a long time, because they realize the more heroin poppy that we eradicate and the more coca we eradicate, the more they can predict where the planes are going to go for eradication, because there are fewer fields to eradicate. So they can take their armaments and focus better on where we are coming.

Another thing is that you have to have ground protection. My first trip there in 1996 and 1997 when we were doing some of this, I went out to one, I think it was in the Guaviare area, but I talked to some pilots whose concern was this: one of their partners had been killed because they would string up line that you could not see and their plane went through and it crossed their neck as they tried to eradicate.

□ 2200

So now you have groups of soldiers on the ground trying to protect the planes to eradicate.

A couple of other illustrations. You can see here when you are flying the plane over, you have people in the fields on all sides. In different countries we use different things. In Bolivia and Peru, some were ground eradication, some were air eradication, but in that effort, every place you went,

whether you are going after labs or field eradication, you have to be protected. As I have gone into the field and seen some of this, you have to be protected.

I want to illustrate one other point as to why this becomes important. There are somewhere in the vicinity of over 200,000 displaced people in Colombia. These people in these rural villages, as they are out in the villages, what started often is that the FARC will come in, they will say, grow coca. They can make a lot of money, they will bring the planes to it, and they will provide protection and forcibly push them into coca. Then the paramilitaries would come through their villages and say, you put up somebody from the FARC, you are cooperating with the FARC; we are going to kill you; we are going to terrorize you. Then the FARC would come back in town and say, you cooperated with the paramilitaries; we are going to kill you. And these poor villages just decide: I am not staying here. I do not care if my family has had a farm here for 100 years. I do not care if my family has had a business here. I do not want to get myself and my family killed.

We visited the Nelson Mandela village just outside of Cartagena. Mr. Speaker, 35,000 people live in basic shacks with these kinds of streets. Right now Indiana is flooding a lot, and it looks a little like this, but underneath there is actual, real streets. Here, it just turns into mud. AID has tried to develop some alternative development in this area. I had two, I do not think it was these two young girls, but two young girls came up to me and wanted to talk to a Congressman. I had drifted off from the group. I quick got back after they talked to me. But they said, even in this camp, the FARC is hunting them down, as are the paramilitaries, if they believe they cooperated with the other side. They go right in to where we have an AID plan where it might be 100 miles or 200 miles away from the village and terrorize them. The person I was with, the photographer and I decided we were going to go back to the rest of the group because we had not banked on them being in the same camp that we were.

But these kids deal with this every day. They cannot escape. They do not have the type of protection that a U.S. CODEL has, a congressional delegation, when we go in. They have to live with it. One young girl sang a song as opposed to just telling a story, sang a song about how she was in her home and the FARC came in and shot her husband right in front of her and her son, the little kids wandering around in this type of environment.

Now, part of the solution to that is, bluntly put, we can only do so many tar-paper shacks around the world. What we have to do is get their villages safe to the degree we can establish order and security in their villages. They did not want to leave their farms. They did not want to leave their businesses. Yes, some of them did not have employment and came to the cities. In Rio and in Lima and Buenos Aires and all over the world, you see at the edges of the cities some of this. But Colombia has a middle class. It is not Guatemala. It is not Venezuela. They have a relatively stable middle class and democracy.

The question is, how can we reestablish it? How do we do this? That is why we not only need at this point to finish off what we are doing in Plan Colombia and the Andean Initiative, we need to have the Europeans follow up with their commitment to help us now to get these people back to work and back to their villages if we can get those villages safe.

Now, another part of this is I met an amazing man. His name was Rudolfo Gedeon. He is president of PETCO. But he is doing one of the initiatives that has been so successful in Bangladesh, and that is microloans. In this pattern in Bangladesh, they gave little loans to try to build little capitalism that moves into a little bit bigger capitalism, that moves into a little bit more, because in so many of these countries you have the very wealthy people and the very poor people. In Medellin they started, and now they are doing in the Cartagena areas, a number of these businessmen working with AID are starting these loan processes with AID. Some AID capital, but the real success here is having local people be the monitors. Their loans, $1.5 million, 8,000 loans over the last year; average loan, $200, some a little bit bigger, some are $60. But do my colleagues know what? Ninety-eight percent, two percent default rate. No bank anywhere has that, except in Bangladesh and a couple of these microloans, because they are the people themselves monitoring them.

Now, how does this relate to the broader question?

In this village AID has a project where they are teaching some people metal working, some people how to sew, how to bake, how to make crafts. So they teach them that. Where do they go? What are they supposed to do? Mr. Speaker, it is amazing: $80, $100 you can start to sew in your neighborhood. Pay that back, like a credit union, which is really kind of how this is functioning, because your neighbors are all part of this, and you are watching each other, and there is accountability. Then you can get justified for maybe a $400 loan, then an $800 loan. You crawl, you take baby steps, you walk, but that is how you build a middle class.

But to do that, you have to have order. Some people do not understand, you can not give somebody $400 or $10,000 or $50,000 to start a business if they think their family is going to be murdered or kidnapped the next week.

Somehow, we have to establish order. We have to establish credible government units that are not involved in human rights violations, which this government is committed to do. Some people say, well, I cannot make as much growing soybeans as I can selling coca or growing coca. I cannot make as much in palm heart. Do my colleagues know what? The kids on American street corners cannot make as much at McDonald's as they can being a lookout either, but that does not mean we are going to pay them $400 an hour if they give up being a lookout. There are things that are not legal to do and that are destructive, and there are things that are legal. We need to work to give people a living wage, where they can work to support their family with their income, and we need to help the Government of Colombia, which has been undermined.

For example, they were the eighth largest supplier of oil in the world. There has been so much oil spilled in attacking that pipeline that it would be 8 *Exxon Valdez*es pouring into the north part of Colombia.

Mr. Speaker, I yield to my colleague, the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I want to thank the gentleman from Indiana, my friend, who has demonstrated a commitment that is extraordinary in terms of this particular issue and to the people of Colombia. I hope that everyone that is watching tonight and listening to the gentleman's Special Order takes note.

Much of what the gentleman said, practically all of what the gentleman said I agree with. And I think it is important to understand that the commitment to Colombia has to be a sustained commitment. Unfortunately, those of us who enjoy the benefits of this country are sometimes susceptible to a lack of patience. This is not a problem that is going to go away overnight in Colombia, but I think that the gentleman made the link that absolutely cries for patience by the American people and by the Congress, and that is that here in the neighborhoods of the United States, there are young people and people of middle age that have been addicted to narcotics and have led lives that reduce them to hostages and prisoners in their own body. And if we are ever going to address that problem and the link that it has to crime and violence in the United States, our commitment has to be sustained.

I felt the need to say that. I know the gentleman has been on the floor. I am here with some colleagues to address a separate issue, but I want to applaud the gentleman's efforts. We have worked a long time on this particular issue, and I believe that the Colombian Government is making great strides. The gentleman pointed out that the Colombian Government is making strides in terms of human rights.

Mr. SOUDER. Mr. Speaker, I thank the gentleman for his comments.

Mr. TOM DAVIS of Virginia. Mr. Speaker, as we near the 3-year anniversary of Plan Colombia, it is important to reaffirm our commitment to this program, to the people of Colombia, and to American citizens. I have led three congressional delegations to Colombia over the past 5 months. I can say firsthand that our significant investment is beginning to pay dividends. Together with the strong commitment of the Uribe Administration and historic levels of support from the Colombian people, U.S. involvement in Colombia is beginning to hit narco-terrorists where it hurts.

We are seeing tremendous results in illegal crop eradication, and Plan Colombia's efforts have produced record reductions in coca production and in the destruction of drug labs. Each week brings news of new seizures of cocaine and heroin—interdictions that are usually the result of U.S.-supplied intelligence. In fact, just this last weekend, Colombian officials seized over a ton of cocaine from a drug trafficking boat off the Caribbean coast. The Colombian government is reestablishing state presence in areas of the country that for decades lacked it. Criminals who have remained at bay for years are being captured and extradited to the United States for prosecution. During the 11 months of President Uribe's tenure, 68 individuals have been extradited from Colombia to the United States.

Mr. Speaker, Plan Colombia is working. I have just returned from a trip to Colombia with Chairman SOUDER and have seen first hand the devastation that drug production and trafficking has on this country. To those who question our investment, I would ask them to visit, as I have, Colombian soldiers who have lost their limbs or eyesight or sustained permanent disabilities in their battle to return peace to their nation and keep drugs off American streets. I would also ask them to visit Barrio Nelson Mandela, a USAID sponsored facility for internally displaced people who have been forced from their homes by drug traffickers and guerillas. This facility showed me how our work on behalf of Colombia's millions of internally displaced people is offering men, women, and children a second chance at a violence-free, productive life.

The United States, however, should not have to do this alone. An increasingly significant amount of Colombian cocaine and heroin is being trafficked through Europe for consumption. I would like to urge our European allies to recognize their responsibility to do their share in supporting Colombia in the battle to reduce the supply of drugs entering the world market. The war on drugs cannot be won without appropriate funds, resources and tools. Every contribution possible is needed to disrupt the market and make the drug trade less profitable. The battle going on in Colombia against narco-terrorism is Europe's battle as well. A European contribution to fighting the war on drugs could provide these innocent people with a better life by strengthening the rule of law, protecting human rights, and providing security for all Colombians.

During my recent visit to Colombia, it was evident to me just how effective U.S. assistance is to their government. Colombia's ability to combat both drugs and terror has been strengthened due in large part to our support as well as the will and determination of the Colombian people. With such promising results over the last 3 years, it is important to continue our support and sustain the momentum. Goals are being met, and new goals need to be set. Of course obstacles remain, and progress is slower than we would like it to be. But now is not the time to turn our backs on this battle that is so intrinsically tied to our war on terrorism and illegal drug use. In light of the strong progress being made in Colombia, I urge all of my colleagues to continue their support of Colombia's unified campaign against narcotics trafficking and terrorist activities and their effort to bring democratic security to the country.

Mr. GIBBONS. Mr. Speaker, I appreciate the opportunity to offer some views as part of this evening's Special Order recognizing the third anniversary of Plan Colombia.

As a senior Member of the House Intelligence and Armed Services Committees, I wanted to take note of the significant gains that have been made since Plan Colombia was announced in July of 2000 in strengthening the rule of law and enhancing the stability of this important democratic ally. As important, the strategy set forth in Plan Colombia has achieved major positive results in initially slowing and now reducing Colombia's cocaine production during the past 3 years.

A recent U.S. Government assessment of global coca production trends notes the recent progress achieved under the Plan Colombia strategy: ''Coca cultivation in Colombia (in 2002) declined by 15 percent—the first decline in Colombia's coca crop in a decade. . . . This reduction was largely because of a sustained aerial eradication campaign in what had been the country's densest coca growing areas. . . . Cultivation in the Putumayo—site of the country's most intensive eradication effort—declined by 80 percent.'' Nevertheless, the U.S. and Colombia Governments assessed in 2002 that Colombia's coca production zones totaled nearly 362,500 acres with the potential to produce 680 metric tons of pure cocaine.

With respect to Colombian heroin production, the latest assessment in that in 2002, Colombia's opium poppy production zones totaled some 12,200 acres with a potential yield of some 11.3 metric tons of pure heroin. According to the DEA, Colombian heroin captures approximately 70 percent of the U.S. marketplace and virtually all of Colombia's heroin production is intended for export to the United States. Unlike the aggressive strategies being applied against Colombia's coca production, the bilateral efforts to locate and eradicate opium poppy under Plan Colombia have lacked a consistent strategy and adequate resources and personnel. Both the U.S. and Colombian governments need to work much more effectively to apply new technologies to combat and defeat the heroin industry.

I wanted to briefly cite two initiatives that are elements of the Plan Colombia strategy, which have real potential to improve Colombia's security and to enhance the rule of law within Colombia's borders. With Plan Colombia funding, the United States Southern Command provided resources and training for the establishment of a Military Penal Justice Corps within the Colombian military. Since the establishment of Colombia's Military Penal Justice Corps in August 2000, over 300 military, police, and civilian attorneys have received professional legal education and training focused on military justice, international humanitarian law, and operational law. This legal training has had a direct and positive impact on the Colombian military's performance in the field against terrorists and narco-traffickers as well as on its adherence to international legal standards in very difficult combat environments.

A second initiative under Plan Colombia is the reestablishment of the binational airbridge denial (ABD) program, which is designed to interdict illegal aircraft engaged in transporting narcotics. The ABD program merits close oversight, but it has real potential to reduce narco-traficking and to limit illicit weapons support to terrorists and other criminal organizations in Colombia. When I was in Bogota last November, I had the opportunity to discuss this issue at some length with Colombian President Alvaro Uribe. President Uribe was very clear about the urgency of implementing the ABD program. I am concerned that legal disputes over the ABD program's implementation have delayed the renewal of this important interdiction program. I strongly urge the Bush administration to resolve any outstanding issues affecting ABD implementation immediately, and to provide the Colombian Government with the appropriate support to carry out an effective and accountable ABD program.

While these recent trends are somewhat encouraging, it is equally clear that our two governments need to maintain their focus on the Plan Colombia strategic objectives by intensifying ongoing narcotics eradication and interdiction programs, and by restoring security and essential government services to areas threatened by terrorists and narco-traffickers. I am convinced that Colombia's fight is also our fight—as the terrorism and the narco-trafficking that are destabilizing Colombia's democratic institutions pose real threats to America's people and our national security.

Mr. GOSS. Mr. Speaker, I am pleased to contribute to this evening's Special Order commemorating the third anniversary of Plan Colombia.

As Chairman of the House Permanent Select Committee on Intelligence, I wanted to discuss the significant and measurable progress that has been made in the past 3 years in Colombia on a variety of fronts as a product of improved coordination and bilateral cooperation between the governments of Colombia and the United States.

Four years ago, the security situation within Colombia was extremely unstable—some were saying than that Colombia was unraveling into a failed state where the national government exercised control of less than 50 percent of its territory. Leftist guerrillas from the FARC and the ELN and rightist paramilitary groups were growing rapidly and expanding their reach throughout much of Colombia. These terrorist groups were financed by the surge in cocaine and heroin production in the unsecured areas of Colombia as well as by other widespread criminal activities, such as mass kidnappings, extortion, murder for hire, and money laundering. The rule of law in much of Colombia during that time was uncertain at best; judges, public defenders, prosecutors, and police were being terrorized and killed at unprecedented rates. The political, economic and security future of Colombia was clearly and increasingly at stake.

Given Colombia's economic and political importance as a major democratic ally within our Hemisphere, it was critical that Colombia and its friends jointly develop and fund an effort to enhance Colombia's security, strengthen the

rule of law, interdict and eradicate narcotic crops, and grow its economy. During the past 3 years, the Plan Colombia initiative has provided a comprehensive strategy to reassert government control of Colombia's territory as well as to restore public confidence in the viability of Colombia's democratic institutions. Since the inauguration of Colombian President Alvaro Uribe in August 2002, the Colombian Government has stepped up its implementation of a wide variety of Plan Colombia programs affecting narcotics eradication and interdiction, enhanced law enforcement and other security-related measures, and alternative development efforts.

A recent United Nations study estimates that Colombian coca production has been reduced by 40 percent since Plan Colombia was begun. With the strong support of President Uribe and improved mobility and capacity of Colombia's military and police forces, there is an excellent opportunity in 2003 for our bi-national coca eradication program to eradicate 100 percent of Colombia's coca production zones, an area that encompasses over 150,000 hectares. While this is very good news in the short term, our two governments will have to pursue this nationwide eradication and interdiction strategy for at least the next several years as coca growers are forced out of their illegal business and the Colombian Government is able to establish a stable and effective security presence in numerous coca production zones across Colombia.

While the coca eradication trends show promise, I am concerned that insufficient attention has been given to developing and implementing an effective strategy to locate and eradicate Colombia's opium poppy crop. Our latest U.S. Government poppy crop data estimates that Colombia produced 14.2 metric tons of export quality heroin in 2002; virtually all of this Colombian heroin was exported to the United States and represented the large majority of all heroin consumed by Americans in 2002.

Despite the clear statutory direction and funding guidance in both Plan Colombia and in related Congressional authorizations and appropriations measures during the past 5 years, our bilateral effort against Colombian heroin has been so far insufficient. Given the lethal effects of the heroin trade on both our countries, this key element of Plan Colombia demands senior-level attention by both governments, appropriate resources, and the application of a new, more effective mix of eradication and interdiction technologies to locate and kill the opium poppy on the 12,000–15,000 hectares where it has been grown in Colombia's high Andes mountains.

Plan Colombia has registered some notable successes in the past 3 years. We need to stay committed to this important fight with our Colombian allies—not just for our national security, but for the safety of countless Americans who are threatened by the linkages between narco-trafficking and international terrorism. We need to redouble our efforts to stem the production and export of heroin and coca from Colombia, which harm and kill thousands of Colombians and Americans every year.

I commend the leadership of Speaker HASTERT in this important national security initiative. It was his foresight and concerted effort that has brought us this far. I look forward to working with the Speaker on this effort, and continuing to build upon the success of Plan Colombia as it enters its fourth year.

NATIONAL POLICIES IN IRAQ

The SPEAKER pro tempore (Mr. GERLACH). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 60 minutes.

GENERAL LEAVE

Mr. HOEFFEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on and to include extraneous material on the subject of this Special Order.

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

There was no objection.

Mr. HOEFFEL. Mr. Speaker, we are here this evening to talk about Iraq, to talk about the military activity, to talk about the weapons of mass destruction, to talk about the postconflict steps that have been taken and need to be taken. I am joined this evening by the gentleman from Massachusetts (Mr. DELAHUNT), and the gentleman from Illinois (Mr. EMANUEL), and perhaps others, to talk for the next hour about our national policies in Iraq.

Some of us, myself included, voted in favor of the military authority requested by the President to invade Iraq. Some of us who will be speaking tonight voted against that military authority. But all of us have some common questions. We all salute the brave and courageous efforts by our young men and women in uniform. They won a very impressive military victory in short order. That military victory was never in doubt, but it was impressive nonetheless how well our troops performed.

But there are two questions, really: Is our military mission completed in Iraq? And secondly, are we winning the peace?

Now, I would suggest, just to get the conversation started this evening, that first off, our military mission is not complete, because we have not found the weapons of mass destruction. Those weapons are what motivated me to vote in favor of this military authority, because I believed then and I believe now that it was necessary to disarm Saddam Hussein of weapons of mass destruction. But if we cannot find those weapons of mass destruction, there are serious questions. And we need a full accounting, first, of where those weapons are so that we know they are secured or dismantled and in safe custody. Secondly, we need a full accounting of how accurate our intelligence was. Were our intelligence agencies accurate in the information they gave to the administration? Was that information properly used by the administration?

And this is not just an academic exercise. The entire Bush doctrine of the preemptive use of force requires as a foundation accurate intelligence regarding the intentions of other countries and potential enemies around the world. If we are going to use force preemptively in the face of imminent threats to this country or to our allies, we have to know that our intelligence is accurate.

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

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

Mr. DELAHUNT. Mr. Speaker, I would just simply add one other item that I would hope that tonight we can discuss and that our friend from Illinois (Mr. EMANUEL) has really, in my judgment, done an extraordinary job in terms of laying out for the American people what it is going to cost the taxpayers of the United States and the impact in terms of service cuts for Americans that that will entail.

But if for a moment I could just simply go to the issue that the gentleman from Pennsylvania raised about the issue of weapons of mass destruction.

It certainly is well-known that the two premises for the rationale for the military attack on Iraq as articulated by the President was, number one, links between the Saddam Hussein regime and the possession of weapons of mass destruction, coupled with an intent to use them by that regime that presented a clear and present danger to the United States and to our people. Since the end of the conflict, we no longer hear about links between al Qaeda and the regime of the tyrant Saddam Hussein. In fact, I would dare say there is a consensus now that there was no evidence to indicate any collaborative effort or any cooperation between Saddam Hussein and Osama bin Laden, and, most likely, the opposite was true.

I am sure the gentleman from Pennsylvania remembers and I know the gentleman from Illinois took note of the fact that about, I think it was in April of 2001, there was a report that Mohammed Atta, the ringleader of September 11, met with a senior Iraqi intelligence agent in the Czech Republic.

□ 2215

It was later revealed by the Federal Bureau of Investigation that that could not have happened because Mr. Atta at the time of the alleged meeting was here in the United States plotting against the American people. No longer do we hear about links between Saddam Hussein and al Qaeda. So that argument proved to be false and inaccurate.

Mr. HOEFFEL. If I could reclaim my time for a moment just to point out that the gentleman is pointing out that the Bush administration has a growing credibility gap regarding its prior claims and the evidence that is forthcoming after the conflict. And I know the gentleman from Massachusetts (Mr. DELAHUNT) was the first on

this floor to my knowledge to raise the questions about the accusations regarding the country of Niger in Africa.

I wonder if the gentleman would share the latest information that has been made public on that score.

Mr. DELAHUNT. Mr. Speaker, the latest information is that today, today, the White House announced that when the President made the statement regarding the sale of highly enriched uranium to the Iraqi regime by a country in Africa, they made a mistake. Better late than never.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. I think it is very important to note this fact that 2 weeks after the State of the Union, the Secretary of State was handed that same information as he was preparing his presentation to the U.N., and he rejected that data as insufficient and inaccurate.

Now, having worked in the White House, having worked on a few State of the Unions, which are the most important speech a President will give in their Presidency outside of an oval address, I cannot think of a moment in time where you can have a Secretary of State reject the information as inadequate for their presentation to the United Nations, and yet is adequate and sufficient for the President of the United States to stand in this well at that desk and address the Nation, the world, and for this speech on why we need to go to war.

Now, I happened to have supported the resolution, but the entire credibility of our ability to marshal the resources of the world as we relate to North Korea and Iran are going to be heretofore questioned. And I always think it is interesting if I were giving advice, not that I would be giving advice, nor would they be seeking my advice, that before the President of the United States was back from Africa, he would have the name, the phone number and the forwarding address of the individual that gave that information because they would not be in this White House any longer.

Mr. DELAHUNT. That is a point very well taken because several weeks ago, the gentleman from Hawaii (Mr. ABERCROMBIE), our colleague who has joined us, and the gentleman from Pennsylvania (Mr. HOEFFEL) and I were having this discussion just as the gentleman pointed out, the President of the United States in the State of the Union Address made that statement to the American people; and one week later before the United Nations Security Council when he made his presentation, Secretary Powell discarded that information. But it has taken until today, today, more than 6 months later, that the White House acknowledged that that information, and let me quote what they had to say, that it was incomplete and perhaps inaccurate information from American intelligence agencies.

Mr. ABERCROMBIE. Mr. Speaker, I would like to ask my friend, the gentleman from Illinois (Mr. EMANUEL), if he could give an educated, speculative assessment of what would have taken place had this same circumstance occurred today during the Presidency of Mr. Clinton.

Mr. EMANUEL. Well, heads would have rolled. You cannot allow the President of the United States to have gone up on any speech, let alone a State of the Union, to address the Nation and in this case, this State of the Union was unique, on the precipice of war, the world with information that was clearly, because of Secretary Powell's actions, inadequate, not up to snuff. Heads would have rolled. There would have been an accounting. There would have been an internal accounting to that; and I think properly so, Congress would have asked for it.

I would like to note, I cannot think what is worse, the fact that they have used, since there is ample evidence to say that Saddam Hussein was a dictator who used chemical weapons on his own people and started three wars, why you would go and stretch information, damage your own case. I cannot figure out what is worse, the fact that they used this phony memo, or the fact that they have had no plan for the occupation and no strategy for our exit.

Mr. ABERCROMBIE. Would the gentleman allow me to venture perhaps an educated guess myself on that score? Because they were trying to establish a new doctrine for the United States of preemptive warfare. Not that citations might not have been made with regard to other military actions by the United States in previous times, perhaps up to and even including President Clinton's Presidency, but that there was to be established with this a new paradigm of preemption based on an imperial view of the world that the stamp of the United States must be placed upon the rest of the world.

I would venture to further my question to the gentleman from Illinois, if President Clinton was in office today and this information was revealed today, what do you think the response of some of our colleagues might have been?

Mr. EMANUEL. I can feel the foam and the lather building up. We would not be arguing for 2 weeks whether Congress should call the inquiry an investigation or not. There would be a full-blown investigation, and it would be proper. Because the President of the United States at that point, at that Chamber, at that speech, at this podium would be addressing the world as the President of the United States speaking for all of us, not just the bodies in here and the cameras up there.

Mr. ABERCROMBIE. I do not think we would be speaking in a Chamber as we are tonight during Special Orders with, again, the press being absent. I will presume perhaps some of them are watching on C–SPAN. We would not have an empty Chamber. On the contrary, there would be a full-blown cry throughout the opposition to Mr. Clinton indicating that he should be brought to account or those around him who are giving advice should be brought to account. And I agree with the gentleman, that would be true.

Mr. EMANUEL. I want to add one thing to this whole discussion if that is okay with the gentleman from Pennsylvania.

Mr. HOEFFEL. Yes, it is.

Mr. EMANUEL. Because as we talk about this memo from Niger and how it got into the speech, how it got into the British dossier for the justification for the war, what is equally telling and missing in the debate is the discussion of reconstruction in Iraq. And if you go over and pull over at USAID, an agency within the State Department, the plans for Iraq's reconstruction, I would like to cite some statistics.

They call for 20,000 units of housing. Yet the budget for this country only calls for 5,000 units of housing here in the United States; 13 million Iraqis, half of the population, will get universal health care. Yet not a single penny in the budget presented by the administration or passed by a Republican Congress does anything to support health care for the 42 million working uninsured in this country; 12,500 schools will be given full resources for reconstruction and books and supplies. Yet in our country, teachers have to get a tax credit because they have to take money out of their own budget, personal budget, their salary to pay for supplies. Four million kids in Iraq will be given early childhood education. In the President's budget, 58,000 kids cut from Head Start. We have a deep water port in Iraq being built from top to bottom. Yet the Corps of Engineers in this country is cut by 10 percent, their budget.

I think if we look at the history, the American people are quite generous and quite supportive of our efforts and we support the notion of Iraq having a new beginning. But I do not think they would ever support the notion that we can deconstruct America while we reconstruct Iraq.

Mr. HOEFFEL. Given the extraordinary examples that the gentleman has just cited of American generosity to help reconstruct Iraq, does the gentleman think that we are winning the peace in Iraq?

Mr. EMANUEL. The fact is that there is nothing that has gone on post the war in Iraq that we could not have seen ahead. Nothing new. There was no plan for the occupation. In fact, there is no plan for the exit. We have 158,000 troops based there as far as the eye can see out to the horizon and there is no family member who can count the days of when they are coming home because they have no knowledge of when they are coming home. So nobody can check the calendar at home when the husband is coming, the wife is coming, the sister is coming, the brother is coming.

Remember, this is the heydays. These are the days we are getting the

kisses, the hugs and the flowers. A year from now they will be tired of our presence there.

Mr. DELAHUNT. If I may, the day of the hugs and the cheers really could be numbered in hours. Since the official end of the hostility as declared by the President, almost on a daily basis, tragically, American service men and women are losing their lives.

Mr. EMANUEL. I checked that statistic. It has been 69 days since the President on the Lincoln aircraft carrier declared our mission complete and 70 Americans have died; 69 days, 70 Americans since May 1.

Mr. DELAHUNT. And they are all in our prayers. But I would like to make one other observation if I can. I do not want the American people as they watch here tonight to think that this is just simply four Democrats railing for political purposes against the White House and the administration. I know that many of our colleagues on the other side share our concerns. And I found extraordinarily interesting an article that was penned by someone whom we all respect, Senator RICHARD LUGAR of Indiana, who chairs the Senate Foreign Relations Committee.

And if I might, just for a moment, read his words:

> The combat phase of our war in Iraq ended with a speedy, decisive victory and minimal loss of life. That impressive success is now at risk. Clearly, the administration's planning for the post-conflict phase in Iraq was inadequate. I am concerned that the Bush administration and Congress have yet to face up to the true size of the task that lies ahead or prepared the American people for it. The administration should state clearly that we are engaged in nation building. We are constructing the future in Iraq, and it is a complicated and uncertain business. The days when Americans could win battles and come home quickly for a parade are over. And when some in the Pentagon talk about quick exit strategies or say dismissively that they don't do nation building, they are wrong.

This comes from a Republican, highly regarded and well respected. It is important that we are doing this here tonight so the American people know that, so they hear the truth.

Mr. EMANUEL. The fact is among us four we had different opinions and votes on whether we should or should not go to war, whether there was a case for a war.

Mr. DELAHUNT. I voted against the resolution. The gentleman from Pennsylvania (Mr. HOEFFEL) voted to support it, as did the gentleman from Illinois (Mr. EMANUEL); and the gentleman from Hawaii (Mr. ABERCROMBIE) voted against it.

Mr. EMANUEL. But we are united in our view that an administration should not mislead the America people; that a person who gave the President the wrong information needs to be held accountable because all of our reputations are on the line when the President of the United States is talking to the world with our judgment and justification. Second, that as we plan for this occupation, that if we had done the hard work of building allies on the front end, we would have allies on the back end. And that the only faces in the occupation are American and British and others, but dominantly American, and, therefore, Americans bearing this burden alone, which it should not, in both financial and human costs.

□ 2230

Mr. HOEFFEL. Mr. Speaker, if I can follow up on the comments of the gentleman, I certainly agree with him that we need to internationalize the postconflict situation in Iraq. We are bringing on ourselves the frustrations of those people. We do not have anyone sharing the burden other than the British. We do not have anyone else sharing responsibility or blame for things that are going wrong.

We need to bring in NATO to help with peacekeeping. We need to bring in the United Nations to help with reconstruction. And, obviously, the United States would be the major partner in both of those operations. We still would be very deeply involved, but we would have international allies and international institutions to help with resources and to help with credibility and to help with responsibility for the work that needs to be done.

We need to turn over to the Iraqis as quickly as possible two things: One, their oil; and, secondly, their government. We need to make sure that the Iraqi oil industry is transparent, corruption-free, and the proceeds from which are used to rebuild Iraq. And we have to turn over to the Iraqis their own government. We are moving way too slowly to do that.

Paul Bremer, the viceroy occupier, I am not sure what his title is, has postponed repeatedly the formation of an Iraqi interim government. He is now calling it an advisory committee that he will appoint to advise him. I do not think that is the way to give the Iraqis the stake in their future government that they expect and deserve.

Mr. EMANUEL. If I can add one thing to this debate before I need to go. I remember during the Reagan administration there was an open public discussion between the Secretary of Defense and the Secretary of State, which continued in years past, about the fact that we could not get into a military operation without an exit strategy. And I think it would behoove all of us in this institution, regardless of party or regardless of position, if we could define what the exit strategy is. What is the test? What is the standard?

When we have 70 deaths in 69 days, and some people, I think Senator LUGAR noted that we have to level with the American people we are here maybe 5, 10 years, that does not sound very convincing for an exit strategy and a standard that says here is when we know we are done. We cannot just say to the American people that we will know when we are done when we are done. We cannot have an open-ended checkbook and an open-ended sense of lives that are to be lost.

Again, I remind my colleagues that these are the days that are supposed to be flowers and kisses and hugs. A year from now we are supposed to be experiencing what we are experiencing today. Not today.

Mr. HOEFFEL. Before the gentleman leaves, let me ask him if he has been able to figure out what strategy the President was pursuing last week when he suggested, in the face of the guerilla attacks and ambushes and assassinations of American soldiers, that our opponents should ''bring 'em on?'' Could any of the gentlemen joining me on the floor today tell me what they think the President's strategy was with that comment?

Mr. EMANUEL. As a former staff person who worked for a President, I believe that every staff person in that White House who was sitting on the side cringed when they heard that, because you cannot but think that there was a President whose rhetoric got ahead of where the policy is and what they were saying.

Nobody would ever suggest that our men and women in uniform, who are doing all of us proud, should be the focus of further attacks, this notion of ''bring 'em on.'' We have lost 70 Americans in 69 days. There are other Americans we have lost in this whole battle, but 70 Americans who are fathers, who are mothers, who are brothers, sisters, who are Boy Scout coaches, leaders in their community, YMCA leaders. And the notion that somebody would sit here in the comfort of our great country in our capital and say ''Bring 'em on'' to our soldiers I think misses what they are facing every day. And I think it was a very, very unfortunate choice of words.

Mr. ABERCROMBIE. If the gentleman would yield a moment further in that regard and in that context, I do think that the response to the gentleman's question is that the President, and my point to my colleague is, I wonder if he could corroborate or whether he would agree that the President, at least in my estimation, has said that this is wide open; that this does not have an end; that the calculations will be made on essentially an ad hoc basis; and that there is nothing that he can foresee at this moment that would lead us to the kind of exit strategy conclusions that the gentleman has raised.

Mr. EMANUEL. Well, my worry is not only do we not know the standard for our exit, and that before you get into any military engagement, you should know what your exit strategy is; that because we have 168,000 troops based now in all of Iraq, with no ability of any ally to come and replace our troops at a serious level, that our forces are stretched thin when it comes to the war on terrorism because of their occupation and being tied down in the deserts of Iraq.

Now, I think we are there, and we have to help turn this country around, but clearly now our troops are being targeted from guerilla warfare and

from terrorists. Our ability to do what we need to do around the world, both in Afghanistan and other corners of the world, our resources are being stretched thin and spread thin when it comes to the war on terrorism.

Mr. DELAHUNT. Mr. Speaker, I am glad the gentleman mentioned Afghanistan, and I know he has another appointment, but let us review for a moment where we are in terms of Afghanistan.

How long have we been in Afghanistan? We are talking years already. And yet what progress have we made in Afghanistan? The American people should be aware of the fact that it is a mess. The President of Afghanistan, President Karzai, whom we supported from the beginning, is unable to travel throughout Afghanistan. He is just about able to leave the central district of the capital city of Kabul. We did not conclude our work there before we took on another military intervention of a much different magnitude, much larger size, when we went into Iraq.

As has been stated by all three of my colleagues tonight, America's word is at risk here. If we just go back again to the quality of the intelligence, I do not want to leave the impression with those who are watching this conversation that we are having tonight that this is, again, exclusively restricted to Democrats. These are concerns that are shared across the aisle. This is simply too important. Decisions were made regarding whether to wage war based on this intelligence, and, clearly, that is, in our democracy, a question of the most serious consequence, to wage war.

Mr. ABERCROMBIE. May I follow up in that context?

Mr. DELAHUNT. Certainly.

Mr. ABERCROMBIE. Today, as I am sure my colleagues will acknowledge, and not everyone who is observing us and listening tonight may be aware, we passed a defense appropriations bill from this House. If anything should reflect the concern of the administration with regard to the issues of resolving the consequences of our attack in Iraq, it should be contained in here.

I have, for my colleagues' information, Mr. Speaker, referring to the House Action Reports, a Congressional Quarterly publication, a fact sheet edition published today on defense appropriations. In it, section 3 addresses military personnel. It includes things like a military pay raise and a civilian Defense Department pay raise. Active Duty personnel are listed at 1,388,100 in fiscal year 2004, equal to the President's request of 1,600 less than the current level. On Reserves, the bill sets a ceiling on Reserve personnel for a total of 863,300 in the next fiscal year, equal to the administration's request of 1,258 less than the 2003 level.

Now, think about it. We now have 150,000 plus people committed in Iraq under the circumstances and conditions that have been discussed here tonight, personnel deployed throughout the world, not just in Afghanistan, but the Philippines, Yemen, and dozens of places, now possibly in Liberia, again under circumstances that are not clear as to where we are going, what we are doing, and who we are doing it with.

The President says, ''Bring 'em on,'' but here is the congressional responsibility and obligation as manifested in the appropriations which follow on our authorizing personnel. And what we are saying is, is that the same deployments that have been taking place up until now, which have put such an enormous strain on the Guard and Reserves are going to continue. We are not adding a single person. We are not facing with any respect whatsoever the realities of what these deployments and the obligations attendant upon them will require of us.

That is why we are here in the evening during these Special Orders trying to reach out to the American public to explain that we are not quiescent on this. We are not merely observers. We are trying to participate in a respectful and responsible way as Members of Congress. But we have to rouse the attention of the American people to let them know that we are failing those men and women in the armed services if we think for a moment that we are providing adequate support and foundation for what we expect of them.

Mr. DELAHUNT. I would say to my colleague that that is only half the story. When those men and women come home, when they are discharged from Active Duty, and when they assume the title of veteran, what are we doing to them then? What are we doing to them then? Well, what we are doing to them is, in some respects, discriminating against them. We are creating new categories of veterans who no longer will have access to veterans health care. That is unconscionable.

We send them to war, and when they come home, we reduce their benefits and, in fact, eliminate some of these heroes and heroines from having access to health care provided by the Veterans Administration. That is shameful.

Patriotism is more than just simply raising the flag. The flag represents respect, respect especially for men and women who serve this country in the military, and we are disrespecting and dishonoring them. That is wrong.

Mr. HOEFFEL. If the gentleman will yield on that point, is he aware that the Bush tax cuts in 2004 will reduce revenues about $60 billion, and that for $1 billion we could fully fund our obligations to all of the veterans, including category 7 and category 8 veterans, so that they all would get the health care that we promised all veterans?

We are $1 billion short. Now, $1 billion is a lot of money.

Mr. DELAHUNT. But when it comes to Iraq, we are going to be sending hundreds of billions of dollars, as the gentleman from Illinois indicated, to build schools, to provide health care, and to provide deepwater ports, but we cannot take care of our own veterans.

Mr. HOEFFEL. The gentleman is correct. We are appropriating $29 billion next year for veterans health care. We need $30 billion to meet all of our obligations, our moral obligations, and we are not measuring up, and it is wrong.

Mr. ABERCROMBIE. If the gentleman would yield in turn, to follow up on my point in regard to our analysis, or rather not so much an analysis, I daresay, but our observation that these offhand remarks, these ad hoc remarks by the President, which take on the weight of policy, such as ''Bring 'em on,'' this kind of childish assessment of what constitutes the ground operations in Iraq, are now followed by an observation of the President that Mr. Taylor, the President in Liberia, has to go.

Now, where he is going and how he is going and under what circumstances is not said. And the questions from the press, the press which is absent, which do not appear, at least as far as I can tell; now, whether or not people in the White House are so covetous of being in the White House that they do not dare ask the question that anybody with any journalistic bent worthy of the name would ask, just who is supposed to replace Mr. Taylor when he does go, wherever you think he should, provided you have got that far?

□ 2245

Mr. Speaker, the reason I raise this issue and the reason I raise it in the present context is if you think we had no planning in Iraq, I can tell you now and tell the American people and tell my colleagues we do not have a clue or an idea of what we will do in Liberia in terms of who will replace Mr. Taylor and who will prevail when he leaves.

Now, are we to send in not tens of thousands of, but perhaps hundreds of, American soldiers into a situation that we do not have the slightest idea, nor has there been any discussion in the Congress about what we are going to do, how, when or why we are going to do it, and what the circumstances will be upon the action taken.

Now, I for one admonish all of us to take into account where we are now in Iraq and remember that we face exactly the same circumstances in terms of lack of forward-planning policy with regard to Liberia, and the consequences could be just as severe. The numbers might be different, but the situation is the same. We have an administration now that thinks that military action in and of itself constitutes political policy. Furthermore, support for the troops is then defined as being support for whatever political agenda they have. Now, that is what we are facing this evening.

No one can say if only for the fact that we appear here on the floor tonight that due warning has not been given to the American public by Members serving in the Congress of the United States that we should have a full debate with respect to what we are going to do in Liberia, most particularly in the wake of what is taking

place in Iraq, and that before any action is taken in Liberia, the will of the Congress has to be determined.

I would hope that we take the most serious and sober view before we commit American troops in furtherance of a political agenda, and that political agenda is made manifest for the world to judge on the basis of action by American troops.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for his comments. I think we need to learn our lessons and learn them well and ask the questions that need to be asked and avoid the taunts and the arrogance that can get us into a lot of trouble when we fail to think things through.

I would like to point out to my colleagues that editorial opinion is focusing on the President's comments and on the post-conflict realities in Iraq. The Philadelphia Inquirer on Sunday in response to the President's comments about ''bring it on'' in their lead editorial title ''Bring Reality On,'' said continued hubris in high places heightens risks for U.S. soldiers in Iraq. The Inquirer asks: ''Mr. President, do you live in a playhouse or the White House? Childish taunts such as that are not the calibrated words demanded of the United States President at this turn of history's wheel.'' And the Philadelphia Inquirer goes on to make several points about the reality that is needed in our policy.

First, they say get real about the number of U.S. troops needed to establish and maintain order for months to come; get real about the full scope of reconstructing Iraq, its costs and duration; get real about cutting taxes. The incumbent is the only President, the Inquirer says, in the Nation's history to cut taxes in the middle of a hot war. They say get real about spurning the value of the United Nations; get real about the democratic aspirations you unwisely inflated among the long-oppressed, divided Iraqi population; and get real about admitting mistakes.

Mr. DELAHUNT. Mr. Speaker, obviously we all make mistakes, but it is important to acknowledge the making of mistakes. I would submit that if Secretary Powell had information that was available to him a week after the President of the United States in his State of the Union message referenced the sale of uranium by an African country to Saddam Hussein, then it is almost inconceivable that the Secretary of State, Colin Powell, would not have had a conversation with the President suggesting or informing him that he did not find that information reliable in terms of his presentation to the United Nations; and yet for 6 months the White House, the President, has continued to insist on the reliability of the intelligence that he selected when he made his presentation to the American people.

The complaints are not coming just from this side of the aisle, but are coming from the intelligence community. Even the top U.S. Marine officer in Iraq, General James Conway, said U.S. intelligence was simply wrong in leading the military to believe that the invading troops were likely to be attacked with chemical weapons. I respect the general for making that statement; and it is time that the administration, the President and those who, upon review, discovered that the premises and the facts that supported those premises were inaccurate or incorrect, it is time to acknowledge them and restore the confidence of the American people and the people of this world in the integrity of the United States and its leadership.

These are just some quotes from intelligence officials, individuals who have no particular partisan ax to grind, and these are reports from the New York Times, and I am quoting, ''As an employee of the Defense Intelligence Agency, I know how this administration has lied to the public to get support for its attack on Iraq. Some others see a pattern not so much of lying as of self-delusion and of subjecting the intelligence agencies to these delusions.''

Another quote, '''The American people were manipulated,' bluntly declares one person from the Defendant Intelligence Agency who says that he was privy to all of the intelligence on Iraq. 'These people are coming forward because they are fiercely proud.'" He is referring to intelligence analyses at the Defense Intelligence Agency, and those that are watching should be aware that there are many intelligence agencies, but this is the consensus of their opinion, that they are fiercely proud of the deepest ethic in the intelligence world, that such work should be nonpolitical and are disgusted at efforts to turn them into propaganda.

This is from an individual who retired in September after 25 years in the State Department. His name is Greg Thielmann, and he spent the last 4 years of his public service in the Bureau of Intelligence and Research, and these are his quotes: ''The al Qaeda connection and nuclear weapons issues were the only two ways that you could link Iraq to an imminent security threat to the United States, and the administration was grossly distorting the intelligence on both things.''

The outrage among the intelligence professionals is so widespread that they have formed a group, an association, called the Veteran Intelligent Professionals for Sanity, and they wrote to President Bush this past month to protest what they called, and again this is their language, ''a policy and intelligence fiasco of monumental proportions.''

I am quoting from their letter: ''While there have been occasions in the past when intelligence has been deliberately wopped for political purposes, never before has such wopping been used in such a systematic way to mislead our elected representatives into voting to authorize launching a war.''

A comment by Larry Johnson, one of those talking heads that we always see on those cable programs, he used to be a CIA analyst and worked at the State Department, referring to the low morale among the intelligence community: ''I have never heard this level of alarm before. It is a misuse and abuse of intelligence. The President was misled. He was ill-served by folks who are supposed to protect him on this. Whether this is witting or unwitting, I do not know.''

Mr. HOEFFEL. Mr. Speaker, I am sure the gentleman is aware that there is a perfectly rational reason why the White House admitted this week that they made a mistake with the President's State of the Union speech in which he claimed Iraq was trying to buy uranium from Africa. The reason that the White House had to finally admit their error is they were basing this on British intelligence, and the British system has resulted in an open inquiry where British parliamentarians have investigated and continue to investigate the question of the accuracy of their intelligence prewar, and the uses of that intelligence by the Blair administration.

They have concluded that while Prime Minister Blair did not himself mislead the public, that this information regarding the purchase of uranium in Africa was simply wrong and was based on forged documents.

This White House could no longer maintain the fiction that there was any basis in anybody's intelligence reports that Saddam Hussein was trying to buy uranium in Africa, and they simply had to because of a more open system in England where their Parliament has been more aggressive than this Congress. They had to face reality.

Mr. DELAHUNT. I am sure that C–SPAN viewers have witnessed those hearings. Sources and methods were protected. No State secrets were given out. It was a respectful discourse; and it informed the British people, a people, by the way, who sent men and women into combat with the United States. But I do not believe that is the only reason, and I am directing this to the gentleman from Pennsylvania (Mr. HOEFFEL) because while they admitted it today, ironically Sunday there appeared an article in the New York Times written by the individual, a former ambassador who, on behalf of the CIA, went to Nigeria to investigate this assertion that, according to some newspapers, came via the Italian intelligence service, and what he has to say in his words, one might draw the inference prompted this response today by the White House. Some might claim it to be an effort at damage control. But his name is Joseph Wilson, and the article is entitled ''What I Didn't Find In Africa.''

He starts it by saying, ''Did the Bush administration manipulate intelligence about Saddam Hussein's weapons programs to justify an invasion of Iraq? Based on my experience with the administration in the months leading up

to the war, I have little choice but to conclude that some of the intelligence related to Iraq's nuclear weapons program was twisted to exaggerate the Iraqi threat.''

Mr. Speaker, I am not going to read the whole article, but it is extraordinarily informative. Maybe we can do it here in the United States as well as they can do it in the United Kingdom.

Mr. ABERCROMBIE. Mr. Speaker, I want to assure our colleagues as well as those who may be observing and listening to us that we do not intend to make this a 1- or 2- or 3-time deal.

□ 2300

This is not two or three Members of Congress off on some individual crusade. We are not here simply to recount those things with which we have a disagreement. What we feel very strongly about is what I believe is the views of the overwhelming majority of the people of the United States and most certainly those who have talked to me about that Members of Congress have not stepped up to the plate with regard to the discussion of these issues in illuminating what is at stake for this country, and that right now some of these corporation-controlled media networks and the organs of the executive government are controlling the message that is out there, and only free men and women, freely elected with the faith and trust of the electorate, the people have put us into these positions of trust here in the people's House.

It is up to us with that kind of an obligation placed upon us by the people to speak out and to speak up, to speak forthrightly, to speak with as much knowledge as we can bring to bear, to exercise such judgment as we are able to bring to bear, and to keep the people of this country informed, and to let them know that we will not be silenced in this, that we are going to be back night after night after night, and that if we cannot get these issues discussed during the regular business of the day, then rest assured we will be here in the Special Orders that are given to us here in the people's House to make certain that the hammer of truth is going to come down on the anvil of inquiry that is required of a free people in a democratic society.

We are going to return here again. We invite our colleagues to engage in this colloquy. We invite our colleagues to come forward and express their views. We invite our colleagues to come forth and make inquiry of one another so that we can be better informed ourselves, so that we do not have a circumstance that comes to fruition again in this Nation such as we experienced in Vietnam.

If anything motivates me to be down here on this floor, I see parallels. I am not drawing analogies, but I see parallels, distinctly fearful parallels, to what took place in Vietnam in which we were urged to keep quiet, in which we were urged not to say anything for fear it would be called dissent, as if there was already an understanding as to what the correct position should be when it comes to issue of life and death as we face now in Iraq and other places where American troops are deployed.

I believe it is an absolute necessity of democracy that we have the fullest and freest and the deepest and with the widest breadth of discussion that it is possible to have, and that is what we are going to be doing on this floor.

Mr. DELAHUNT. Mr. Speaker, we would be derogating our duty. And I applaud the eloquence and the obviously genuine commitment that the gentleman from Hawaii just respected. We would not be honoring our obligation, and additionally we would be failing those members in the military that have fought as well as they have, and we would be failing those individuals in the Intelligence Community that have expressed their views.

It brings to mind a story that again appeared in the newspapers shortly before we broke, I think it was the day that we broke, where someone stood up and testified before a House Permanent Select Committee on Intelligence. There was a number of intelligence officials within this closed hearing. Of course, it appears in the press, so I can speak about it. And this individual's name is Christian Westerman, and he happens to be a top State Department expert on chemical and biological weapons, and he told the committees that he had been pressed to tailor his analysis on Iraq and other matters specifically pertaining to Cuba to conform with the Bush administration's views. That is unacceptable. He is viewed within the Department, according to reports, as a careful and respected analyst of intelligence. He served in the Navy, and he was obviously not comfortable making that statement, but that kind of courage is important if we are going to ascertain the truth.

And whatever the truth is, the American people deserve the truth, and it is our responsibility to make every effort that we can to seek it. And I want to associate myself with the words of the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for his comments, and I actually wrote those words down. ''The hammer of truth will be brought down on the anvil of inquiry,'' and that is our job. It is our challenge here. It is not unpatriotic to ask questions. It is not unpatriotic to seek accountability. It is not unpatriotic to dissent. In fact, it is the highest form of patriotism to seek the truth, to ask questions, to try to get to the bottom of this in the name of the American people.

I know our time is short. Mr. Speaker, does either gentleman have any concluding remarks?

The gentleman from Hawaii I thank for being here.

The gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I wonder if at some point in the future, and we should discuss this with other Members of the House, but I for one would like to extend an invitation to some of our colleagues who serve in the Parliament, in the House of Commons, to come to the United States, or maybe some of us to go there to further this discussion, because I was so impressed with British democracy after viewing on C–SPAN those hearings that we have alluded to tonight. And there is real deep concern among the British, and it is clear that it is having an impact in Britain to a far more significant degree, unfortunately, than it appears to be having in this country. Maybe at some point in time, because I really believe it is necessary to have an independent commission depoliticize this issue, take it out of the realm of partisan politics.

Yes, there are congressional committees going on, but we know that there was an independent commission that was chaired by former Senator Rudman and former Senator Gary Hart that, unfortunately, they examined national security and just about predicted the events of September 11. It is so important to restore the confidence of the people in our national security, in our system. I think that happens to be the answer, but I would really welcome the input from the members of Parliament, from the House of Commons that sat in on those hearings to come and give us their observations.

I was particularly impressed with former Minister Robin Cook and a female former member by the name of Claire Short. I would think that if we invited them, they would come here, and hopefully the American media, as the gentleman from Hawaii (Mr. ABERCROMBIE) have put up with, finally start to take a good look, because this is an issue that is not going to go away because it is about time that we reflected and began to see ourselves as others are viewing us if we are going to continue to claim a certain moral authority in this world.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for his comments, and I would only add it would also be nice if we could be joined by our friends across the aisle in some of these discussions during these special orders. I thank my colleagues for being part of this discussion.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to comment on the Special Orders matter related to Post-Conflict Iraq and the U.S.–U.N. involvement therein. I ask that our colleagues remember that two wars and over a decade of sanctions have crippled Iraq's infrastructure. With respect to the events that led to the need for Iraq rebuilding, I renew my concerns that there has been an apparent break down in U.S. intelligence as to the search for Weapons of Mass Destruction (WMD) that suggests that the current administration may have misled the public in order to garner support of the war in Iraq. Secondly, because the international community looks, in large part, to the United States as the nation with the best ability to aid in the job of rebuilding Iraq, it is important that our leadership respect its humanitarian needs, especially of the

right to self-determination and ensure that these needs take precedence over capitalistic prospect. Moreover, as will be evidenced by my introduction of a bill to authorize the formation of a women's peace commission, I strongly advocate the involvement of women in the peace and rebuilding process in leadership capacities. In fact, not only should the women's peace commission be composed of Members of Congress, American small, minority, and women-owned businesses should also be active in the rebuilding process.

As to the potential misleading of the public as to the U.S. motive for waging war on Iraq, I will offer a resolution calling for the establishment of an independent commission to study the performance of U.S. intelligence agencies in gathering and disseminating intelligence on WMD in Iraq, the current administration's knowledge of WMD in Iraq, and the accuracy of the information given to the public. During a Presidential address on March 17, 2003, President Bush stated, ''Intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised.'' Thereupon, the administration initiated Operation Iraqi Freedom on March 19, 2003. Although the public justification for this war was Saddam Hussein's alleged possession of WMD, we have seen nothing to date in the form of WMD in Iraq. This failure to locate any WMD in Iraq or any evidence that WMD have been destroyed or relocated strongly suggests the U.S. intelligence's inaccuracy or the inaccurate communication of this information to the public. At this point, thorough assessment of the performance of U.S. intelligence agencies with respect to the gathering of information as to WMD will be required to restore public confidence in the American Government before we are in a position to efficiently offer genuine aid in the rebuilding process of Iraq.

The United Nations (U.N.) has been in the nation-building/rebuilding business on a worldwide scale for over a decade: East Timor, Cambodia, Kosovo, Bosnia, Haiti, and to some extent El Salvador, Guatemala, and parts of Africa. Although the U.N. has experts and experience, it does not have sufficient resources in which to undertake the task of rebuilding Iraq. While, as I mentioned above, the international community looks to us for the lion's share of support resources, we must yield to the U.N. as a legitimizer of a new order in Iraq. Legitimacy through international alliances and high overt purpose is vital to an effective rebuilding process. The U.N. power is that bestowed upon it by its member-nations; however, it has great capacity to bestow legitimacy to this effort. In obtaining legitimacy through the U.N., we must not abuse the interest in self-determination of the Iraqi people. All ameliorative efforts should aim toward the goal of facilitating Iraqis in running their own trials without the involvement of U.N. international expertise. Furthermore, the United Nations will aid the effort to build internationally acceptable electoral machinery and run elections for the rebuilding nation. Experienced U.N. advisers could remain in government ministries, for years if necessary, without creating looking like an occupation.

As to the method of rebuilding Iraq, I have suggested the creation of a bipartisan, bicameral working group on Iraqi reconstruction. I proposed the convening of an immediate working group to craft a comprehensive strategy for the reconstruction of Iraq. I am deeply troubled by the reports we are receiving from Iraq. The picture that was painted for us before the war—what we would find and how the Iraqi people would respond to being ''liberated''—seems to be wholly inaccurate. It seems that our forces, as well as the American people, were unprepared for the challenges we are now facing. It is essential that we develop a truer vision for the future of Iraq, and a realistic plan for making that vision come to be. Doing so will demand all the expertise and experience that Congress has to offer.

To tap into those skills, we should form a working group, composed of a diverse array of qualified and committed Members of Congress. Conceptually, we must immediately dispense with partisanship and turf-wars and come together to form a plan that is right for our troops, right for the people of Iraq, and worthy of support and financing by the American people. We do not have the luxury of time to start this discussion in both the House and Senate, a dozen committees, and then assimilate ideas later. So, I propose that we convene a joint House-Senate bipartisan working group on Iraq.

Since tensions began to escalate in Iraq last year, I have consistently fought for resolving the crisis with four goals in mind: minimizing the loss of American lives; minimizing the impact on the Iraqi people; minimizing the costs to the American taxpayers; and ensuring that our work in Iraq leads to long-term peace and stability in Iraq and the Middle East. I believe that those of us against the war, as well as those who supported it, can all agree on those four principles. We owe it to our troops and to the people of Iraq to acknowledge the problems that exist, and to make the investments of time and money necessary to get the job done—so we can bring our troops home.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRAMER (at the request of Ms. PELOSI) for today and the balance of the week on account of official business.

Mr. FROST (at the request of Ms. PELOSI) for today on account of business in the district.

Ms. HARMAN (at the request of Ms. PELOSI) for today and the balance of the week on account of official business.

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for today and July 9 on account of official business.

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today and the balance of the week on account of a family emergency.

Mr. SANDLIN (at the request of Ms. PELOSI) for today on account of business in the district.

Mr. GIBBONS (at the request of Mr. DELAY) for today and the balance of the week on account of traveling with a congressional delegation to Iraq.

Mr. GOSS (at the request of Mr. DELAY) for today and the balance of the week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today and July 9, 10, 14, and 15.

Mr. GUTKNECHT, for 5 minutes, today and July 9 and 10.

Ms. ROS-LEHTINEN, for 5 minutes, today and July 9.

Mr. KOLBE, for 5 minutes, today and July 9.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

ADJOURNMENT

Mr. HOEFFEL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 9, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3009. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [OPP-2003-0179; FRL-7311-5] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3010. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Flufenacet (N-(4-fluorophenyl) -N-(1-methylethyl)-2-[[5-(trifluoromethyl)-1,3,4-thiadiazol -2-yl]oxy] acetamide; Pesticide Tolerance [OPP-2003-0181; FRL-7313-9] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3011. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clothianidin; Pesticide Tolerance [OPP-2003-0133; FRL-7306-8] Revceived May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3012. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Methoxyfenozide; Pesticide Tolerance [OPP-2003-0088; FRL-7308-6] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3013. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus thuringiensis Cry34Ab1 and Cry35Ab1 Proteins and the Genetic Material Necessary for their Production in Corn; Temporary Exemption from the Requirement of a Tolerance [OPP-2003-0154; FRL-7310-1] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3014. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Diallyl Sulfides; Exemption from the Requirement of a Tolerance [OPP-2003-0134; FRL-7303-6] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3015. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Famoxadone; Pesticide Tolerance [OPP-2003-0130; FRL-7310-9] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3016. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fludioxonil; Pesticide Tolerance [OPP-2003-0135; FRL-7313-7] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3017. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Glyphosate; Pesticide Tolerance; Technical Correction [OPP-2003-0155; FRL-7316-5] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3018. A letter from the Deputy Associate Administration, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Nomenclature Changes; Technical Amendment [OPP-2002-0043; FRL-7308-9] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3019. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Nomenclature Changes; Technical Amendment [OPP-2002-0043; FRL-7316-9] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3020. A communication from the President of the United States, transmitting requests for emergency FY 2003 emergency supplemental appropriations; (H. Doc. No. 108—98); to the Committee on Appropriations and ordered to be printed.

3021. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Tommy R. Franks, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3022. A letter from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting a report on the Utilization of Industrial Partnerships within the National Nuclear Security Administration, Fiscal Year 2002; to the Committee on Armed Services.

3023. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Federally Enforceable State Operating Permit Program; Allegheny County, Pennsylvania [PA 138-4098a; FRL-7511-7] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3024. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Credible Evidence [SIP NO. CO-001-0075a; FRL-7512-7] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3025. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Utah; SIP Renumbering [SIP NO. UT-001-0048, UT-001-0049, FRL-7501-5] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3026. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; 1-Hour Ozone Standard for San Diego, California [CA-282-0389; FRL-7515-4] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3027. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Substantial Inadequacy of Implementation Plan; Call for California State Implementation Plan Revision [CA 086 SIP; FRL-7518-4] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3028. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination That the State of California Has Corrected Deficiencies and Stay and Deferral of Sanctions; San Joaquin Valley Ozone Nonattainment Area [CA286-0404B; FRL-7517-9] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3029. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Colorado; State Implementation Plan Corrections [SIP NOS. CO-001-0052, CO-001-0032, CO9-3-5603; FRL-7503-4] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3030. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to the Control of Volatile Organic Compounds from Chemical Production and Polytetrafluoroethylene Installations [MD131-3091a; FRL-7503-7] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3031. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regulation to Prevent and Control Air Pollution from the Emission of Sulfur Oxides [WV038/053-6026a; FRL-7500-2] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3032. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regulation to Prevent and Control Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations [WV050-6029a; FRL-7503-9] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3033. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Removal of Alternative Emission Reduction Limitations [PA158-4206a; FRL-7504-6] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3034. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Georgia Update to Materials Incorporated by Reference [GA-200325; FRL-7500-9] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3035. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kentucky: Approval of Revisions to Maintenance Plan for Northern Kentucky [KY 147-200329; FRL-7505-3] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3036. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to the Tennessee State Implementation Plan [TN-213-9952(a); FRL-7506-8] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3037. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and South Coast Air Quality Management District [CA 267-0394a; FRL-7495-4] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3038. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA 264-0398; FRL-7505-5] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3039. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Utah: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7505-1] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3040. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Nitrogen Oxides Budget Trading Program [VA127-5064; FRL-7523-2] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3041. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Nebraska [NE 178-1178a; FRL-7523-1] received July 1, 2003, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3042. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Iowa [IA 186-1186(a); FRL-7523-4] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3043. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Regional Haze Rule to Correct Mobile Source Provisions in Optional Program for Nine Western States and Eligible Indian Tribes Within that Georgraphic Area [FRL-7522-7] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3044. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that Iraq's declaration to the United Nations of December 7, 2002 has been transmitted to the House Select Committee on Intelligence; to the Committee on International Relations.

3045. A letter from the Chairman, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

3046. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, ''Audit of Advisory Neighborhood Commission 7E for Fiscal Years 2000 Through 2003 as of March 31, 2003,'' pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

3047. A letter from the Inspector General, Corporation for National and Community Service, transmitting the semiannual report of the Office of the Inspector General for the period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3048. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting the Corporation's Report on Final Action as a result of Audits in respect to the semiannual report of the Office of the Inspector General for the period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3049. A letter from the Secretary, Department of Defense, transmitting a correction letter on the approved retirement of General Tommy R. Franks, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Government Reform.

3050. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3051. A letter from the Comptroller General, General Accounting Office, transmitting the Month in Review: April 2003 Reports, Testimony, Correspondence, and Other Publications; to the Committee on Government Reform.

3052. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General of the National Aeronautics and Space Administration for the period ending March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3053. A letter from the Secretary, Department of the Interior, transmitting the 2002 Annual Report for the Office of Surface Mining (OSM), pursuant to 30 U.S.C. 1211(f), 1267(g), and 1295; to the Committee on Resources.

3054. A letter from the Director, Office of Science and Technology Policy, Executive Office of the President, transmitting a report on how the provisions of Section 428 of the Homeland Security Act, will affect procedures for the issuance of student visas; to the Committee on the Judiciary.

3055. A letter from the Secretary, Department ofHomeland Security, transmitting a report on the Feasibility of Accelerating the Integrated Deepwater System, pursuant to Public Law 107—296, section 888(i); to the Committee on Transportation and Infrastructure.

3056. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Water Quality Standards for Kansas [FRL-7522-5] (RIN: 2040-2A00) received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3057. A letter from the Secretary of Veterans Affairs, Department of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II and survivors of such veterans and extend health care benefits to certain Filipino veterans residing legally in the United States; to the Committee on Veterans' Affairs.

3058. A letter from the Under Secretary, Department of Defense, transmitting the biennial report on the Montgomery GI Bill for Members of the Selected Reserve; jointly to the Committees on Armed Services and Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COX: Select Committee on Homeland Security. H.R. 2122. A bill to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes; with an amendment (Rept. 108–147 Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. REGULA: Committee on Appropriations. H.R. 2660. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–188). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 309. Resolution providing for consideration of the bill (H.R. 438) to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education (Rept. 108–189). Referred to the House Calendar.

Mrs. MYRICK: Committed on Rules. House Resolution 310. Resolution providing for consideration of the bill (H.R. 2211) to reauthorize title II of the Higher Education Act of 1965 (Rept. 108–190). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 311. Resolution providing for consideration of the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–191). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 312. Resolution providing for consideration of the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–192). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. REGULA:

H.R. 2660. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

By Mr. BARRETT of South Carolina:

H.R. 2661. A bill to name the Capitol Visitor Center after J. Strom Thurmond; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Mr. BLUNT, Mr. ISAKSON, Mr. MENENDEZ, Mr. ANDREWS, Mr. ROGERS of Michigan, Mr. COLLINS, and Mr. FOLEY):

H.R. 2662. A bill to amend the Internal Revenue Code of 1986 to provide that certain limousines are not subject to the gas guzzler tax; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN:

H.R. 2663. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mrs. KELLY:

H.R. 2664. A bill to provide for Medicare reimbursement for health care services provided to Medicare-eligible veterans in facilities of the Department of Veterans Affairs; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and 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. KING of New York (for himself, Mr. GEORGE MILLER of California, Mr. MCHUGH, Mr. SMITH of New Jersey, Mr. LATOURETTE, Mr. ANDREWS, Mr. OWENS, and Mr. KIND):

H.R. 2665. A bill to amend the Fair Labor Standards Act of 1938 to protect the rights of employees to receive overtime compensation; to the Committee on Education and the Workforce.

By Mr. LATOURETTE:

H.R. 2666. A bill to authorize funds for fiscal year 2004 for research, development, test, and evaluation for a prototype multi-role, long-range sniper system; to the Committee on Armed Services.

By Mrs. MALONEY (for herself and Mr. PETRI):

H.R. 2667. A bill to amend the Federal Election Campaign Act of 1971 to require the disclosure of certain information by persons conducting phone banks during campaigns for election for Federal office, and for other purposes; to the Committee on House Administration.

By Mrs. MILLER of Michigan:

H.R. 2668. A bill to amend the Federal Water Pollution Control Act to direct the Great Lakes National Program Office of the Environmental Protection Agency to develop, implement, monitor, and report on a series of indicators of water quality and related environmental factors in the Great

Lakes; to the Committee on Transportation and Infrastructure.

By Ms. NORTON:

H.R. 2669. A bill to provide a model for school districts in the United States using and building on the experience of the District of Columbia in establishing fully accountable public alternatives to traditional public schools; to the Committee on Government Reform.

By Ms. WATSON:

H.R. 2670. A bill to limit the reimbursement of travel expenses of the members and employees of the Federal Communications Commission; to the Committee on Government Reform, 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. LEACH (for himself, Mr. POMBO, Mr. RAHALL, Mr. HYDE, Mr. LANTOS, and Mr. FALEOMAVAEGA) (all by request):

H.J. Res. 63. A joint resolution to approve the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia,'' and the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands,'' and otherwise to amend Public Law 99-239, and to appropriate for the purposes of amended Public Law 99-239 for fiscal years ending on or before September 30, 2023, and for other purposes; to the Committee on International Relations, 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. PAYNE (for himself, Ms. LEE, Mr. MEEKS of New York, Mr. LANTOS, Ms. CORRINE BROWN of Florida, Mr. RANGEL, and Ms. WATSON):

H. Con. Res. 240. Concurrent resolution expressing the sense of Congress with respect to the urgency of providing support for the ''Agreement on Ceasefire and Cessation of Hostilities Between the Government of the Republic of Liberia and Liberians United for Reconciliation and Democracy and the Movement for Democracy of Liberia'', and for other purposes; to the Committee on International Relations.

By Mrs. WILSON of New Mexico:

H. Con. Res. 241. Concurrent resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month; to the Committee on the Judiciary.

By Mr. MCINTYRE:

H. Res. 308. A resolution expressing the sense of the House of Representatives that the Federal Government should actively pursue a unified approach to strengthen and promote the national policy on aquaculture; to the Committee on Resources, and in addition to the Committee on 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 Mrs. LOWEY (for herself, Mr. ANDREWS, Mr. ENGEL, Mr. GILLMOR, Ms. KAPTUR, Mr. MCINTYRE, Mr. GRIJALVA, Mrs. MCCARTHY of New York, Mr. BALLANCE, Mr. HOLT, and Mr. MARKEY):

H. Res. 313. A resolution commemorating the 60th anniversary of the establishment of the United States Cadet Nurse Corps and voicing the appreciation of the House of Representatives regarding the service of the members of the United States Cadet Nurse Corps during World War II; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. WILSON of South Carolina, Mr. OTTER, Mr. BISHOP of Georgia, and Mr. BURNS.

H.R. 36: Mr. FOLEY and Mr. WEXLER.

H.R. 119: Mr. NORWOOD, Mr. BRADY of Texas, Mr. VITTER, Mr. ISTOOK, Mr. DOOLITTLE, Mr. FEENEY, Mr. CARTER, Mr. CANNON, Mr. DEUTSCH, Mr. SCHROCK, Mr. SESSIONS, and Mr. CASE.

H.R. 140: Mr. MILLER of North Carolina.

H.R. 173: Mr. GARRETT of New Jersey.

H.R. 218: Mr. COX.

H.R. 284: Ms. HARMAN and Ms. KILPATRICK.

H.R. 290: Mr. KUCINICH, Mr. ALLEN, Mr. MARSHALL, Mr. DUNCAN, Mr. DICKS, and Mr. HINCHEY.

H.R. 303: Mr. HENSARLING, Mr. FOSSELLA, and Mr. LEWIS of Georgia.

H.R. 369: Mr. BROWN of Ohio, Mr. KILDEE, and Mr. KNOLLENBERG.

H.R. 384: Mr. BARTLETT of Maryland and Mr. BURGESS.

H.R. 461: Mr. COOPER.

H.R. 466: Mr. CARDIN, Ms. ROYBAL-ALLARD, Mr. EHLERS, and Mr. CAMP.

H.R. 516: Mrs. MUSGRAVE.

H.R. 570: Mrs. MCCARTHY of New York and Mr. MCHUGH.

H.R. 571: Mr. PUTNAM, Mr. GINGREY, Mr. PETERSON of Pennsylvania, Mr. HEFLEY, Ms. HARRIS, Mr. SESSIONS, Mr. LATOURETTE, Mr. COLE, Mr. COBLE, and Mr. BEAUPREZ.

H.R. 676: Mr. NADLER.

H.R. 687: Mr. WICKER and Mr. WELDON of Florida.

H.R. 713: Mr. MCINTYRE, Mr. CALVERT, Mr. WILSON of South Carolina, and Mr. DOOLITTLE.

H.R. 725: Mrs. NAPOLITANO.

H.R. 742: Mr. DOOLITTLE, Mr. JANKLOW, Mr. LEWIS of Kentucky, Mr. MCCOTTER, and Mr. COOPER.

H.R. 745: Mr. ALLEN.

H.R. 756: Mr. LOBIONDO.

H.R. 785: Mr. BURR, Mr. MANZULLO, and Mr. EMANUEL.

H.R. 792: Ms. ESHOO, Mr. ALLEN, Mr. KENNEDY of Rhode Island, Mr. PUTNAM, Mr. INSLEE, Mr. GUTIERREZ, Mr. DICKS, and Mr. DAVIS of Illinois.

H.R. 806: Mr. SCHIFF and Mr. PALLONE.

H.R. 811: Mr. HALL.

H.R. 816: Mr. SANDERS.

H.R. 817: Mrs. NAPOLITANO.

H.R. 822: Mr. ACEVEDO-VILA and Ms. MCCOLLUM.

H.R. 828: Mr. RANGEL.

H.R. 832: Mr. BELL and Mr. BISHOP of New York.

H.R. 857: Ms. LINDA T. SANCHEZ of California, Mr. JONES of North Carolina, and Mr. PASCRELL.

H.R. 869: Mr. MOORE.

H.R. 879: Mr. MANZULLO and Mr. KOLBE.

H.R. 891: Ms. ESHOO.

H.R. 898: Mr. LYNCH.

H.R. 919: Mr. CARTER, Mr. WAMP, and Mr. FERGUSON.

H.R. 934: Mr. EMANUEL.

H.R. 979: Mr. DAVIS of Illinois.

H.R. 980: Mr. GORDON and Mr. PALLONE.

H.R. 1075: Mr. OSBORNE.

H.R. 1078: Ms. SOLIS.

H.R. 1093: Mr. CAMP, Mr. SULLIVAN, and Mr. HAYWORTH.

H.R. 1137: Mr. PITTS and Mr. OTTER.

H.R. 1157: Mr. DINGELL, Ms. MAJETTE, Mr. MARKEY, Mr. BECERRA, and Mr. INSLEE.

H.R. 1167: Mr. GREEN of Wisconsin.

H.R. 1173: Mr. WYNN.

H.R. 1196: Mr. BLUMENAUER, Ms. SCHAKOWSKY, and Mr. DEFAZIO.

H.R. 1236: Ms. CARSON of Indiana and Mr. PORTER.

H.R. 1259: Mr. SIMMONS and Mr. OTTER.

H.R. 1266: Mr. HONDA.

H.R. 1268: Mrs. NAPOLITANO.

H.R. 1288: Mr. MORAN of Kansas and Mr. DICKS.

H.R. 1295: Mrs. CHRISTENSEN and Mr. DAVIS of Illinois.

H.R. 1301: Mr. TIERNEY and Mr. GRIJALVA.

H.R. 1310: Mr. DAVIS of Alabama, Mr. ALLEN, and Mr. RENZI.

H.R. 1355: Mr. MCDERMOTT, Mrs. MALONEY, and Mr. OBERSTAR.

H.R. 1359: Ms. DELAURO and Mr. LARSON of Connecticut.

H.R. 1418: Mr. FOLEY.

H.R. 1421: Mr. FALEOMAVAEGA and Mr. MATSUI.

H.R. 1430: Mr. ANDREWS, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Ms. VELAZQUEZ, and Mr. MICHAUD.

H.R. 1435: Mr. FRANK of Massachusetts.

H.R. 1464: Mr. FALEOMAVAEGA, Mr. WEINER, and Mr. FARR.

H.R. 1472: Mr. KUCINICH, Mr. HYDE, Mr. WEINER, Mr. VITTER, Mr. DEAL of Georgia, Mrs. MYRICK, Mr. WICKER, Mr. FOSSELLA, Mr. ISSA, Mrs. JO ANN DAVIS of Virginia, Mr. WELDON of Florida, Mr. TOM DAVIS of Virginia, Ms. KAPTUR, Mrs. CAPITO, Mr. MARIO DIAZ-BALART of Florida, Mr. BURTON of Indiana, Mr. BUYER, Mr. ISRAEL, Mr. ADERHOLT, Mr. GOSS, Mr. GILLMOR, Mr. NORWOOD, Mr. PENCE, Ms. HART, Mr. HONDA, Mr. BACHUS, Mr. PORTMAN, Mr. EVERETT, Mr. COLLINS, Mr. BAKER, and Mr. SULLIVAN.

H.R. 1473: Mr. MCGOVERN.

H.R. 1482: Mrs. LOWEY and Mr. HINCHEY.

H.R. 1513: Mr. REHBERG, Mrs. BLACKBURN, Mr. RAMSTAD, Mr. WAMP, Mr. HALL, Mr. BURNS, Mr. SHAW, and Mr. BEAUPREZ.

H.R. 1522: Mrs. CHRISTENSEN.

H.R. 1567: Mr. KINGSTON and Mr. HUNTER.

H.R. 1589: Mr. LUCAS of Kentucky.

H.R. 1605: Mr. MORAN of Virginia.

H.R. 1639: Ms. LEE, Mr. GRIJALVA, Mr. MCGOVERN, and Mr. CASE.

H.R. 1657: Mr. VAN HOLLEN.

H.R. 1659: Mr. LANTOS and Ms. ROYBAL-ALLARD.

H.R. 1652: Mr. SHIMKUS, Mr. OSE, and Mr. FLAKE.

H.R. 1671: Mr. FOLEY.

H.R. 1710: Mr. GOODLATTE and Ms. DELAURO.

H.R. 1748: Mr. CLYBURN.

H.R. 1807: Mr. SANDERS.

H.R. 1839: Mr. SHUSTER.

H.R. 1863: Mr. BELL and Mr. UPTON.

H.R. 1865: Mrs. CHRISTENSEN and Ms. JACKSON-LEE of Texas.

H.R. 1873: Mr. MICHAUD and Mrs. CAPITO.

H.R. 1886: Mr. KIND and Ms. ESHOO.

H.R. 1902: Ms. SCHAKOWSKY.

H.R. 1905: Mr. FRANK of Massachusetts and Mr. FILNER.

H.R. 1906: Mr. GEORGE MILLER of California.

H.R. 1909: Mr. BLUNT, Mr. DOOLITTLE, Mr. BISHOP of Utah, Mr. TANCREDO, and Mr. PAUL.

H.R. 1943: Mr. ENGLISH.

H.R. 1963: Mr. STUPAK.

H.R. 1999: Mr. CLYBURN and Mr. UDALL of New Mexico.

H.R. 2011: Mr. EDWARDS and Mr. LAHOOD.

H.R. 2020: Mr. DEUTSCH and Mr. SULLIVAN.

H.R. 2022: Mr. WAXMAN and Mr. GOODE.

H.R. 2028: Mr. CANNON and Mr. LOBIONDO.

H.R. 2038: Mr. FILNER, Mr. GONZALEZ, and Mr. MATSUI.

H.R. 2047: Mr. LEVIN.

H.R. 2052: Mr. RAHALL, Mr. BILIRAKIS, Mr. PALLONE, Mr. ROGERS of Michigan, Mr. MILLER of Florida, Mr. SNYDER, Mr. JACKSON, of Illinois, Mr. ANDREWS, Mr. MURTHA, Ms. HOOLEY of Oregon, Mr. LANGEVIN, Mr. JEFFERSON, Mrs. NAPOLITANO, Mr. GILLMOR, and Mr. SERRANO.

H.R. 2075: Mr. STEARNS and Mr. GINNY BROWN-WAITE of Florida.

H.R. 2118: Mr. DEAL of Georgia.

H.R. 2193: Mr. LYNCH.

H.R. 2198: Ms. MAJETTE.

H.R. 2205: Mr. MEEKS of New York, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DINGELL, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. CUMMINGS, Ms. MCCARTHY of Missouri, Ms. BALDWIN, Ms. CORRINE BROWN of Florida, Mr. ENGLISH, Ms. GRANGER, Mrs. MALONEY, Mr. MCINTYRE, Mr. GUTIERREZ, Mr. GILLMOR, Mr. COX, Mr. DOGGETT, Mr. FALEOMAVAEGA, Mr. KIND, Mr. GEORGE MILLER of California, Ms. WATERS, Mr. FORD, Ms. ESHOO, Mr. CONYERS, Mr. HASTINGS of Florida, and Mr. BRADY of Pennsylvania.

H.R. 2218: Mr. BROWN of Ohio, Mr. TOWNS, Mr. GREEN of Texas, Ms. DELAURO, and Mrs. NAPOLITANO.

H.R. 2224: Mrs. JO ANN DAVIS of Virginia.

H.R. 2232: Mrs. JO ANN DAVIS of Virginia, Mr. HEFLEY, and Mr. WILSON of South Carolina.

H.R. 2250: Ms. LORETTA SANCHEZ of California.

H.R. 2253: Mr. FALEOMAVAEGA.

H.R. 2262: Mr. FALEOMAVAEGA, Ms. GINNY BROWN-WAITE of Florida, and Mr. MICHAUD.

H.R. 2272: Mr. RANGEL, Mr. GORDON, Mr. CUMMINGS, Mr. JEFFERSON, and Mr. RUSH.

H.R. 2291: Mr. FALEOMAVAEGA and Mr. ALLEN.

H.R. 2295: Ms. DELAURO and Mr. KIND.

H.R. 2300: Mr. BISHOP of Georgia and Mrs. NAPOLITANO.

H.R. 2318: Mr. RUSH, Ms. SOLIS, Mr. DAVIS of Alabama, Mr. BISHOP of Georgia, Mr. OWENS, Mr. BISHOP of New York, and Mr. ROSS.

H.R. 2323: Mr. FRANK of Massachusetts, Mr. SANDLIN, Mr. WAMP, Mrs. CHRISTENSEN, and Mr. HOSTETTLER.

H.R. 2347: Ms. JACKSON-LEE of Texas and Mr. KLINE.

H.R. 2369: Ms. VELAZQUEZ, Mr. STRICKLAND, and Mr. LIPINSKI.

H.R. 2377: Mr. NADLER.

H.R. 2379: Mr. SHUSTER, Mr. PEARCE, Mr. WAMP, Mr. ROSS, and Mrs. CHRISTENSEN.

H.R. 2418: Mrs. JONES of Ohio, Mr. NADLER, Mr. CONYERS, and Ms. WOOLSEY.

H.R. 2426: Mr. PRICE of North Carolina, Mr. MCGOVERN, Mr. KUCINICH, Ms. MCCOLLUM, and Mr. EMANUEL.

H.R. 2427: Mr. KUCINICH, Mr. LANGEVIN, Mr. SMITH of New Jersey, Mr. WAMP, and Mr. SANDERS.

H.R. 2437: Mr. HONDA, Mr. NADLER, and Mr. DAVIS of Illinois.

H.R. 2440: Mr. MCDERMOTT, Mr. MICHAUD, Mr. BISHOP of Utah, Mr. CAMP, and Mr. WALDEN of Oregon.

H.R. 2444: Mr. OTTER.

H.R. 2445: Mr. FILNER.

H.R. 2446: Mr. HASTINGS of Washington.

H.R. 2448: Mr. ENGLISH.

H.R. 2449: Mr. BOUCHER.

H.R. 2455: Mr. NADLER.

H.R. 2462: Mr. TANNER, Mr. BACA, Mr. THOMPSON of Mississippi, Mr. DAVIS of Illinois, and Mr. PASCRELL.

H.R. 2464: Mr. OWENS and Mr. WILSON of South Carolina.

H.R. 2478: Mr. HINCHEY and Mr. KUCINICH.

H.R. 2482: Mr. KING of New York, Mr. LANTOS, Mr. MARKEY, Mr. CROWLEY, Mr. EVANS, Mr. HASTINGS of Florida, Ms. SOLIS, Mr. MCNULTY, Ms. MCCARTHY of Missouri, Mr. WU, Mr. MCGOVERN, Mr. RAHALL, Mr. KUCINICH, Mr. GRIJALVA, and Mr. BERMAN.

H.R. 2491: Mr. OWENS.

H.R. 2497: Mr. GUTIERREZ, Mr. MCDERMOTT, Mr. ALLEN, Mr. RYAN of Ohio, and Mr. GUTKNECHT.

H.R. 2505: Mr. SANDERS, Mr. ALLEN, Mr. EMANUEL, Ms. SCHAKOWSKY, Mr. LANTOS, and Mr. WEXLER.

H.R. 2515: Mr. FOSSELLA, Mr. GILLMOR, Mr. WYNN, Mr. DAVIS of Florida, Mr. OWENS, Mr. LEVIN, Mr. MOORE, Mr. BLUMENAUER, Mr. SHERMAN, Mr. HINCHEY, Ms. WATSON, Mr. CARTER, Mr. HASTINGS of Washington, Mr. DEUTSCH, Mr. PALLONE, Ms. DEGETTE, and Mr. GORDON.

H.R. 2517: Mr. GOODLATTE, Mr. OLVER, Mr. CARTER, Mr. FEENEY, Mr. FORD, Mr. WEXLER, and Mr. HYDE.

H.R. 2519: Ms. HARMAN, Mr. ANDREWS, Mr. TOWNS, Mr. WEXLER, Mr. FOLEY, and Mr. GALLEGLY.

H.R. 2532: Mr. EMANUEL.

H.R. 2538: Mr. WEXLER.

H.R. 2545: Mr. OWENS and Mr. ENGLISH.

H.R. 2546: Mr. CONYERS.

H.R. 2550: Mr. WILSON of South Carolina.

H.R. 2574: Mr. OBERSTAR.

H.R. 2578: Mr. DEAL of Georgia, Mr. ISSA, Mr. SOUDER, Mr. RYUN of Kansas, and Mrs. BLACKBURN.

H.R. 2591: Mrs. MILLER of Michigan, Mr. MARIO DIAZ-BALART of Florida, and Mr. PAUL.

H.R. 2631: Mr. GOODE and Mr. VAN HOLLEN.

H.R. 2632: Mr. BAKER.

H.R. 2637: Mr. PASCRELL.

H.R. 2640: Mr. CROWLEY and Mr. SANDERS.

H.R. 2655: Mr. LYNCH.

H.J. Res. 11: Mr. HASTINGS of Florida, Mr. FRANK of Massachusetts, and Mr. SHAYS.

H.J. Res. 56: Mr. HAYES, Mr. BARRETT of South Carolina, Mr. BURNS, Mr. COLLINS, Mr. ROGERS of Alabama, Mr. WAMP, and Mr. STENHOLM.

H.J. Res. 62: Mrs. LOWEY.

H. Con. Res. 6: Mr. FROST, Mr. GOODE, Mrs. DAVIS of California, and Mrs. CHRISTENSEN.

H. Con. Res. 30: Mr. BLUNT, Mr. STRICKLAND, and Mr. ABERCROMBIE.

H. Con. Res. 39: Mr. CUMMINGS.

H. Con. Res. 99: Mr. GEORGE MILLER of California, Ms. SOLIS, Mr. CUMMINGS, and Ms. CARSON of Indiana.

H. Con. Res. 111: Mr. LAHOOD.

H. Con. Res. 119: Mr. NORWOOD, Mr. BRADY of Texas, Mr. VITTER, Mr. ISTOOK, Mr. DOOLITTLE, Mr. FEENEY, Mr. OTTER, Mr. CARTER, Mr. CANNON, Mr. DEUTSCH, Mr. SCHROCK, and Mr. SESSIONS.

H. Con. Res. 130: Mr. FROST.

H. Con. Res. 210: Mr. REYES and Mr. SKELTON.

H. Con. Res. 215: Ms. KILPATRICK, Mr. CAMP, Mr. ROGERS of Michigan, Mr. HOEKSTRA, and Mr. SMITH of Michigan.

H. Con. Res. 217: Mr. PITTS and Mr. BELL.

H. Con. Res. 229: Mr. LANTOS, Mrs. JONES of Ohio, Mr. CUMMINGS, Mr. RANGEL, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Ms. CARSON of Indiana, Ms. WATSON, Mr. WYNN, Mr. CLAY, Ms. MILLENDER-MCDONALD, Mr. TOWNS, Ms. KILPATRICK, Mr. OWENS, Ms. LEE, Mr. CLYBURN, Mr. ENGEL, and Mr. SMITH of New Jersey.

H. Con. Res. 237: Mr. HAYWORTH and Mr. FLAKE.

H. Res. 103: Mr. JANKLOW.

H. Res. 238: Mr. ALLEN, Mr. BALLANCE, Mr. BISHOP of Georgia, Mr. BROWN of Ohio, Mr. CARDIN, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Tennessee, Ms. DELAURO, Mr. DEUTSCH, Mr. FATTAH, Mr. FROST, Mr. GRIJALVA, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KUCINICH, Ms. LEE, Mr. LEWIS of Georgia, Ms. MILLENDER-MCDONALD, Mr. PALLONE, Mr. RAHALL, Mr. RANGEL, Mr. ROTHMAN, Mr. RUSH, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SPRATT, Mr. TOWNS, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WEXLER, and Mr. WYNN.

H. Res. 259: Mr. PITTS.

H. Res. 280: Mr. CULBERSON, Mrs. KELLY, Mr. MCNULTY, Mr. WALSH, Mr. ENGEL, Mr. FROST, Mr. MCHUGH, Mr. RANGEL, and Mrs. LOWEY.

H. Res. 286: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 287: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 288: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 304: Mr. MCDERMOTT, Mr. LYNCH, Mr. FRANK of Massachusetts, and Mr. DAVIS of Illinois.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1063: Mr. PALLONE.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2657

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

SEC.____. None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting—

(A) ''Chief Administrative Officer of the House of Representatives'' for ''head of the department or independent establishment''; and

(B) ''at least 65 percent'' for ''substantially all''; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting—

(A) in subsection (a)—

(i) ''at least 65 percent'' for ''substantially all''; and

(ii) ''Chief Administrative Officer of the House of Representatives'' for ''head of the department or independent establishment''; and

(B) in subsection (b), ''Chief Administrative Officer of the House of Representatives has made any contract containing the provision required by subsection (a) and'' for ''head of a department, bureau, agency, or independent establishment which has made any contract containing the provision required by subsection (a)''.

H.R. 2660

OFFERED BY: MR. GREEN OF TEXAS

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

SEC. ____. Section 2604(a)(1) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)(1)) is amended—

(1) in subparagraph (A) by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''; and

(2) by adding at the end the following new subparagraph:

''(C) Not more than 50 percent of amounts appropriated for carrying out this title for any fiscal year shall be provided for home heating purposes.''.

H.R. 2660

OFFERED BY: MR. GREEN OF TEXAS

AMENDMENT NO. 2: In the matter relating to ''ADMINISTRATION FOR CHILDREN AND FAMILIES—LOW-INCOME HOME ENERGY ASSISTANCE'', after the second dollar amount, insert the following: ''(increased by $200,000,000), to remain available until expended''.

H.R. 2660

OFFERED BY: MR. BLUMENAUER OF OREGON

AMENDMENT NO. 3: At the end of the bill (before the short title), insert the following new section:

SEC. ____. Federally recognized Indian tribes shall be eligible to the same extent as States are eligible for programs funded with amounts made available under this Act.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, TUESDAY, JULY 8, 2003 No. 99

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, ADM Barry C. Black, offered the following prayer:

Eternal Lord God, who rules the raging of the sea, great and marvelous are Your works; just and true are Your ways. Thank You for smiling upon America and for blessing this Nation with your generous providence. Forgive our tendency to forget Your goodness and our failure to express gratitude for Your gifts. Thank You for these Senators, who seek to produce fruits that will nourish this land. Give them a kindness that remembers those on life's margins and a courage that will narrow the gap between the creed and the deed. Remove the scales from our eyes, that we might discover celestial solutions to Earth's most difficult problems. Today, let our words, thoughts, and actions honor and glorify Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period of morning business until 11:30 a.m. Following morning business, the Senate will begin up to 15 minutes of debate on the nomination of David Campbell to be a U.S. District Judge for the District of Arizona. At 11:45, the Senate will vote on the Campbell nomination. Immediately following that vote, the Senate will proceed to a vote on the motion to invoke cloture on the nomination of Victor Wolski to be a judge of the U.S. Court of Federal Claims. Therefore, the first vote will occur at 11:45 and that vote will be the first of two back-to-back votes.

For the remainder of the day, the Senate will resume debate on the motion to proceed to S. 11, the Patients First Act. A cloture motion on the motion to proceed to the bill was filed yesterday and that cloture vote will occur on Wednesday.

I ask unanimous consent that following disposition of the Wolski nomination, the Senate resume consideration of the motion to proceed to S. 11.

Mr. REID. Mr. President, reserving the right to object, I ask the majority leader if there were not a vote on the motion to invoke cloture on Wolski, would the distinguished majority leader consider allowing several hours this afternoon to debate Wolski? If cloture is invoked, of course, we would have 30 hours. It would seem to me that for the people who have been seeking this vote, we could vitiate the cloture vote and the leader could give us, say, 3 or 4 hours to debate Wolski and then vote.

Mr. FRIST. Mr. President, I would certainly entertain that. I ask if I might have a discussion with Chairman HATCH, the chairman of the Judiciary Committee, before committing to that, and I will get back shortly with the assistant Democratic leader.

The PRESIDENT pro tempore. Is the unanimous consent request withdrawn?

Mr. FRIST. No, it is not.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. No.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period of morning business until 11:30 a.m., with the time equally divided between the two leaders or their designees.

Mr. FRIST. 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.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the time during the quorum call be charged equally to both sides.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. 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.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

PATIENTS FIRST ACT

Mr. DURBIN. Mr. President, I would like to speak in morning business on the issue that is pending before the Senate, which is the motion to proceed on S. 11. This is a bill relative to an important issue that really we have to grapple with in this country, and that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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is the question of medical malpractice. It is an issue which has come at us in so many different ways. Unfortunately, the bill that is before us, S. 11, which we are now considering under a motion to proceed, looks at the issue of medical malpractice from only one narrow perspective, and from my point of view a very ineffective perspective.

What the bill before us would suggest is if you or a member of your family or one of your children is a victim of medical malpractice, there would be a strict limitation in this bill of how much you could recover in court for what is known as noneconomic losses, pain and suffering. That strict limitation would be $250,000.

To many people, $250,000 seems to be a very substantial sum of money, and it is until it is put in the perspective of the injuries we are discussing. Yesterday, in the course of the debate, I told the story of a 6-year-old boy in my home State of Illinois who went to a downstate clinic with a high fever. Unfortunately, he did not receive appropriate medical care and a jury decided he had been a victim of medical negligence. The doctors who had treated him did not perform the type of medical procedures necessary to monitor his serious condition. As a result of that, this poor little boy at the age of 6 became quadriplegic and uncommunicative. It is now 11 years later. He is 17 years old. He needs care around the clock. He cannot respond to stimulus that ordinary people do. He certainly cannot communicate. His situation for the past 11 years is, frankly, what he will face as long as he is alive.

That is a harrowing prospect for his family and it means they are going to have to dedicate the rest of their lives, as mother and father, to try to make his life on Earth as bearable as possible. So $250,000 in that context has to be taken from a different perspective. It goes beyond his medical bills, of which he will receive compensation, to the question of pain and suffering for him and certainly for his family.

If this young man, now at the age of 17, is going to live 20, 30, or 40 years, what is $250,000 worth? That $250,000 turns out to be a very small amount when we consider that the injuries he suffered and the problems he has endured are going to be there for a lifetime. So for us to say we will decide in the Senate in S. 11, the bill that is before us, that this little boy and his family will never receive more than $250,000 regardless of the circumstances facing him for the rest of his life, I think is totally unfair.

In fact, it is a dramatic departure from where we have been in the United States for so long. We have said, first, that this is an issue to be decided by each State. Each State should decide if there is going to be a limitation on how much money someone can receive if they are a victim of a certain injury or malpractice.

Secondly, we have said historically this is an issue not to be decided by 100 Senators, men and women sitting in Washington, but literally by 12 of this family's neighbors and friends who live in the community, who will try to reach a fair amount of compensation when in fact they find fault on the part of the doctor and the hospital. That is the jury system. It is a system we have believed in in America from the start of this Nation. It really is a system which parallels free elections in America where we say we entrust our Government to the people of this country.

In the courtroom, we entrust these decisions to the people of America, 12 of them chosen at random to come to a fair conclusion. Those who are pushing this bill today say we can no longer trust the jury system in America; we cannot trust 12 of this little boy's neighbors and friends and people in the community to come forward and reach a fair verdict.

I think that is a terrible condemnation of a system of justice which has really been the bedrock of American principles and American values.

It is curious to me that many of the same people who decide today that the jury system consists of people who cannot be trusted will readily trust the jury system when it comes to questions of criminal penalties, penalties as severe as the death penalty. If we trust a jury of 12 to decide the life or death of a criminal defendant, is it not also fair to say we would trust them to decide a fair amount of damages, a fair amount of compensation, for this child and his family?

Well, no. S. 11, offered on the Republican side of the aisle, says the opposite. It says, we will make the decision here. We are smarter. We know what is fair, and $250,000 is adequate compensation for this little boy who will face a lifetime now of care on a daily basis, minute by minute, whose mother has had to quit her job so she can stay home and tend to this 17-year-old boy who was a victim of medical malpractice.

Let me also add that equally unfair and unjust in S. 11 is the treatment of people who are senior citizens, who have been the victims of medical malpractice, because what this bill compensates are medical bills and lost wages, and limits any other recovery to $250,000. So if one happens to be a senior citizen who has no active income, perhaps a little retirement and the money they derive from their savings, and they are a victim of medical malpractice, they are limited to $250,000 compensation.

I will come back later today and talk about a couple who were victimized frankly because a blood bank gave them blood that was tainted with the HIV virus, which resulted in this 70-year-old couple contracting that HIV infection, ultimately dying of AIDS. It was a sad situation and one that was graphic in terms of the malpractice involved. But because they were not wage earners, their compensation under this bill would be virtually nothing.

The medical care which they would receive, of course, would be compensated, but it would only be $250,000 for pain and suffering.

Let's go to the root cause of this debate. Why are we even talking about medical malpractice on the Senate floor? It is because we do have a serious national challenge. In many States, including my own, for many specialities of medical practice we have seen medical malpractice insurance premiums increasing at an alarming rate. When we have asked the General Accounting Office and private firms to analyze why this has happened, they have said there is a variety of reasons that have led up to it. Yes, in fact, there are more settlements in cases involving medical malpractice than there have been in the past, and in some marginal cases more verdicts. It is an indication of the fact there is more medical negligence being discovered, and even the Department of Health and Human Services gave us testimony a few weeks ago that we are facing medical negligence and medical errors across America, in their words, of epidemic proportion. So now we have this huge wave of exposure and liability coming at the medical profession, and naturally there are more lawsuits that are being filed to reflect this wave, this epidemic, of medical negligence.

What has happened on the insurance side to protect the doctors? Sadly, this has been, frankly, a casino mentality among many of the medical malpractice insurers. Back in the Clinton administration, when we had a strong, vibrant, growing economy, when the Dow Jones index was going up regularly and people saw their retirement incomes growing and their savings growing, many people were investing in the stock market and doing well and many insurance companies did as well, too.

In the case of medical malpractice insurers, they would collect the premiums from the doctors, invest them in the stock market or in bonds and do very well.

Now what has happened? In the last 2½ years under this administration, we have seen the economy in recession; we have lost jobs; we have lost businesses; we have seen people lose their life savings; they have made new decisions on whether they have to continue to work.

Business investment, as well, has not been as profitable. These insurance companies that thought they had a winning formula are starting to lose. The premiums collected from doctors, invested in bonds and the stock market, have not been as profitable. Because of this, many of these companies have gone out of business or raised their premiums because of anticipated exposure for medical errors. Those raised premiums have caused real hardship among doctors in America.

Senator DASCHLE came to the Senate floor yesterday—and I tried to make the point, also—to say we understand

this issue is serious. On the Democratic side of the aisle, we have offered to the Republican side of the aisle to come together on a bipartisan basis to deal with the malpractice insurance crisis and the malpractice crisis in America. But we cannot resolve this issue by introducing a bill, S. 11, that only goes after one discrete part of it—limiting the recovery of medical malpractice to victims.

This drastic response is not going to solve the underlying problem. We need to come together on a bipartisan basis as we did on terrorism insurance after September 11. We found a way to do it. But we can only do it if we engage the three elements that can lead to success. Those elements are: First, the medical profession itself. We have to bring together those doctors of good will across America who want to work with us to reduce medical errors, to bring more safety to the practice of medicine, to take away from the practice of medicine those doctors and practitioners who are largely responsible for medical malpractice. Fifty percent of the medical malpractice claims in America can be attributed to 5 percent of the doctors. We need to make certain the medical profession is more vigilant in taking these doctors out of the practice of medicine, are changing the way they practice medicine so fewer innocent victims emerge from this experience.

Second, we need to bring in the insurance industry. I know this is a sacred cow in the Senate, to talk about insurance companies and holding them accountable for the way they are treating doctors across America. But you cannot have an honest conversation about dealing with medical malpractice premiums without talking about the insurance industry. We could cap recoveries across America in every courtroom for every victim of medical malpractice with no guarantee that medical malpractice premiums are going to decrease for doctors across America.

Here is what I think we should do. First, we should eliminate the antitrust exemption for insurance companies across America. To think we allow these companies to collude, to come together and share pricing information to the detriment of their customers—in this case, their doctors—is indefensible. The McCarran-Ferguson Act should be repealed so the antitrust exemption is removed from the U.S. industry.

Second, we need to look at the whole question of reinsurance. Most of these malpractice insurance companies only protect doctors up to a certain amount—perhaps $1 million or $2 million—in terms of their exposure to liability. Then they sell off the additional exposure—$2 million to $10 million, $2 million to $20 million—and buy insurance to cover it. There are five major companies selling reinsurance in the medical malpractice area. Four are offshore and not regulated by any State or Federal regulation in the United States. We have no oversight of the way they are treating malpractice insurers in America. That is a guarantee that, no matter what we do in the Senate, there will still be ultimate vulnerability by the medical profession to unreasonable and excessive malpractice premiums.

The solution involves: Bringing together the medical profession to reduce medical errors, to reduce medical injuries; bringing the insurance industry in to make certain that we have some accountability and fairness in the premium charges; and, finally, bringing in those in the legal profession to make certain that any lawyer filing a frivolous malpractice lawsuit is going to be held accountable for the costs and attorney fees, initially, and ultimately, if he or she continues doing so, banned from filing future lawsuits; also making certain that punitive damages would be eliminated in virtually all medical malpractice cases. All of these factors will move us toward a solution to this problem.

This week, we are going to be visited by many doctors from across the United States. They will come and tell us of their legitimate concerns about malpractice premiums that are hurting their profession and limiting the availability of good medicine and good doctors across America. I do not quarrel with their premise that they have a problem that needs to be resolved, that we need to face squarely and honestly.

But this morning, at 11 o'clock, I will hold a press conference in which we will have five victims of medical malpractice. They will tell their heartbreaking stories, how they went to the doctor, they went to the hospital, and came home so injured and so changed that their lives were never the same. The $250,000 being offered by the sponsors of S. 11 is totally inadequate to the injuries they suffered. The limitation of $250,000 would make them wards of the state and dependent on government and charity for the rest of their life. That is what is being offered on the Republican side of the aisle.

The last point I make is this: When you read S. 11 closely, you will find it is not only about doctors and hospitals, it is also about protecting from liability HMO insurance companies and health care organizations, the makers of medical devices, and those pharmaceutical companies that are found to have been negligent in the sale of their products.

I cannot understand how the medical profession can allow itself to be used by the sponsors of this bill so that those who are coming in to represent these special interest groups—the HMOs and managed care organizations, the pharmaceutical companies, and the medical device companies—get protection, using as their argument the sympathy that is being generated on behalf of doctors who are struggling with malpractice premiums. That is unfair to the doctors; it is unfair to the hospitals; it is unfair to the Senate, that we would include in S. 11 that type of limitation.

Finally, this bill, S. 11, allows for punitive damages in the most limited circumstances. It requires that there be a deliberate act on the part of a doctor for punitive damages to apply, as well as malicious intent being another option under punitive damages.

When I made an inquiry yesterday as to what it would mean if a doctor were intoxicated or an addict to drugs and, because of that intoxication or addiction, performed some medical procedure which harmed a person for life, I was told that punitive damage section would apply. I have to say quite honestly it does not because the language of the section is only about deliberate and intentional conduct, not about the kind of gross negligence involved in addiction and intoxication.

As we look at S. 11, we owe the medical profession as well as the people of America more than is being offered. To bring this bill on a take-it-or-leave-it basis, to say we will have no committee hearings, no amendment process in committee, no opportunity for an exchange of information, is not fair to the people of America. I hope we can do better—I think we can—that when the vote takes place tomorrow on the cloture motion, we will see a number of Senators are going to come forward and ask that we try to resolve this difference in a fair way, in a balanced way, rather than this unbalanced and unfair way being offered.

Mr. REID. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. REID. As I listen to the Senator today—and I am aware of what the Senator talked about yesterday—is the Senator saying he is not opposed to our doing something regarding medical malpractice?

Mr. DURBIN. That is exactly true. The Senator's home State, the State of Nevada, was a classic example of serious problems that were ultimately addressed last year by legislative action when the State of Nevada accepted its responsibility.

We need to deal with this through each State, and we need to find ways on the Federal level to try to make certain we do not have States in crisis, as mentioned yesterday, because of malpractice premiums.

Mr. REID. The Senator is absolutely right. In Nevada, the Governor, Republican Gov. Kenny Guinn, called a special session of the Nevada Legislature to address this problem which was created by one insurance company that decided to take a powder when the stock market fell, as the Senator aptly described.

The Senator, who previously served in the House of Representatives, also said during his statements in the Senate that if we are going to move important legislation such as this, there should be committee hearings discussing the legislation. It is true, is it not, that we have had no hearings on this legislation?

Mr. DURBIN. I would say to the Senator from Nevada, that is accurate. In fact, we had a limited hearing last February on the issue but not on this bill. Senator COLEMAN of Minnesota had a hearing in the Governmental Affairs Committee to talk about the general issue of medical malpractice, where the administration testified we are facing an epidemic of medical malpractice in America. But no one has sat down to measure whether this bill will actually reduce malpractice premiums. The only studies that have been done by the General Accounting Office, as well as by a group known as the Weiss Institute, have come to the conclusion that limiting the recovery of victims in medical malpractice lawsuits is no guarantee of malpractice premiums coming down. In fact, in many cases of States with caps on the recovery, limitations on recovery for malpractice victims, the malpractice premiums for doctors have gone up.

There is no linear connection or guarantee that limiting the recovery for victims is going to help the doctors, yet that is the only solution that is before us on the floor today.

Mr. REID. It is also true, is it not, I say to the Senator from Illinois, that the two studies of the Weiss and the General Accounting Office are not studies that have been paid for, were involved with or directed by attorneys? Is that a fair statement?

Mr. DURBIN. That is exactly right. I would say to the Senator from Nevada, it is true the medical profession feels very strongly on one side and the trial bar on the other. But what I have tried to do is gather information from those who have no axe to grind, people who are trying to analyze this problem honestly. The conclusions they have reached suggest to me this is a much more complex problem than what we see today.

Unfortunately, S. 11 I think is a political answer to a much more serious problem. If this is a question about whether the White House is going to take on the trial bar in some sort of confrontation for the next election, that is one thing. It is an interesting political battle. It is not going to solve the problem, not in my State or any other State. We have to deal with it honestly by saying the medical profession, the insurance industry, as well as the legal profession have to come to the table. We need to have not only committee hearings so we can see publicly what this issue is all about, but we need to have a good-faith effort. We can do it.

I think the Senator from Nevada recalls after 9/11 we had a problem with terrorism, of course, and the threat of terrorism. That had an impact on the construction industry and on investment. So people came to us and said: We can't get people to invest in building new buildings unless we do something about terrorism insurance.

We sat down on a bipartisan basis and worked it out. Senator DASCHLE came to the floor yesterday and said: Use the same model on malpractice. Bring us together, Republican and Democrat alike, and try to find common ground and a solution. If it is not through a committee process, let it be through an honest to goodness, good-faith negotiation, but we can achieve that goal.

Mr. REID. The Senator is aware, is he not, the reason terrorism insurance was held up for so long is that Republicans wanted absolute tort reform, everything involving medical malpractice, slips and falls, rear-end automobile accidents—everything. We said: Why don't we just deal with terrorism insurance? We finally prevailed, and we have done a good job. There is construction going on all over America today, and they are able to go forward because they can get terrorism insurance based upon the legislation we passed.

The Senator, as I understand it—I want to make sure I am correct in this—believes reform is needed?

Mr. DURBIN. Yes.

Mr. REID. No. 2, you believe we should do it through the ordinary process, have committee hearings.

Finally, you believe the insurance industry should be involved in this because the McCarran-Ferguson Act, named after Senator Pat McCarran of Nevada, was passed to give a few years of relief to the insurance industry so they could gather together during the Depression and not be involved with the Sherman Antitrust Act, and now, some 70 years later, they are the only business other than major league baseball that is not subject to the Sherman Antitrust Act. So the Senator believes they should be like other businesses in America, subject to the Antitrust Act.

If we did some reform here and we involved the committee structure and we involved the insurance industry, I think we could move the bill pretty quickly. Does the Senator agree?

Mr. DURBIN. I agree with the Senator.

One other thing that needs to be part of the record: Even if we enacted S. 11, which is the cap on recovery for medical malpractice victims—children, elderly people and families alike—there is no guarantee medical malpractice insurance premiums will come down. In Nevada, significant reform legislation was passed but, as I understand it, the premiums did not start coming down for some period of time, if at all.

Mr. REID. It is absolutely true. The fact is, if you look around the country, insurance rates have not gone down where these medical malpractice reforms have been initiated.

But another thing it doesn't take into consideration is the tremendous harm done to people who have no ability to move forward when a doctor does something wrong to them.

I think the Senator indicated there are about 100,000 people killed because of medical malpractice in America every year. But that doesn't take into consideration the people who are paralyzed, people who are injured and damaged in many other ways. With this cap, these cases simply do not go forward.

So it is really not fair to analyze what goes on in those States because you don't take into consideration the damage, the harm, the pain and suffering of these people who have no way to recover their expenses as a result of a direct negligent act by a physician.

Mr. DURBIN. I agree. I say to the Senator from Nevada, I do not profess to be an expert, but I did, in my private practice as an attorney before I came to the Congress, have several malpractice cases. In some I defended doctors and in some I sued doctors for what I believed to be malpractice. Those are heartbreaking cases and should not be dismissed easily by the Members of the Senate until they sit down and talk to families.

I can recall a family who brought in an infant girl to my office. She had gone to the doctor for her ordinary baby shots, which I am sure the Senator from Nevada and my family have done; we have brought our children in for them without any real concern. This poor little girl, because she had a condition known as roseola, a form of measles that was undetected before the administration of the baby shot, ended up with a serious reaction to the pertussis vaccine for whooping cough and literally became a quadriplegic. This little girl was going to live the rest of her life in a virtual coma-like state and need constant care.

What we hear from the other side of the aisle is that that is not worth more than $250,000.

I would say, if I were the parent of that little girl, I would view this a lot differently. I would want to have a jury of my peers to decide what it is worth, what is the value.

But S. 11 takes away the authority of the jury to make that decision and decides we will make the decision here for every case in America—no matter how serious the injury to the infant or the person who is the victim of malpractice, no matter what the circumstances—to strictly limit it to a $250,000 recovery.

I think that is unfair. I think the Senator from Nevada has made the point.

The last point I will make on this issue is that I think we need to give the doctors immediate relief on malpractice premiums. I am going to introduce legislation with Senator GRAHAM of South Carolina that will provide an immediate tax credit, in addition to the deductibility, an immediate tax credit of up to 20 percent for relief to the specialties that are hardest hit by these increases in premiums for malpractice insurance—neurosurgery, OB/GYN, trauma surgeons. I really believe we need to do something quickly.

S. 11 does nothing but change a law which may or may not, in 3 or 4 years,

result in premiums going down. It is far better for us to do something on an immediate basis, an emergency basis. I hope the medical association and societies across America will take a hard look at this bill—it is being offered in good faith to deal with the immediate crisis—rather than penalize the victims of medical malpractice.

Mr. President, I yield the floor.

Mr. REID. Mr. President, if I could say one thing—I know the Democratic leader is in the Chamber—I have the highest respect and admiration for my colleague from the State of Nevada, Senator JOHN ENSIGN, who has introduced this legislation. He is passionately involved with doing something to solve this medical malpractice crisis. As I have indicated, I have supported his efforts to do something about it. He and I tend to disagree on how to do it. But I want the record to be spread with the fact that I have great respect and admiration for his moving forward on this problem.

I only wish there had been full committee hearings on his legislation. I think it would have improved it before it reached the floor. I think he has been shortchanged by not having his legislation brought before the appropriate committee, had hearings, and then brought here. I think with some changes in this legislation it is something we could all support.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I compliment again, as I did yesterday, the distinguished Senator from Illinois for his great work on this issue and for beginning this educational process that I think has to be a part of the debate at this time.

I also want to thank, as is always the case, the distinguished assistant Democratic leader for his involvement in these discussions as well.

I have concerns about where we are with regard to this issue on at least two counts.

First of all, the procedural count: I wish I had $1 for every occasion when Republicans would lament the fact that the committee process was bypassed. Yet here we are. There has been no hearing. There has been no markup. There has been no committee consideration at all of what is one of the most complex and extremely controversial issues to face the Senate and the country. To bypass the entire committee process and bring the bill straight to the floor does an injustice to the issue.

As Senator REID has noted, a bill of this magnitude deserves careful consideration, deserves the opportunity to be heard, and deserves the chance to have some debate in the committee among the experts who know this issue. I think it would be very helpful.

It is interesting that the president of the Tort Reform Association said don't count on insurance premiums going down if this legislation passes. I think Senators need to know that. If the president of the Tort Association of America says, look, don't expect any relief, what is it we are doing? This isn't from some trial. This is a person who advocates tort reform, but he is in the name of real honesty saying: Look, this is not the reason we are arguing for tort reform today. It is not going to bring down insurance premiums.

I think procedurally we have a real concern about the reason we are here today. I think that is something that ought to be considered very carefully. This is an important bill. It deserves the kind of careful, substantive attention that only committees can bring.

Second, of course, is the issue itself. As the distinguished Senator from Illinois has said so ably, we understand how important it is to address the seriousness of insurance premiums. We have two approaches before us: The one offered by the Senator from Illinois, and the one offered by the Senator from South Carolina which will give immediate relief. We are talking within the next couple of weeks, if this went to the President's desk, immediate relief for meaningful insurance cost reduction.

When I go home that is the issue about which doctors tell me they are concerned. They can't afford to pay the premiums. There is no better way to reduce the premiums than to give them the immediate relief offered in the Graham-Durbin bill. But I must say this is also a recognition of the concern.

There has to be a way to address the problems created when mistakes are made. Tommy Thompson himself—certainly no advocate of the status quo—has recognized that last year, the year before that, and the year before that 100,000 people died as a result of mistakes made in operating rooms, in clinics, and hospitals across the country. That is not my figure. That is not some special interest figure. That is the Secretary of Health and Human Services—100,000 people died.

I oftentimes find myself equating numbers with Vietnam and Vietnam-era veterans. We lost 58,000 people in Vietnam. We are losing almost twice that number every year due to mistakes made in operating rooms and in hospitals.

What I find perplexing—interesting—is that our Republican colleagues, who say the States know best how to govern, are saying: Well, in this case we don't think that is the case. In this case what we think is we know better. Washington is going to dictate to the States what the laws with regard to tort will be. Not only are we going to set the cap at $250,000, but we are actually, under the legislation before us today, going to preempt every single State law except the cap.

We are going to tell the States we know better and we are going to dictate to the States what it is they are going to have to abide by from here on out—total Federal preemption of State law. It is amazing that is coming from our Republican colleagues.

I would also say I am concerned because I can probably even consider looking at caps if there was any conclusive evidence that caps work. There is a very respected analytical group that made, with some fanfare, a decision a couple of years ago to examine this whole relationship between caps and premiums. They announced when they started the study that they did not know how it is was going to turn out. It could be pro-cap or it could be anti-cap. They didn't know. But they believed an objective review of the available information ought to be considered. They studied it. They looked at every single State. They released their findings about 3 weeks ago.

Do you know what they found? They found that there is no relationship. In fact, what they found is, in those States where there are caps, insurance premiums went up more than in those States that didn't have caps.

They are not arguing that caps had anything to do with it. But it is an interesting fact. Those States today with caps have actually seen higher insurance premiums than those without caps, according to this very respected independent study just released.

Both on the substantive as well as on the procedural issue, we have great concern with the fact that we are here today. We have a solution. I would argue to anyone on the other side who really wants to resolve this issue that we go back to what we did last year with terrorism insurance. That, too, was a tort reform question. Member after Member came to the floor and said unless we deal with tort reform we will never solve the terrorism insurance question. We sat together in a bipartisan fashion—Republicans and Democrats—worked out a reinsurance concept and passed it on the Senate floor, finally, after a great deal of tribulation and negotiation, with a large margin.

If you go to New York or to Chicago or to the hometown of the Senator from Illinois or a lot of other places, you will find that the terrorism insurance bill worked. I would argue it worked in part because procedurally we decided to come together and resolve it and solve it. I think it worked in partly because we addressed the issue with real solutions. We didn't get hung up on all of this tort reform because that wasn't the issue there either.

Today, we still celebrate a success story. We celebrate a success story here, too. We have a bipartisan Graham-Durbin bill. It might not be everything. Maybe we can figure out a way to make it an even better bill. I think we have to deal with reinsurance. I think we have to find a way to deal with reinsurance reform. We have to provide immediate relief and the tax credit relief proposed by the Senator from Illinois. We can do that. I think it is important that we do it. I think it is important that we recognize unless we do it that way we are not going to solve this issue.

Cloture will not be invoked tomorrow—not because we don't want to solve this problem but because we don't want to have a bill that is poorly conceived and will not solve the problem and which will be rammed down the throats of the country. We can find a better way to do this.

I would just implore my colleagues on the other side to work with us to make that happen.

Let me again thank the distinguished Senator from Illinois for his work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Democratic leader for his comments and for his leadership on this issue. I think he has shown a good-faith effort in the past to deal with issues and with the complexity of terrorism insurance. And that opportunity is still here today.

This week in Washington, many representatives of the medical profession will come to visit us and talk about the seriousness of this issue. They don't need to convince me; I am convinced.

The question is, How do we resolve it fairly and not just for doctors but for the victims of medical malpractice. We can do this. But I don't believe S. 11 is the way to approach it.

If we are going to allow this to disintegrate into a political face-off between the White House and the trial lawyers of America, perhaps when it is all over someone will have bragging rights for a 30-second ad. It will not help the doctor with whom I met who is serving Primbrook Township, south of the city of Chicago about an hour-and-a-half drive. You will find some of the poorest rural towns in America in Primbrook Township. This doctor is literally giving his life to the poor who need medical care. He said to me 2 weeks ago in Washington: Senator, I am here to receive this Jefferson Award, and I am proud of it, but I need help with malpractice insurance. I want to help him.

Limiting the recovery by malpractice victims may ultimately give someone some satisfaction that they have scored a political victory over the trial bar, or perhaps their limitation of victims' recovery will give them some satisfaction, but it is not going to help that doctor. It is not going to reduce his premiums. It is not going to give him an opportunity to continue his practice.

So I say to my friends in the medical profession—and this doctor is a good example—we honor and respect what you do. We need you. We need to work with you. Do not get so caught up in a political agenda involving the White House and the trial lawyers that you overlook the fact there are many people of good faith and good will who want to sit down and help.

We believe this can be done. It can be done in a way that is not going to deny the parents and the family of the small child, who, as I mentioned earlier, is going to live a lifetime of medical dependency because of medical malpractice. It is not going to be done in a way that is going to deny a woman who went in for simple cosmetic surgery and ended up with horrific burns on her face that required a dozen operations and years and years of suffering. That is not the way to resolve this.

Do this in a fair way for doctors; do it in a fair way for medical malpractice victims. Do not be afraid to call in the special interest group, the insurance companies, and tell them they have to be part of this conversation. We have the power in Congress to bring them in. We have the power to change the laws to make sure they treat doctors and hospitals fairly and to make certain the medical profession comes forward.

It is interesting to me that as I have discussed the issue of medical malpractice with doctors in my State and across the Nation, they have been of one mind and one voice and they have agreed: We need to do more to make certain we reduce the incidence of medical errors.

A doctor, who is a friend of mine, in Decatur, IL, also works on the board of a local hospital. He said he went to the hospital pharmacy where they literally write thousands of prescriptions each year for the patients who come through that hospital and they wanted to find out how many errors had been made in the prescriptions that had been written. They came up with a handful of examples. The doctor said to me: Senator, I know better, and you know better. We're not doing a good enough job here to make certain that mistakes are not made in the drugs that are prescribed and the prescriptions that are written.

We can do a better job—and we should—to have medical safety. Doctors want the best results. They do not want bad results. Certainly, the families and patients do not, either. We can work together to try to improve medical care in America in a professional way.

The bill I am going to introduce is going to allow for the transfer of information, data on medical safety, and the transfer of information without legal liability, so a doctor who would report an incident at a hospital that may lead to a change in a procedure or perhaps to a disciplining of a doctor is not going to be held legally responsible for having come forward with this information.

I think that is the only fair and honest way to deal with this issue. But if we are going to deal with it, let us look at each of those components: the medical profession, the insurance industry, as well as the legal profession.

What I do not want to see occur is what S. 11 really mandates; that is, instead of a jury of 12 in communities across America taking a look at each individual case to decide what a fair, reasonable verdict and outcome might be, we would have a jury of 100, 100 Senators, men and women elected here, who would sit in judgment of every single case in America involving medical malpractice.

We are not going to hear the story of the parents, who are going to come from that downstate community in Illinois, who took their little boy in with a high fever, who expected medical care—which each of us would expect as parents bringing in our baby with a fever to a clinic—and did not receive it because no temperature monitor was in place and, as a consequence, that little boy's high fever led to complications, quadriplegia, and the fact that he now has a lifetime of medical dependence on his parents. He will never enjoy the simple things in life which each of us takes for granted.

We are not going to hear that story in the Senate as a jury would hear in a courtroom. We will not hear the details of his life and what it means now: the pain and suffering he goes through every single day. No, we will not hear those facts. We will not make a decision based on the reality of the malpractice that this family and boy endured.

Instead, we will make a decision, under S. 11, that says $250,000 is the maximum amount that boy and his family will ever receive for the injuries which they have suffered when it comes to pain and suffering. That isn't fair. We should not stand as a jury and make that decision. We ought to trust a jury system that has been part of American justice for a long time, a system that we rely on every single day in thousands of courtrooms across America.

I think a sensible approach is to say that we do have a problem; we will work with the doctors; we will work with the insurance companies; and we will work with the legal profession to find a reasonable alternative to it. S. 11 is not that alternative.

If, in fact, the cloture motion is defeated tomorrow, which means we do not proceed to the bill, I make this offer, not only to the sponsors of that bill but to all who are interested in this issue, that I will personally engage myself in trying to find a reasonable, good-faith alternative that reduces malpractice rates, premium rates, particularly for those doctors who have no experience of wrongdoing—now, there are some doctors paying high rates who, frankly, have to pay them because they have been found guilty of malpractice—but for the innocent doctors, who have given their lives to medicine and who come forward every single day in a valiant effort to save and improve lives, I will stand on their side to make certain that they are treated reasonably and fairly.

Please do not turn to S. 11 as your only recourse because S. 11, being offered on the floor today, is one bill which is as unfair to malpractice victims as the insurance premiums are unfair to doctors in many places in America today. Let us work together—

as we can; as we did under the terrorism insurance legislation—to find a reasonable alternative.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent to address the Senate for about 15 minutes on an upcoming judicial nomination.

The PRESIDING OFFICER. All remaining time is on the majority side. Is there objection?

Mr. ENSIGN. Mr. President, I was scheduled to make a statement on the medical liability bill, and I am prepared to do that at this time.

Mr. SCHUMER. Mr. President, I ask the Senator how long he intends to speak.

Mr. ENSIGN. Probably 10, 20 minutes.

Mr. SCHUMER. I ask unanimous consent that after the Senator from Nevada finishes his remarks, I be recognized for 15 minutes on the nomination of Mr. Wolski on which we will vote at 11:45 a.m.

The PRESIDING OFFICER. It was the Chair's understanding there would be a substitute in the chair so he could make a statement on the Republican time following Senator ENSIGN's speech and that the debate would begin at 11:30 a.m. on the judges.

Mr. SCHUMER. Mr. President, are you saying there is no time between now and 11:30 a.m.?

The PRESIDING OFFICER. All the time has been reserved on the Republican side.

Mr. SCHUMER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I have come to the Chamber to talk about the legislation we are going to be discussing for the next couple of days. It is very important legislation that affects people in virtually every State in the country.

We have patients today being denied access to medical care in many States across the country, and we are going to explore why that is happening and what I believe the solution should be. Several States are losing medical professionals at an alarming rate, leaving thousands of patients without a health care provider to serve their needs.

In Bisbee, AZ, the town's only maternity ward closed. Today expectant mothers must drive more than half an hour to have their babies delivered. In Mississippi, 11 out of 21 obstetricians terminated service in four rural counties. In my home State of Nevada, our only level 1 trauma center closed for 10 days, leaving every patient within 10,000 square miles unserved by a trauma unit.

The bottom line is patients cannot get care when they need it most. By definition, this is a crisis. This crisis boils down to two factors: affordability and availability of medical liability insurance for providers.

The States in red are currently in crisis. A number are new States in crisis. We can see they have been added, including the Chair's State of Wyoming. My State has been in crisis for quite some time now, and it has led to a lot of the national press, but it is certainly not alone. The States indicated in yellow are the States that have problem signs. The States that currently seem to be OK are indicated in white, and we can see that very few States are in pretty good shape. Most of those States have enacted medical liability reform that has been in place long enough to stabilize the rates on medical liability insurance.

On affordability, the American Medical Association found that in the year 2000, medical liability insurance rates increased at least 30 percent in 8 States and by at least 25 percent in more than 12 other States. In this past year, the physicians in my State would be pleased if the rates had only gone up that much. These rates are forcing more physicians, hospitals, and other health care providers to limit their practices or to leave the profession altogether.

Anecdotally—and obviously this hospital would not want this word to get out—at this time of the year when they get applications for new residents, they normally get about 18 to 20 residents applying for slots at that hospital. That is an average of 18 to 20 each year. This year they have received zero applications, and that is because of the medical liability crisis that is occurring in my State.

Rates are forcing so many physicians and hospitals into a situation they did not want to be in. They went into these practices because of the compassion they felt for patients, and they are not being able to deliver the services because of the out-of-control costs of medical liability insurance.

On the issue of availability, thousands of doctors nationwide have been left with no liability insurance as major insurers are either leaving the market or raising the rates to astronomical levels.

Why are insurers raising rates or leaving the market? Because there is no stability in the marketplace for providing medical liability insurance. Why is that the case? Because our health care system is being overrun by frivolous lawsuits and outrageous jury awards. This excessive litigation is leading to higher health care costs to every American and an unstable peace of mind for our health care providers.

This chart shows the average payment in red from the year 1989 to the year 2001 and the median payment. We can see the dramatic increase, especially in the last few years, and if this chart continued out, it is continuing that trend up to the point where the average being paid in jury awards is continuing to skyrocket, and it is doing that because of the number of over $1 million awards being made by juries.

This is a chart reflecting the median jury award. We can see this is the $1 million line, and we can see what has happened. It has gone up. This, unfortunately, has created a situation where doctors, hospitals, and health care providers cannot afford to buy the insurance they need to continue practicing.

This excessive litigation is leading to higher health care costs for every American and an unstable peace of mind for our health care providers. Health care professionals are forced to practice defensive medicine by ordering unnecessary tests just to avoid being sued for ''underdiagnosing'' their patients. A study by the Department of Health and Human Services found defensive medicine is costing the Federal Government an estimated $28 billion to $47 billion in unnecessary health care costs.

Who else pays for these unnecessary costs? Every American with health insurance in the form of higher premiums and, obviously, the American taxpayer. Too often costs are so great that employers have to stop offering coverage altogether, thereby increasing the number of uninsured Americans. A lot of those uninsured Americans are younger, healthier people. So the people who are left in the health care field are a higher risk pool, which drives up the cost even more, which causes more and more people to not be able to afford health care insurance; therefore, more uninsured. It is a vicious cycle that goes on and on. This cycle has to be stopped. We can do that by passing national medical liability reform right now.

Comprehensive reform is critical on a national level because every American patient should have access to affordable and high quality health care. Likewise, every responsible, meritorious member of the health care community should not be afraid to provide such care because of the fear of litigation.

To achieve these reforms, I have introduced the legislation that is before us today, known as the HEALTH Act. It has several key reforms. It includes a $250,000 cap on noneconomic damages, joint liability, and collateral source improvements, and limits on attorney's fees according to a sliding scale award.

In addition, my legislation includes an expert witness provision to ensure that relevant medical experts serve as trial witnesses instead of the so-called professional witnesses who are used to further abuse the system today. If one talks to physicians, there is literally a whole industry that has been created of these ''professional witnesses.'' It would make sense that if somebody

was testifying in a case involving neurology, that the person should have expertise in the field of neurology. I think that makes incredible common sense, but that is not the way it works today. As long as somebody is a physician, they are able to testify and be called an ''expert.''

Our legislation today says that if they are to be called an expert, they must have expertise in the field in which they are testifying. Over 50 organizations are in support of my bill, including business groups, medical associates, device manufacturers, and the list goes on. I have heard from people all over my State, and not just physicians. This is not a doctors versus lawyers issue. This is about patient access to medical care. That is why we have heard from nurses, physical therapists, and people who work in doctors' offices and understand the problem that is going on. We have heard, of course, from physicians, but we have also heard mostly from the patients who understand; we have gotten so many calls from women whose physicians used to deliver babies. The women are now pregnant and their obstetricians no longer can deliver babies because they may be a high risk delivery and they can no longer afford to provide that type of a service.

The broad coalition that has come forward to urge meaningful reform highlights that this problem affects a number of industries, not only our health care system. Starting the Senate debate with our strongest proposal is critical because we must not approve a weak bill that the President will not be able to sign into law. Doing something weak as a Band-Aid would actually make things worse, and that is why we need very strong legislation.

Opponents of this legislation ask how I know this approach works. It works because this legislation is modeled after the highly successful legislation that passed and has been in place for over 20 years in California. It is known as MICRA. MICRA has brought about real reform to California's liability system. The number of frivolous lawsuits going to trial has declined dramatically. Injured patients receive a larger share of their rewards because of the limits on the fees that go to the trial attorneys. Disciplinary actions against incompetent health care providers have increased.

The bottom line is that California's medical liability system works. This is a quote by one of our colleagues from the other side of the aisle, Senator DIANNE FEINSTEIN, January 14, 2003:

> With the California law, we have a time-tested solution. California passed MICRA in 1975, so we have our 27 years of successful experience with the law.

One important point, neither MICRA nor my legislation limits the amount of economic damages that an injured patient can recover. As in every other profession, mistakes are made by health care providers. I practiced veterinary medicine after graduating from Colorado State University. I saw firsthand that mistakes are made.

Medicine is an art and a science, and there is a human being practicing that very inexact science. Every day somewhere mistakes are made. They are unfortunate. We should do everything we can to limit those mistakes, but we know mistakes will be made.

Sometimes they are mistakes in judgment. When one looks back in hindsight, they can see how they could have made that decision differently. But when they are faced with it at the time, because the human body does not read the textbook—this is how the disease is supposed to progress, this is how the injury is supposed to progress—the human body does not read that. So sometimes it reacts differently to the way the physician was trained, and so what looks like a mistake in a court of law could have actually been a very difficult judgment call. Yet a lot of these are frivolous lawsuits that are going to trial.

In our legislation, we are trying to bring some balance back to the system. We do limit the amount of noneconomic damages, pain and suffering as it is most often referred. People say, how can that be limited? How can losing a leg be limited or how can a dollar figure be put on that?

Well, a dollar figure can never be put on it. No amount could ever be justified to somebody for some of the things that happen to them, but we have to look at the overall good of our system.

With the system we have now, we are losing doctors, and we are losing the kind of patient care we need. How does one put a dollar figure on the doctor not being there, on the health care provider not being there, on the hospital closing, on the trauma center closing?

We had a press conference several months ago in Washington with a woman whose father was in Las Vegas visiting, and it happened to be the week that our trauma center closed. During that week, unfortunately, he needed our trauma center. I cannot tell my colleagues that he would have lived if it was open, but the reason trauma centers exist is because they provide intense expertise in the area of trauma. They have great results, much better than normal emergency rooms. Unfortunately for this family, that trauma center was closed.

By the way, the only way we were able to reopen the trauma center in Las Vegas was because the State stepped in and said that we are going to limit not to $250,000, but we are going to limit to $50,000 any injuries and malpractice that occurs. That is not just noneconomic, that is even economic damages. That is the only way that the trauma center in Las Vegas was able to open. We are losing all kinds of experts in emergency rooms in other areas in Las Vegas as well.

People talk about decreasing the amount of mistakes by physicians, and we need to do that. It is very difficult and very complex to do. One of the ways we can do that is to enact legislation to encourage voluntary reporting. The current system actually is a protectionist-type system that if somebody voluntarily reports mistakes, they set themselves up for lawsuits. So we have no way to follow where the mistakes are being made and to point out trends so we can correct those mistakes.

The House has passed patient safety legislation. We are going to be working on that in the HELP Committee, of which I am a member. I hope, in a bipartisan fashion, we can craft patient safety legislation that will make the outcomes more of what we all want to see. That means fewer mistakes. But understand that there is no way to have a mistake-free environment in such an area where the science is so inexact. We have an opportunity here.

We have an opportunity with so many States now in crisis. The States in red on the chart are in crisis; the States in yellow show serious problem signs. We have a chance in the Senate—the House of Representatives has already enacted this legislation—to make a real difference in patients' lives. We can make sure trauma centers do not close. We can make sure when a woman needs access to an obstetrician she can have that access.

A friend of mine has Parkinson's disease, lives in Las Vegas, and has to go to Loma Linda where his specialist treats him. We do not have that particular field of subspecialty in southern Nevada. He talked his physician into coming to Las Vegas before the crisis hit Nevada. When the crisis hit and we lost our major carrier of medical liability insurance, the rates literally doubled and tripled overnight, and that physician decided to stay in California. Why? Because they have enacted a law that has kept rates reasonably low.

My next chart shows differences in larger cities around the country. First, OB/GYN in Los Angeles, a well-to-do area that has enacted medical liability reform, $54,000 on average for an OB/GYN; in Denver, also where they have had enacted legislation, $30,000. Then we have New York, Las Vegas, Chicago, with Miami the worst. These are places that do not have medical liability reform. In Miami, rates are over $200,000 on average for an OB/GYN.

People say doctors make plenty of money. Have you talked to an OB/GYN lately about their average income? In Las Vegas, the average income is around $200,000 for an OB/GYN who goes through 8 years of undergraduate and medical school and then a 5-year residency. They come out $250,000 to $300,000 in debt minimum and they work about 100 to 110 hours a week to make $200,000. And their rates now in Las Vegas are around $130,000 to $140,000, up from a couple of years ago around $40,000 or $50,000 a year.

Because of managed care they are not able to increase their rates, so it comes out of their pockets. That is why a lot of them are leaving our

State. That is why a lot of new people are not going into the practice of obstetrics and gynecology. Especially for delivery of high-risk patients, rates have skyrocketed. Many physicians simply will not treat high-risk patients.

What are the women to do with a high-risk pregnancy? More and more women today are choosing to have babies later and later in life, and more and more of them have high-risk pregnancies as a result. With fewer and fewer doctors able to deliver high-risk pregnancies, this does not add up. That is why it is so critical to enact this legislation before the Senate today.

I know where the politics lie. We will probably not be able to pass this legislation at this point. However, I want people to take a hard look, talk to the patients in your States, find out what is really happening at the grassroots level. This is not a question of how much money a physician makes. This is not a question of whether hospitals or insurance companies are going to be profitable. This is a question of whether when somebody needs the health care services to save lives or deliver babies, that health care will be there because the provider is there.

I am passionate about this issue because people are in jeopardy of not getting the kinds of lifesaving services they need, the types of services that improve the quality of life for so many Americans. That is why this legislation is so critical today.

As we go forward over the next 24 hours debating this bill, I encourage Members to have a healthy debate with an up-or-down vote and start hearing from the American people on this issue. If Senators listen to their constituents, they will hear loudly and clearly we need to reform our medical liability system so we can afford to have health care that is so desperately needed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Are we in morning business?

The PRESIDING OFFICER. We are in morning business with remaining time on our side of 4 minutes 21 seconds.

Mr. REID. Mr. President, I ask that the Senator from Idaho be given whatever time he needs. He is talking about a very important subject.

The PRESIDING OFFICER. There is a unanimous consent to begin debate on judges at 11:30.

Mr. REID. I ask unanimous consent the Senator have whatever time he needs up to 25 minutes to the hour for this very important statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIRTH ANNOUNCEMENTS

Mr. CRAIG. Mr. President, the Democrat leader and I were visiting a few moments ago about our Fourth of July break and what we were doing. That is one of the reasons I am speaking this morning. I thank the Senator from Nevada for that courtesy.

We all went home during the Fourth of July break to celebrate a birthday, the birthday of our great Nation. We gathered with family and friends. We set off fireworks. Some Members were in parades. It was all about a birthday, the birthday of this great Nation.

My wife Suzanne and I were also home in Idaho because of other birthdays. On May 31 of this year, our daughter Shae and her husband David had twins. Two new grandchildren entered both Suzanne's and my life, a boy and a girl, born on May 31. The little boy's name is Drew Calvin Howell and he weighed 5 pounds and 3 ounces. His sister, I am sure always to be called the little sister, is Peyton Shae Howell, and she was born at 11:54. Drew was born at 11:32. She weighed 4 pounds and 1 ounce. They are twins and were premature so they stayed the first 3 weeks of their lives in intensive care in a Boise hospital before they were allowed to come home.

Here we are, Fourth of July, and they are really home for the first time. It is the first time grandpa had a chance to hold them and love them and see them and be around them. It was a treat for our family but especially for Suzanne and myself to be with our grandchildren.

This Fourth of July in Idaho with our family took on special meaning as we celebrated the birthday of these grandchildren, these twins, with our daughter Shae and her husband David. It is always an important time in families when grandchildren enter them. Drew and Peyton are the sixth and seventh grandchildren, so we feel very privileged by that.

Often we come to the floor to talk about momentous and meaningful events. The Republican Senator from Nevada just spoke about a critical issue of reforming health care in our country, and malpractice. But probably there is no more important event than when grandchildren enter our lives.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

EXECUTIVE SESSION

NOMINATION OF DAVID G. CAMPBELL, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

The PRESIDING OFFICER. The hour of 11:30 having arrived, the Senate will proceed to executive session for the consideration of Executive Calendar No. 227 until the hour of 11:45, with the time equally divided between the chairman and the ranking member of the Judiciary Committee or their designees.

The clerk will report.

The legislative clerk read the nomination of David G. Campbell, of Arizona, to be United States District Judge for the District of Arizona.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. FRIST. Mr. President, I ask unanimous consent that the cloture vote with respect to the Wolski nomination be vitiated; provided further that at 2:15 today the Senate resume the motion to proceed to S. 11; further, I ask unanimous consent that on Wednesday the time between 9:30 a.m. and 11 a.m. be equally divided between the two leaders or their designees; that at 11:30 the Senate proceed to the vote on invoking cloture on the motion to proceed to S. 11; and, regardless of the outcome of that vote the Senate then proceed to an immediate vote on the confirmation of Victor Wolski to be a judge of the U.S. Court of Federal Claims.

I further ask unanimous consent that immediately after the confirmation of the Wolski nomination the Senate proceed en bloc to Executive Calendar Nos. 89, 129, and 130; and, further, that the nominations be confirmed and the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

Finally, I ask unanimous consent that following that action the Senate then proceed to the consideration of Calendar No. 77, S. 925, the State Department authorization bill.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object—I will not object—I will make a comment and then pose a clarification.

I talked to the majority leader earlier today about the concerns that we have regarding Mr. Wolski. Although it was not our intent to extend the debate indefinitely, it was our view that, given the nature of his nomination, it deserved a little additional attention and some specific time for debate beyond that which we were provided this morning.

I wish to express my appreciation to the majority leader for giving us that opportunity. I hope, if there are breaks in the debate either today or tonight, that Senators who have an interest in this particular nomination use that time in addition to the amount of time that is earmarked for the debate on the

nomination tomorrow morning. So we will certainly find a way in which to make that part of the schedule.

The clarification: As I understand it—and I ask for the majority leader's affirmation—Nos. 89, 129, and 130 are the nominations involving the Federal Claims Court. They are the other nominees whose names are still pending on the Executive Calendar. I ask the majority leader if that is, indeed, the case.

Mr. FRIST. Mr. President, that is the case, and the understanding as put forth in the unanimous consent request is that we proceed to them en bloc. They are the other three on the claims court.

Mr. DASCHLE. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent to speak for no more than 2 minutes on the nomination of David Campbell upon which we are about to vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I advise my colleagues that the person we are about to vote on is one of the smartest candidates for Federal district court that I have ever seen nominated by a President of either party. His name is David Campbell. He is nominated to be a U.S. District Judge for the District of Arizona.

He has a distinguished record in the State of Arizona, primarily with the Phoenix law firm of Osborn and Maledon. He was a graduate of the University of Utah Law School in 1979, where he was a note editor on the Law Review and was awarded the Order of Coif.

He clerked for both Judge Clifford Wallace for the U.S. Court of Appeals for the Ninth Circuit and for U.S. Supreme Court Justice William Rehnquist.

He has practiced primarily in the civil area but has a broad experience, including a lot of work with the Arizona State Bar Association's Committee on Rules of Professional Responsibility, and he has been cobar counsel in a majority bar disciplinary case.

In addition to his work in the law practice, he has taught as adjunct professor of law at the Arizona State University Law School and was a visiting professor at the J. Reuben Clark Law School at Brigham Young University where he was named Professor of the Year.

He has published articles and has had a distinguished career as a lawyer in the State of Arizona.

I think the Senate will be proud to have confirmed him to the Federal bench. He epitomizes what we are looking for in judicial temperament, intelligence and integrity, and I think the State of Arizona and the U.S. bench generally will be the better as a result of our confirmation of David Campbell.

I commend the President for his nomination of David Campbell.

I also express appreciation to David's wife Stacey and their five children for putting up with what will now be a career on the Federal bench for this very fine candidate, David Campbell.

I urge my colleagues to support the confirmation of his nomination to be a U.S. Federal judge.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I rise today to express my strong support for the confirmation of David G. Campbell to serve as a judge of the United States District Court for the District of Arizona.

David Campbell is an extremely well-qualified nominee with a significant amount of litigation experience, and he will make an excellent addition to the federal bench.

He received his undergraduate degree magna cum laude, as well as his law degree, from the University of Utah—which, in my view, is a reliable and persuasive indication of his excellent judgment.

Upon graduation from law school, Mr. Campbell clerked for Ninth Circuit Judge Clifford Wallace, and for then Associate Justice William Rehnquist on the United States Supreme Court.

He joined the Phoenix law firm of Meyer, Hendricks, Victor, Osborn & Maledon in 1982 and became a partner there in 1986. Since 1995, Mr. Campbell has been a partner at its successor firm, Osborn Maledon, where he practices in the area of general civil litigation. The American Bar Association bestowed on Mr. Campbell its highest rating of unanimously well qualified in recognition of his outstanding legal skills and reputation.

In addition to his distinguished legal career, Mr. Campbell has been a great asset to his community and has donated many hours of pro bono service and volunteer time to help individuals and families in need in his community. His volunteer service has included building homes for the homeless in Mexico, providing Christmas supplies to crises nurseries, and providing back to school clothing for disadvantaged children. He was also named Professor of the Year in 1991 by the J. Rueben Clark Law School at Brigham Young University for his service as a visiting civil procedure professor.

I am confident that David Campbell will be a model jurist, and I urge my colleagues to join me in supporting his confirmation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of David G. Campbell, of Arizona, to be United States District Judge for the District of Arizona?

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. MILLER), and the Senator from Florida (Mr. NELSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 263 Ex.]

YEAS—92

Akaka	DeWine	Lott
Alexander	Dodd	Lugar
Allard	Dole	McCain
Allen	Domenici	McConnell
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murkowski
Bennett	Ensign	Murray
Bingaman	Enzi	Nelson (NE)
Bond	Feingold	Nickles
Boxer	Feinstein	Pryor
Breaux	Fitzgerald	Reed
Brownback	Frist	Reid
Bunning	Graham (SC)	Roberts
Burns	Grassley	Rockefeller
Byrd	Gregg	Santorum
Campbell	Hagel	Sarbanes
Cantwell	Harkin	Schumer
Carper	Hatch	Sessions
Chafee	Hollings	Shelby
Chambliss	Hutchison	Smith
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Coleman	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kohl	Sununu
Cornyn	Kyl	Talent
Corzine	Landrieu	Thomas
Craig	Lautenberg	Voinovich
Crapo	Leahy	Warner
Daschle	Levin	Wyden
Dayton	Lincoln	

NOT VOTING—8

Biden	Inhofe	Miller
Edwards	Kerry	Nelson (FL)
Graham (FL)	Lieberman	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from Wyoming is recognized.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate begin a period of morning business until 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATIENTS FIRST ACT

Mr. ENZI. Mr. President, throughout the West, and all over the country,

more and more physicians are closing up shop and moving their practices out of State because they can no longer afford their medical liability insurance premiums in States that don't have some kind of a control over the amount that can be awarded.

Whenever I go home for a town meeting or when I visit with constituents, I hear story after story about people who are facing the loss of the sole option for health care in their towns because of the skyrocketing premiums their doctors must pay.

One constituent told me about her family physician in Newcastle, WY. She had to close her doors because the cost of insurance premiums made it impossible for her to provide obstetrical services to the pregnant women of the town. She said: Telling a pregnant woman I won't be there to deliver her baby was one of the hardest things I had to do as a family physician.

She then joined two other doctors in Newcastle to announce as of July 1 they would be unable to deliver babies because of a more than 50-percent increase in their liability insurance premiums. That means pregnant women in the Newcastle area will now drive 30 to 90 miles when it comes time to deliver their babies. This is a problem for the people of Newcastle, but it is one that also faces the people who live in a lot of towns throughout my State of Wyoming and many other States.

Take Jackson, WY, for instance. A surgeon there paid $16,000 for liability insurance in his first year in practice. He is now facing an increase in his rates that will place his premium at $164,000. That is a jump of $148,000 in 1 year. Emergency room and trauma doctors are facing similar jumps in the cost of liability insurance. An emergency room doctor in Rawlins, WY, nearly closed his practice after his insurance company announced it would no longer provide coverage for emergency room services. Fortunately, his hospital was able to find him coverage at the last minute, but this is merely a temporary solution to a critical problem.

Recruiting physicians to practice in rural States such as Wyoming is a difficult job. The high cost of medical liability premiums is making it nearly impossible. These examples highlight the problem we are facing. This problem is not just about lawsuits and insurance rates, it is about people who cannot get the medical attention they need. It is about communities without doctors to serve them. It is about a health care system in crisis.

The cost of medical liability insurance and the role of medical litigation raise very complex issues, but the focus is not and should not be on doctors or trial lawyers or insurance companies fighting among themselves. Our focus should be on patients and on ensuring accessible and affordable health care for all Americans. In Wyoming, ensuring access to affordable health care is a persistent challenge. We probably would have a shortage of health care providers even if our medical liability system worked perfectly, but the costs of medical litigation and of medical liability insurance are taking matters from bad to worse for the people of my State.

In fact, a study released yesterday by the Agency for Health Care Research and Quality found that States that limit pain and suffering awards in medical lawsuits have more physicians per capita than States such as Wyoming that have no such limits.

Here are some other examples of the impact this crisis is having on Wyomingites:

Two physicians who practice internal medicine in my hometown of Gillette have been notified that their medical liability insurance will be canceled as of July 31—not increased, canceled. If they are unable to find insurance coverage to replace their canceled policy in 2 weeks, they will be forced to close their practice in a town that is already experiencing a shortage of primary care doctors.

Another doctor in Casper, WY, was barely able to find insurance coverage for this year. The doctor delivers more than 350 babies each year. Nearly half of the mothers are covered by Medicaid. He also performs nearly one-half of the gynecological surgeries in the Casper area. The only insurance he was able to find cost him $140,000 per year with an additional $69,000 to purchase ''tail'' coverage in case he is sued for something that happened before his new insurance took effect.

In Wyoming, a physician who delivers a baby can be sued any time until the child's eighth birthday. So this ''tail'' is quite long, which means the premium could be quite high. In addition, this coverage is a short-term policy only good for 1 year, and he expects his cost of insurance will increase substantially again next year. Without his service, many pregnant mothers will find it difficult to obtain important prenatal care, especially expectant mothers in low-income families.

Earlier this year, a doctor in Wheatland, WY, went to a high school basketball game between the Wheatland Bulldogs and the nearby Douglas Bearcats. At the game, he announced he would not be delivering any more babies in Wheatland or Douglas and may be leaving the State because of the cost of liability insurance. The irony is that he had delivered just about every player on both teams. This was not somebody new in practice.

We also have doctors who are being forced to leave Wyoming to find relief from the financial burden of liability insurance. One doctor from Riverton, WY, grew up there, married a native of Wyoming, and returned to Riverton to raise his family and practice medicine in the State he loves. But between paying off student loans from medical school and paying expensive premiums on liability insurance, he is being forced to move to a State that has limits on pain and suffering awards. By moving, he will reduce his premiums by $43,000 a year.

The threat of lawsuits is enough by itself to raise insurance premiums in a State such as Wyoming. Plus, with so few doctors purchasing insurance in the pool, one major payout, whether the doctor was at fault or not, can really send premiums for every doctor right through the roof. As a result, many doctors in Wyoming are moving to States with larger risk pools and fairer liability laws, just as their colleague from Riverton is doing.

People who are truly injured by errors made by health care providers ought to be compensated fairly for their losses. However, the medical justice system today does not achieve this objective. If fair compensation is the standard, our medical justice system falls woefully short of the mark. Most people who are injured as a result of health care errors do not receive any compensation. However, some who are injured receive multimillion-dollar judgments as compensation for a bad outcome often without regard for whether the physician or hospital was even negligent.

The unpredictability of our medical justice system really does not serve patients or providers well. The only people who come out ahead are the personal injury lawyers who happen to find the right case. When it becomes impossible for insurance companies to predict their losses with any certainty, premiums go up. It is a fact of the business, and it is no different for property insurers or life insurers than it is for medical liability insurers.

Yes, people are hurt by health care errors, but skyrocketing medical liability premiums are hurting people, too. They are hurting physicians and hospitals in my home State by forcing them to curtail services or, in the case of doctors, to leave their practices entirely. Those doctors who continue to practice now look at each patient as a potential lawsuit. So they order more tests, whether or not the patient needs the tests. They spend less time discussing a course of treatment with the patient so they can spend more time writing a report after the appointment to justify the treatment decision in case they get sued.

Ordering more tests and writing more reports costs an already overworked doctor time with his or her family and time to catch up on his or her sleep. Doctors should not have to make choices between what is right for their patients and what is right for themselves, but our medical litigation system does not offer them a real alternative.

Most importantly, the medical liability crisis in my State is hurting innocent citizens who are losing their trusted hometown doctors to other States that have reformed their medical justice systems.

What do we know about our overall system of medical justice in America

today? We know compensation to patients injured by medical errors is neither prompt nor fair. We also know verdicts with huge awards that do not match the severity of injuries or the conduct of the defendants destabilize the insurance markets. This sends premiums skyrocketing, which forces many physicians to curtail, move, or drop their practices. This leaves patients without access to necessary medical care.

Finally, we know litigation does nothing to improve quality or safety. In fact, the constant threat of litigation drives the inefficient and costly practice of defensive medicine and also discourages the exchange of information about preventable health care errors that we could use to improve the quality and safety of patient care.

The current medical liability crisis and the shortcomings of our medical litigation system make it clear that this is the time for a major change. We need a medical justice system that promotes accountability and fairness instead of discouraging them.

Regardless of how we vote on this legislation before us, we all ought to start working toward replacing the current medical tort liability scheme with a more reliable and predictable system of medical justice. We need a system that restores rationality to the way in which we compensate the injured and learn from mistakes. We need a system that restores the trust that patients and providers used to have in each other. It is incumbent upon all of us to strive for such a system so that we may raise the overall standard of health care in this country.

The legislation we are considering today is an important step in the short term toward making the medical justice system work better for everyone, not just a fortunate handful of personal injury lawyers. I urge my colleagues to join me and vote for this bill.

I ask unanimous consent that at 2:15, Senator KYL be recognized to speak for up to 15 minutes to be followed by Senator FEINSTEIN for up to 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH.)

PATIENTS FIRST ACT OF 2003—Motion to Proceed—Resumed

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. REID. Mr. President, if the Senator will yield just for a brief second, it is my understanding the Senator from Arizona has authority to speak up to 15 minutes, followed by a 25-minute speech by the Senator from California. Is that true?

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask unanimous consent that following the statement of the Senator from California, Senator CORNYN be recognized for 30 minutes, followed by Senator HOLLINGS for 30 minutes, and following Senator HOLLINGS, I ask that Senator VOINOVICH be recognized for up to 30 minutes, and then he would be followed by a Democrat.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

Mr. KYL. Mr. President, I am pleased to address one of the most important issues I think we are going to be talking about all year. I hope our colleagues will permit us to conclude our debate with a vote so we can actually adopt some legislation to deal with this crisis of lawsuit abuse in the United States. Some call it medical malpractice reform. Whatever you call it, we have to deal with it.

Unfortunately, what we have heard is that some of our colleagues are going to prevent us from having a vote on the bill that is before us, S. 11. It is a bill that addresses one of the most fundamental problems we have, and that is access to available quality medical care by a lot of people in our society today. We need to reform this flawed medical malpractice system which is prohibiting people from getting the quality medical care they need and deserve.

We debated just before the Fourth of July recess Medicare reform to provide prescription drug benefits to all of our senior citizens. We took a lot of time talking about why our senior citizens needed access to care and how we were going to improve that access. But all of that will go for naught, it will do no good, if there are no hospitals and there are no pharmacists, if there are no physicians and other health care providers—or an insufficient number of those providers—to help those people in need, whether they be senior citizens or others, because of the high cost of malpractice premiums and therefore the inability of these providers to continue to serve the people in their communities.

Last year, the American Medical Association released a study on this lawsuit abuse problem. It concluded that 12 States were having a full-blown crisis and that 30 States were seeing serious problems in terms of the ability of physicians and hospitals to stay in practice to take care of their patients.

Today, just a year later, that study has been updated and the AMA has now concluded that 19 States are having a full-blown crisis in dealing with the medical malpractice insurance rates just for physicians. Let me give some examples of how this is affecting different communities around the country so you can see it is truly a nationwide problem.

In my State of Arizona, health care providers have experienced dramatic increases in their insurance rates. Between 2001 and 2002, two hospitals in Phoenix saw a threefold increase in their malpractice premiums, paying more than $1.7 million. Meanwhile, in Winslow, AZ, the hospital premiums have more than doubled, to $1.8 million.

Some of you know the town of Winslow, AR, from a famous song by the Eagles. It is a town with great history and rich in tradition in Arizona but it is not very big. It doesn't have the patient base to support a hospital that has to pay almost $2 million a year in medical malpractice premiums. It is not just in my State of Arizona. Methodist Hospital in south Philadelphia recently closed its maternity ward and prenatal program because of its medical liability insurance rates. Greenwood Hospital in Mississippi was unable to keep its level II trauma center rating because the neurosurgeons in the area had left citing the high cost of liability insurance.

I spoke with a woman whose husband had been very seriously injured in an automobile accident in Mississippi. She told the story of how—because of the lack of physicians and because of the high cost of premiums—her husband has suffered so terribly as a result of that accident and the inability to get quick medical attention.

Back to my home State of Arizona, the Copper Queen Community Hospital in Bisbee, AZ, was recently forced to close its maternity ward because the family practitioners in that community were looking at a 500-percent premium increase. Expectant mothers now must travel more than 60 miles to the closest hospital, which is either in Sierra Vista or in Tucson. According to the recent news accounts, four women have since had to deliver babies en route.

To cite the news accounts, Time magazine has a June 9 cover story about the doctor being out and why so many patients are losing doctors to the rising cost of malpractice.

This is now truly a national event.

In the Time magazine piece dealing with this question of physicians having to leave the practice, there is a particularly interesting story about a woman in Arizona whose name is Vanessa Valdez. The title of the story is ''Taking the Highway to Have a Baby.'' The story points out that Vanessa has to drive about 50 miles to see her OB/GYN and to have a baby. She lives in the town of Douglas, which is on the Arizona-Mexico border. But there is no obstetrician within an hour's drive to deliver her child. There were six family practitioners in that community but they couldn't afford the soaring malpractice premiums. As a result, the hospital was forced to close its delivery room, and suddenly rural Cochise County has but one delivery room for the 118,000 residents. That is in Sierra Vista, 50 miles from Valdez's home of Douglas.

This is beautiful country. It is a great place to live. But it is no place to live if you are going to get sick or you know you are going to have a baby because you have an hour's drive to get to a doctor. That is not right. It is not as if this is out in the middle of nowhere and you chose to live there with all of the attendant risks involved. No. There are a lot of communities in this area but none of them had physicians able to continue to practice because of the medical malpractice premiums they had to pay.

One other example: Nevada was very much in the news last year because of the crisis in that State. Nevada's top level trauma center was recently closed for 10 days after 58 orthopedic specialists in Las Vegas temporarily quit because of the skyrocketing insurance costs. Also, a lot of the physicians delivering babies and performing high-risk surgeries have indicated that they won't be able to continue to practice without some kind of relief.

Ultimately, this destructive lawsuit abuse hurts the patients. Yes. The doctors can't make it, so they leave. But ultimately it is the patients who are the ones who suffer.

Therefore, we are trying to deal with that through legislation that will make it a little bit more difficult for this kind of lawsuit abuse to occur so that the insurance companies won't have to charge quite as high a rate, so the physicians and hospitals can stay in business, and so the people of the communities can continue to be served.

Also, the threat of lawsuit abuse often forces doctors to perform a lot more in the way of tests and surgeries and other kinds of treatments than they otherwise would do simply to protect themselves from a claim that they weren't doing enough for the patients—sometimes expensive tests, sometimes invasive procedures.

All of this is called defensive medicine—trying to do everything they can to make sure some smart lawyer out there doesn't try to pick at what they did and find some kind of fault with it and find a client who is willing and able to hire a lawyer to bring a lawsuit against the doctor.

That is another effect of this lawsuit abuse. Another is the fact that a lot of times doctors are no longer willing to perform risky procedures that may be necessary to really help somebody or even save somebody's life. Obviously, the more serious the condition, frequently the more risky the procedure. You want to be served by a physician who is willing to go to the mat for you in that case. But if the physician is looking at a big medical liability suit, if the result doesn't happen to work out right, then that physician is going to be less likely to try to treat you.

All of this results in an inferior quality of medical care for American citizens, which is wrong. It is not at all uncommon for these lawsuits to be brought and the lawyers to get over half the settlement. That is wrong. That is one of the issues with which this legislation deals.

The Congressional Budget Office determined that the House bill, which passed and which was pretty similar to S. 11, would reduce direct Federal spending for Medicare, Medicaid, and other Federal health programs by almost $15 billion over the next 10 years. Since the Federal Government is a payer for many of the medical services, particularly for our seniors who are indigent, it is a saving to the Federal Government as well for this lawsuit abuse to be addressed. Because employers will pay less for health insurance for their employees and more of the employees' compensation will be in the form of taxable wages and other fringe benefits, including, of course, money that could be plowed back into greater health care for the employees, the Congressional Budget Office estimated that enacting this legislation would increase Federal revenues by about $3 billion over the next 10 years as employees receive higher wages.

Just a note about the legislation itself, there are a lot of different ways you can do this. I had actually cosponsored a bill somewhat different than this. But the basic idea is the same, even though we might want to change specific provisions of this legislation. It basically sets sensible limits on the noneconomic damages that can be obtained in these lawsuits. The noneconomic damages are those damages that go above and beyond the bills that have to be paid. When you get sick and the physician allegedly committed malpractice, you had to go to another doctor to get the problem resolved. Those are economic damages as you lost wages, and any other expenses that you have. And those economic losses are fully compensated. But above and beyond that, you are entitled and juries will award substantial damages for noneconomic losses, mostly called pain and suffering because of what you had to go through. Certainly people recover something for their pain and suffering. The question is how much.

In order to avoid lawsuit abuse, some States—for example, the State of California has put a $250,000 limit on those noneconomic damages. That is precisely what this legislation does as well. However, states with higher caps can keep those under this legislation too. It also reserves punitive damages for cases that justify it. Part of lawsuit abuse is very large punitive damage awards which have nothing whatsoever to do with either the economic or noneconomic losses but nevertheless help to enrich the lawyers.

There are some other features of the legislation as well. But the point I wanted to make is whatever the specifics of the legislation, we need to act.

I hope our colleagues will permit us to conclude the debate and have a vote on this legislation so we can get together with the House of Representatives, which also passed a bill, have a conference committee work out any differences, all have a chance to vote on that, and then hopefully have a bill we can send to the President.

If we are never able to have a vote on this, it is not just the doctors, hospitals, and other providers that are going to suffer; it is the American people because they will not have access to the quality of medical care which they need and deserve. I hope we cannot only debate this legislation but also permit it to come to a vote so we can address this serious crisis in America today.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I wanted to use 12 minutes of the Senate's time to discuss my reaction to this bill and my general thinking about the subject of medical malpractice insurance premiums.

I think it is pretty clear that medicine is at a crossroads. I think it is pretty clear that something has to be done. My own State of California was at the crossroads 28 years ago. A bill was passed through the legislature called the Medical Injury Compensation Reform Act, known as MICRA. MICRA had a rough road initially. It had a number of court challenges. Finally, it was sustained by the California Supreme Court.

What we saw—I will go into this in more detail later on—was that premium costs began to settle down. In fact, I think it is fair to say that the California medical profession is very pleased with the MICRA bill as it stands today.

The problem I have—and I am probably one of the few on my side of the aisle who is not opposed to the issue of caps because I think in this situation they are helpful, but my problem is with the bill that is before us today because that bill is nearly identical to the bill passed out of the House and, frankly speaking, it is not one that I can support.

This bill before us sets a $250,000 cap for noneconomic damages in medical malpractice suits. Now, this can be applied not only to suits against doctors but to suits against HMOs, nursing homes, and medical product manufacturers. It is a very broad provision. This cap would even apply for extraordinary cases. I will give you one: A youngster, Jessica Santillan, a 17-year-old who died after doctors mistakenly transplanted the wrong kidneys into her body.

So under this bill, suits against drug and device manufacturers also, such as the makers of the weight loss drug Phen-Fen, the Dalkon shield contraceptive device, faulty heart valves, and other products that have caused innocent deaths, would be limited to $250,000 in noneconomic damages. I find that unacceptable.

Secondly, this legislation would severely limit the availability of punitive damages not only for doctors but

also for manufacturers. In general, punitive damages are capped at the greater of $250,000 or twice economic damages in this bill. But the bill also wipes out any punitive damages in several different types of lawsuits against medical product manufacturers. It would immunize the manufacturer or seller of drugs from punitive damages for any packaging or labeling defect on their product. So, presumably, if a drug package label had mistakenly directed a patient to take 10 pills a day instead of 1 pill a day, a patient could not sue for punitive damages, regardless of the harm caused or the basis of the mistaken direction.

It would also limit the availability of punitive damages against any manufacturer or distributor of medical products if the product complied with FDA regulations. Let me give you an example: a product such as the Bjork-Shiley artificial heart valve. It originally received FDA approval, but these valves broke in an estimated 619 patients and led to hundreds of deaths. Under this bill, they would be immune from any punitive damage case. I think that is wrong.

This FDA exemption, in a sense, sets a downward and unacceptable course. If a company has an FDA-approved product on the market and then learns of a dangerous complication presented by that product or a failure of that product, it should have the incentive to remove that product from the marketplace as soon as possible. I think to provide an exemption if the product has FDA approval creates a disincentive to the rapid removal of that product from the shelf.

So while I cannot support this proposal, there are, however, proposals which I could support because I do believe that rising premiums are creating a crisis all across this country in terms of access to care. Others have placed before this body a number of situations. Let me just repeat a few.

Obstetricians and gynecologists in Florida pay over $200,000 a year for malpractice insurance as opposed to $57,000 a year in California. And there is no more high-cost State than California. So OB/GYN premiums in Florida, $200,000; in California, because of MICRA, $57,000; surgeons in Michigan pay $110,000 for malpractice insurance. Twenty percent of the OBs and GYNs in West Virginia and Georgia have been forced out of their practice due to rising premiums.

Nine hundred doctors in Pennsylvania have left the State since 2001 to avoid annual premiums as high as $200,000. The Methodist Hospital in Philadelphia discontinued its prenatal program for low-income women because of high premium costs.

The neurosurgeons of Wheeling, WV, have left the area, and local trauma patients requiring neurosurgery need to be airlifted out of the State.

Not only are insurance premiums skyrocketing in some States, but insurers are leaving the market, and that is a very dangerous signal. There were 14 companies underwriting liability in Mississippi; today, there is but one willing to write new policies. Texas had 17 insurance carriers; today it has 4.

In California, we have nonprofits handling the insurance for California's doctors, and that is one reason the system works.

I have spent a number of months taking a good look at the California law to see what could be transferred to the national level. And I want to say, here and now, this Senator would support reasonable caps on noneconomic damages because I deeply believe they can lead to more stable premium rates.

At the time MICRA was enacted in 1975, the cost of health insurance in California was higher than any other market except New York City. In the 6 years before 1975, the number of malpractice suits filed per 100 physicians in California more than doubled.

MICRA has kept costs down. In 1975, California's doctors paid 20 percent of the gross costs of all malpractice insurance premiums in the country. Today, they pay 11 percent of the Nation's total malpractice insurance premiums. Clearly, costs have dropped in comparison with other States.

All over the United States, premiums have grown 505 percent in the past 25 years. California's premiums have grown 167 percent. In other words, premiums have grown three times slower in California than in other States. That alone shows that MICRA is working, regardless of what anyone might say.

Also, because of MICRA, patients get their money 23 percent faster than in States without caps on noneconomic damages. Bottom line: California's malpractice premiums today are one-third to one-half lower, on average, than those in Florida or New York.

Because the California law has proven successful at keeping premiums down—and I know there are those who do not want to believe it; they will say it is some other reason; but I believe it has—I used the law as a departure point for crafting a proposal which I believe is both just and fair and which I believe should stabilize and, over time, reduce premium costs.

I very much appreciate the efforts of Senator FRIST and Senator MCCONNELL in working with me to explore this option. I am not going to offer it on the floor today for one reason: Unfortunately, it would not have the necessary votes.

Specifically, my proposal would do the following: It would create a schedule for attorney's fees. It would create a strict statute of limitations, requiring that medical negligence claims be brought within 1 year from the discovery of an injury or within 3 years of the injury's occurrence. It would require a claimant to give a defendant 90 days' notice of his or her intent to file a lawsuit before a claim could actually be filed. It would allow defendants to pay damage awards in periodic installments. It would allow defendants to introduce evidence at trial to show that claimants have already been compensated for their injuries through workers compensation benefits, disability benefits, health insurance, or other payments—that is only fair—and it would permit the recovery of unlimited economic damages.

My proposal would differ from California's law in two key areas: One, noneconomic damages and, two, punitive damages. The California MICRA law has a $250,000 cap on noneconomic damages. In contrast, I would propose a $500,000 general cap on noneconomic damages. Today 15 States have caps of $500,000 or less for noneconomic damages. Twelve States have a cap of $500,000 or less on noneconomic damages, and that includes Alaska, Florida, Louisiana, Massachusetts, Michigan, Mississippi, Nevada, Oregon, Texas, Hawaii, North Dakota, and South Dakota. Three States have caps of $250,000-or-less and they include Montana, New Hampshire, and California. Thus, 15 States already have caps of $500,000 or lower.

In catastrophic cases, where a victim of malpractice was subject to severe disfigurement, severe disability, or death—in other words, a catastrophic exemption—the cap would be the greater of $2 million or 50,000 times the number of years of the life expectancy of the victim. This really takes into consideration terrible morbidity done to a young child whose life span might be 50 or 60 years more. Clearly, a cap of $250,000 or $500,000 is really not fair to that youngster. Therefore, the catastrophic exemption we would propose would provide the greater of $2 million or 50,000 times the number of years of life expectancy of the victim.

In addition, we would propose a less onerous punitive damages standard than California law. California law is very strict today with respect to a plaintiff's ability to prove punitives under the very high standard of fraud, oppression, or malice. In other words, if you can't prove fraud, oppression, or malice, you can't prove punitive damages. If a doctor is in the middle of surgery and walks out to go to his bank to make a deposit while the patient is under a general anesthetic, in my view, that doctor should have punitive damages brought against him because that clearly is not accepted medical procedure.

California's law is much stricter. You have to prove fraud, oppression, or malice. Under this law, I am not aware of a single case where a plaintiff has obtained punitive damages in California over the past 10 years. So at least in my view, for situations such as the one I just indicated, the California law is too strict in this regard.

Instead we would offer a four-part test where a plaintiff would have to show by clear and convincing evidence—and this was put together based on measures that have passed this Senate in the not too distant past—that

the defendant, one, intended to injure the claimant unrelated to the provision of health care; or two, understood that the claimant was substantially certain to suffer unnecessary injury and, in providing or failing to provide health care services, the defendant deliberately failed to avoid such injury; three, the defendant acted with a conscious flagrant disregard of a substantial and unjustifiable risk of unnecessary injury which the defendant failed to avoid; or four, the defendant acted with a conscious flagrant disregard of acceptable medical practice in such circumstances.

Clearly, the doctor who walked out of a surgery and left a patient under a general anesthetic would fall under this fourth plank. It certainly is a flagrant disregard of acceptable medical practice which would be, you don't go to your bank in the middle of an operation to make a deposit when the patient is under a general anesthetic.

I firmly believe a variant of this type could lead to a compromise in the proposal in the Senate. Why didn't I go ahead with it? Much to my chagrin and, I think, surprise, both the American Medical Association and the California Medical Association rejected this proposal. The AMA contends that despite the fact 15 States have caps of $500,000 or less, they believe that a $500,000 cap is too high and it would not stabilize premiums.

The California Medical Association is opposed to it for a different reason. Although we leave State law in place, whether that State law is retroactively passed or prospectively passed, the CMA felt the State legislature might—I say ''might''—change the $250,000 cap to $500,000. So both of these associations have rejected that proposal which meant I wouldn't have a chance to get the necessary votes on either my side of the aisle or pick up a few votes on the other side of the aisle.

They refused to move from a cap of $250,000 for noneconomic damages in even catastrophic cases. To me this is wrong because a $250,000 cap in 1975, when the California law set this cap, adjusted for inflation was worth $839,000 in 2002. So last year a $250,000 cap, passed in 1975, would be worth $839,000, if passed today. If a figure of $250,000 was adequate in 1975, why couldn't a figure of $500,000, which is lower than the 1975 cap adjusted for inflation, be acceptable this year?

Now if a victim receives $250,000 today, this is equal to $40,000 in 1975. So when California led the Nation by passing the Medical Injury Compensation Reform Act and setting a cap for noneconomic damages of $250,000 in 1975, everybody should know that that is worth $40,000 today. In my book, that is unacceptable.

There are many specific instances of why it is unacceptable. Let me share one case. That is Linda McDougal. She is 46. She is a Navy veteran. She is an accountant, a mother. She was diagnosed with an aggressive form of cancer and underwent a double mastectomy. Two days later she was told that a mistake was made. She didn't have cancer and the amputation of both her breasts was not necessary.

A pathologist had mistakenly switched her test results with another woman who had cancer. Is this Congress willing to say there should be a cap of $250,000 on noneconomic damages for this kind of mistake? I think not.

A cap on noneconomic damages must take into account severe morbidity produced by a physician's mistake, such as amputating the wrong limb or transfusing a patient with the wrong type of blood.

Unfortunately, because of the opposition of both the American Medical Association and the California Medical Association, I am not proposing an amendment at this time. My purpose was to help physicians and patients, and I deeply believe that a $500,000 noneconomic damage cap, coupled with the catastrophic exception I outlined, would accomplish this, would accomplish it fairly, and would stabilize premiums over the long term.

I also suggest that State laws, where they exist, should prevail. So the California MICRA law, or any other State law, would prevail regardless of whether that State law was already enacted or retroactive.

So, bottom line, I could not get 60 votes for this proposal with the opposition of physicians. So the result may well be an alternative because I don't believe the House bill can pass in the Senate in its present form.

Let me say this. I have given this bill a great deal of thought. I really mean what I say—that I am prepared to support a reform bill. I am prepared to support a cap on noneconomic damages. But it has to be a cap that is realistic in view of today's time. It cannot be a cap that was passed 28 years ago that has an actual value of $40,000 today. So I am hopeful there will be another time and another place when a bill such as the one I have tried to outline might be found to be acceptable. In the interim, I will vote against S. 11. But, again, I stand ready to participate in a solution along the lines I have mentioned.

Mr. President, I yield the floor and 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. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I wish to say a few words about the issue of medical liability reform, a matter that cries out for a remedy from the Congress because of its sheer scope and size.

When it comes to health care, I believe the proper role of the Government is to protect the freedom of all people to act in their own interests and in the interests of their health. I think it is appropriate that we make sure their decisions are not made by the Government but by themselves and their families. Patients and doctors, rather than lawyers and bureaucrats, should be trusted to decide what treatment is best for themselves and their patients.

I strongly believe that when people have good choices in a health care system built upon free market principles, it ultimately translates into high-quality care. One of the obstacles, though, to achieving access to that high-quality care is the current crisis involving medical liability litigation.

Today, America is experiencing a medical liability litigation crisis that is increasing the cost of health care, it is decreasing access to physicians and hospitals for many patients, and it is generally lowering the quality of care. As a matter of fact, we could hardly call our medical liability system a ''system'' because it is such a mess. In recent years, average jury awards have more than doubled, from more than $460,000 in 1996 to more than $1 million in the year 2000.

In the past year, medical liability insurance premiums in many States have increased by more than 20 percent, on average, and more than 75 percent for certain specialties. That is just in 1 year. Between 1991 and 2001, the number of medical malpractice payments of $1 million or more that were reported to the National Practitioners' Database increased from 298 to 806. The overall result is sky-high costs for liability insurance, increased costs for those who provide health treatment, and costs that have really created a crisis of enormous proportions, one that is threatening the quality of care, diminishing access to care, and exploding the cost of care.

According to studies at the Department of Health and Human Services, doctors across the country are closing their practices, they are limiting the types of patients they see, or they are leaving communities where they have long practiced because they cannot afford the rapidly increasing costs of medical liability insurance or, worse yet, insurance coverage is unavailable altogether.

Fear of liability suits—even frivolous litigation—also results in the practice of defensive medicine.

A recent survey, for example, conducted by an organization known as Common Good, revealed some disturbing trends: 79 percent of physicians admit that the fear of litigation has caused them to order more tests than they thought medically necessary, and 74 percent refer more patients to specialists than their best medical judgment would otherwise dictate. Half have recommended invasive procedures they do not consider on a medical basis to be necessary, but they have done it in an effort to protect themselves against the second-guessing that goes

along with the medical liability regime.

Defensive medicine increases risks for patients and it raises health care costs by as much as $126 billion per year. This is a crisis not just for the Nation's physicians, it is a danger to America's patients—in other words, every single one of us.

For example, pregnant women in Nevada, Mississippi, West Virginia, and Florida must drive hours just to find an obstetrician who can care for them, and many still cannot get the essential prenatal care they desperately need. The only level 1 trauma center in Las Vegas had to close temporarily last year because its surgeons could not afford medical liability insurance. Some physicians' annual premiums had increased from $40,000 to $200,000 in just a year.

In many States, physicians are retiring or moving their practices because they either cannot afford the liability insurance or simply cannot buy the liability insurance they need in order to protect what they have worked a lifetime to achieve.

In Mississippi, physicians are actually moving across the river to Louisiana to serve the same patients they would serve in Mississippi because they can no longer afford to practice in that State, and most cities in the State of Mississippi with populations under 20,000 no longer have any physician who will even deliver a baby.

There are many more examples from my State, the State of Texas. The city of Austin, for example, is suffering from a shortage of neurosurgeons caused by retirements and relocation to avoid liability coverage costs, a shortage so heavy that some patients have to travel more than 65 miles away to find treatment.

In 100 of the 254 counties in the State of Texas, there is no obstetrician; in other words, there is no medically trained specialist who will deliver a baby in 152 Texas counties. After 44 years, Spring Branch Medical Center near Houston has stopped delivering babies altogether due to the soaring malpractice insurance costs and the shrinking pool of physicians that will actually deliver babies.

According to the Texas Medical Association's physician survey last year, more than half of all Texas physicians, including those in the prime of their professional career, are considering early retirement because of the State's medical liability insurance crisis, and earlier this year the Fort Worth Star-Telegram reported about one story that illustrates the way this problem affects patients who need care the most. The story said:

> Last summer, a pregnant woman showed up at Dr. Lloyd Van Winkle's Castroville office in south Texas, less than 10 minutes from delivery. Her family doctor in Uvalde had recently stopped delivering babies, citing malpractice concerns, and the woman was trying to drive 80 miles to her San Antonio doctor and hospital. ''She made it as far as Castroville and decided she wasn't going to make it any further,'' Van Winkle said.

We all want to prevent disease and injury. When patients get sick, we all want to prevent medical errors, and when errors do happen, we can all agree that a patient should be compensated fairly. But if you can find some goal hidden somewhere within the current dysfunctional medical liability system, that goal would not be either the prevention of errors or the fair compensation for injury. Very clearly, the current medical liability crisis operates for the benefit of a few at the expense of the many.

Personal injury trial lawyers should not be able to drive good doctors out of medicine or to reduce patients' access to health care. This system undermines the ability of physicians to treat their patients without fear, and it destroys the trust and the important relationship between patients and their physicians, and it truly abandons the American patient—that is, every one of us—when we need the help the most.

I am proud to say that in my home State of Texas, the State government has stepped up in the legislative session just ended and passed some needed reforms in this and other areas. This year, despite overwhelming pressures from special interest groups, the State passed historic liability reform which makes it possible for doctors to practice in Texas without fear of unwarranted and frivolous lawsuits. The law puts caps on punitive damages while allowing for patients who are truly hurt to be fairly compensated. Judgments will be based on the amount of involvement in the act caused in the suit without consideration of who has the deepest pocket.

I must add, though, that even in my State of Texas, there will be a vote of the people on whether the Texas Constitution will be amended to provide a means to achieve this historic reform and much needed reform, and that vote remains to be given and taken. Yet there is still little recourse for patients in States without meaningful reform, and this is truly a nationwide crisis and not one that should be addressed by individual States, given the sheer magnitude of the crisis, its geographic expanse and, frankly, the amount of Federal taxpayers' dollars to go in to paying for the current dysfunctional system.

Our health care system is still burdened with frivolous lawsuits and outrageous jury awards. According to a Health and Human Services study, premiums in States without meaningful liability reform went up 39 percent in the year 2001 and an additional 51 percent in 2002. An out-of-control system in one State can have an effect on malpractice premiums in other States, even those States that have made some incremental step toward reform.

This is a national problem, and it demands a national solution. This legislation is comprehensive reform that will enact several critically needed components. For example, it caps noneconomic damages awarded in medical malpractice cases at $250,000. It will eliminate joint and several liability; in other words, the person at fault will pay for their percentage or their share of fault and no more. It will create a uniform statute of limitations; in other words, a period of time in which a lawsuit can be filed and pursued in court in a way that will preserve both the rights of the patient, as well as make sure that so much time does not pass that memories dim, records are destroyed, and the facts are difficult to discern.

It will reform the collateral source rule, another arcane rule of our legal system that says that even if someone has already been paid from one source they can still keep that information from the jury and seek to be paid yet again for the same loss.

Finally, it will create reasonable limits and court approval of attorney contingency fee awards. In many places, the amount of money that a lawyer will receive, and others will receive, in terms of costs of expert witnesses and the like routinely exceeds the amount of money that an injured patient will receive, somewhere on the order of out of every dollar that is awarded by a jury the injured patient only gets 40 cents. It is the lawyer and the bureaucracy in our litigation system that absorb the rest.

If this were truly about what is best for the patients, we would see reform. We would see it in the Senate. Unfortunately, this is about the 60 cents on the dollar that goes to people, other than the patient, who are obstructing true reform.

This legislation is a comprehensive reform and is modeled after the highly successful MICRA law in California, one that has been very successful both in making sure injured patients are fairly compensated while at the same time holding down the escalating costs of medical liability insurance in a way that allows most physicians to practice their chosen profession and which provides better access to good quality health care.

This act will help protect our critical care hospitals and provide needed relief for nursing homes and medical specialists. The cost of health care will be reduced as the need for high premiums for liability insurance will become a thing of the past.

We must remember that this crisis is not, in the end, about what is best for doctors, hospitals, insurance companies, or personal injury trial lawyers. What this bill is about is what is best for patients—in other words, what is best for the American people.

This crisis is threatening the quality of care, jeopardizing access to care, and escalating the costs of care. In my own State, one can travel to the gulf coast and Corpus Christi where emergency room physicians live in fear that they will be called to answer to a patient in a hospital emergency room, someone who they know they have never seen before and will never perhaps see again

after treating them in the emergency room, and for a patient visit that they will likely not get paid or will get paid only pennies on a dollar for their usual fee, but yet because of the medical liability crisis they will put at risk everything they have worked a lifetime to build and achieve for themselves and for their family. That is even when they can buy insurance.

The truth is, the costs of medical liability insurance have escalated so dramatically because of this crisis that many physicians cannot even buy adequate amounts of coverage. If they can, it is at such a cost that they figure why bother, why bother to practice, and so they simply leave.

I reiterate that in the end this is not about doctors, lawyers, hospitals, or insurance companies. This is about who gets access to quality health care, and in many parts of my State, and in many States across the Nation, access to health care is simply not there because of this crisis.

I believe we should end the liability lottery, where select patients and some trial lawyers receive astronomical awards, while others pay more—all of us really—for health care and many suffer access problems because of it. We should pass meaningful medical liability reform that includes real and lasting change and bring the lessons of Texas and other States that have done so to the Nation's Capital and the American people.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

My most respected colleague from Texas said it is not about doctors and it is not about insurance companies. I would have to dissent from that view from the standpoint of my experience over some 30 years dealing with this particular problem.

We started in the early 1970s with my good friend Victor Schwartz. Product liability was the style of the day, the crisis. The Little Leaguers could not play anymore at the playgrounds. Football was going to have to be abolished because they could not buy safe helmets. They were all being sued because of the helmets. We faced down the situation of so-called product liability and tort reform with the help of the National Legislative Association, the National Governors Association, and some others.

We went to Y2K. We would go to terrorism insurance. I resisted, being an old States righter. I have an unusually good insurance commissioner in South Carolina. In fact, we have low rates as a result of his administration. But from a studied view of this particular situation, the problem is, yes, the doctors and, yes, the insurance companies.

Why do I say that? Well, according to the Secretary of Health and Human Services, Mr. THOMPSON, there are 100,000 deaths a year in America as a result of medical malpractice. That is people killed. That is casualties. We had 58,000 people killed over 10 years, just about, in Vietnam.

Now, the doctors have to get ahold of themselves in the State of West Virginia, for example. There are some 40 doctors, I think it is, who account for some 25 percent, one-fourth, of the 2,300 malpractice claims.

Incidentally, they are moving down to South Carolina because I have talked to some of my doctor friends. There is no better friend of medicine than this Senator from South Carolina. I have worked with them closely over the many years I have been in the National Government, and as their Governor. We have a very disciplined, one might call it, medical practice in South Carolina. In fact, they have always told me, and again recently affirmed, that if we had the average licensed doctors of some of the other States we would immediately add 1,000 doctors. In other words, it is not easy to practice medicine in the State of South Carolina.

So we go immediately to the doctors disciplining themselves like the lawyers, and I can get example after example of us at the bar association disciplining the lawyers. Unfortunately, the doctors just recently returned now to that particular practice and they are beginning to see that they are having to pay for the whole thing. Otherwise, it is not tort reform; it is insurance reform.

The distinguished Senator from Texas mentioned California. I have heard, and it is true, that California has brought down the malpractice insurance rates for the doctors there. That was done with caps in the beginning, but it did not work—in 1975. And it wasn't until 1988 that they had Proposition 103, to institute insurance reform—not tort reform but insurance reform, where they had an immediate rollback of the rates of some 25 percent, regulation written by the insurance commission, and anyone who wanted to question any rate increase had a right before the commission to petition and be heard.

So, yes, there is a way to do it. But you will see, as I speak here this afternoon, it is not this tort reform. In fact, tort reform is being taken care of in the States. They are moving fast. They are already moving in the State of Illinois, as the distinguished Senator DURBIN has been pointing out, with respect to that, and other States have not waited.

The only trouble with the cap is that it has not brought down the rates. The cap States—I mentioned Illinois that has no cap. The rates are up there. But four of the first five—Florida, Michigan, Texas, West Virginia—these four of the five top States with the highest premiums have caps on damages.

So the proof of the pudding is in the eating. We have experienced this with caps. I have other examples to show. Time and again, the insurance executives say: Pass the caps, we are not going to lower the rates.

But the majority leader, the distinguished Senator from Tennessee, is one of the most eminent physicians. And I don't say that just speaking on the floor in a right fashion. He saved the life of a good friend of mine with a lung transplant back in Tennessee. She has been getting along extremely well as a result of the expertise, the touch, the sensitivity, the bedside manner of Dr. FRIST. So there is no question in this body that we have a very valued doctor friend as a Senator from Tennessee.

But Tennessee doesn't have that problem. Of course, there are no caps there. They are below the median in premiums, and they do not have damage caps. I am sure the distinguished doctor/Senator would long since have asked that his State move in that direction if that were the problem.

No, the problem is a political one. We have the doctors in town. It is almost like the computer crowd who came to town with Y2K, and the sky was going to fall—we had to immediately pass Y2K to make sure at the first of the century the world wouldn't end.

We have a similar situation now where we look for the needs of the campaign rather than the needs of the country. We call this bill, right in the middle of the energy bill, appropriations bill, and all the other important matters that we have, tort reform, medical malpractice, because the doctors are in town.

I guess instead of $2,000, those doctors could give $4,000 to political campaigns, so you might call this the $4,000 bill we will be voting on tomorrow morning, as to whether or not we should have cloture. I hope we do have cloture because we ought to nail this buzzard quickly and get rid of it.

You never hear anybody who has been represented as a result of medical malpractice complain about the fee. It is always the loser who complains about a plaintiff's fee. I never have found a plaintiff yet who complained about lawyers' fees.

That gets me right into lawyers because that is the pollster cancer we have in Government in Washington today. You get the pollsters—and they don't know. I never have found a pollster, incidentally, who ever served in government or public office. So they do not know the questions to ask, What about lawyers? Shouldn't we have tort reform? Of course, the Chamber of Commerce has us behaving like toadies for corporate America, doing everything they want because we want their money in order to run for office. So we only pay attention to the money needs and the campaign needs and not the needs of the country.

As far as tort reform is concerned, it is being taken care of at the State level. The big problem, of course, is the losses that have been, not from medical malpractice, incidentally, but from their investments.

Let's say a word about those lawyers because, after all, we just had the

Fourth of July. I saw a program about the forefathers. They were all mentioning the different ones who brought us this 227 years of freedom.

Is life so dear or peace so sweet as to be bought at the price of chains of liberty and freedom? I know not what course others may take, but as for me, give me liberty or give me death.

A lawyer said that.

I can see that 34-year-old Jefferson, with the quill in hand:

We hold these truths to be self-evident, that all men are created equal.

Equal justice under law, with the Declaration of Independence.

What is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself.

We are out of control: We have a $428 billion budget deficit, after talking about the surplus, surplus, and surpluses for 2 years. The public debt to the penny is $428 billion, and we have not finished the fiscal year.

Madison, the lawyer, the Emancipation Proclamation—Abraham Lincoln, the lawyer.

The only thing we have to fear is fear itself.

Franklin Delano Roosevelt, the lawyer.

You go right on down the line, giving meaning to equal justice under law.

Thurgood Marshall, the lawyer.

These were eminent lawyers and not jury fixers. We have 60,000 lawyers working on K Street. I am one of the 60,000 licensed to practice in the District of Columbia. There are 60,000, and 59,000 will never see the courtroom of law. They are supposed to fix the 535 of us lawmakers here in Government. They are salesmen. I delight in seeing them. They are a big help because we have to have the proceedings, and I listen to both sides and I make up my mind.

But they are, under the bill at hand that has been introduced, not limited in their fees. They sit there claiming frivolity. If you are a trial lawyer, you get the client who comes in. You have to perhaps get the doctor for him, get the medicine. Then if you get the case, get out on the highway, get some pictures and everything else like that, get the experts, draw up the pleadings. After the pleadings are drawn, make all the motions, the interrogatories, and discoveries. Still you haven't gotten a red cent. Time passes on, and what happens is you get to the trial and, after all the trial and the motions in the trial, you have to win all 12 jurors. And after the 12, you have to make the motions on appeal, you have to print up the briefs, you have to go and make the arguments before the appellate court. Then, if you finally win—if you finally win, yes, you get a good fee. But you probably spent a couple of years or more waiting around. And that is the practice of the trial bar.

I have been in it. I have also defended. And they are lazy. Man, they are lazy. I have seen them. They just absolutely sit there and let the runners and investigators do all the work, call that doctor and do this and do that, and then if it is inconvenient, they say: We have a witness who is sick, and we will move for a continuance—because, why? The clock runs. The clock runs, and they get, what, $450 an hour?

I remember when I passed the first textile bill here, a Senator on the other side of the aisle came and said: I know a lawyer downtown who has been paid $1 million to get that bill passed, and he didn't do anything. Here you are, a freshman Senator, and you passed it.

I said: Yes, and I passed it for free because I believe in it.

But you have big fees down here. The clock runs with this corporate crowd, just look at the bill. They say: Oh, no, no—they have no control over their fees. Just control the trial lawyers—with tort reform. You have the biggest myth on the courts we have ever experienced.

Let's go, since my time is limited, to the truth about malpractice premiums. According to the National Association of Insurance Commissioners:

Total profits as a percentage of premiums for 1999 [that is the most recent year for which data is available] are nearly twice as high in the medical malpractice line than the casualty and property insurance industry coverage. Recent price increases are merely an attempt by the insurance industry to maintain the extremely high level of profitability for malpractice coverage.

If that is all the profits, where are the losses? This is Enron. This is Kenny Boy. The Justice Department spent 2½ years and they can't get him. They have gotten everybody in the world. They have gotten WorldCom all the way through the courts up to the SEC and reaffirmed their bankruptcy plan, but you haven't heard any more about Kenny Boy.

Listen to what this says:

When terrorists slammed airplanes into the World Trade Center in 2001, the Donaldson Co. in Bloomington felt the blow almost immediately. The manufacturer's property insurance renewed just days later, with nasty surprises.

Our premium quadrupled from $500,000 to $2 million.

I ask unanimous consent to have this article from the Metro edition of the Star Tribune in Minneapolis printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Star Tribune, Mar. 9, 2003]

FEW SPARED AS INSURANCE RATES SOAR; CORPORATE, HOUSEHOLD BUDGETS FEEL SAME PAIN

(By Dee DePass)

When terrorists slammed airplanes into the World Trade Center in 2001, the Donaldson Co. in Bloomington felt the blow almost immediately. The manufacturer's property insurance renewed just days later, with nasty surprises.

''Our premium quadrupled from $500,000 to $2 million'' and suddenly excluded $150 million worth of terrorism coverage, said Marty Kohne, Donaldson's safety, environment and insurance manager.

After Enron imploded, Donaldson's cost to insure its directors and officers tripled to $300,000 a year.

''You get very frustrated because all these events affect you, but you have no control,'' Kohne said.

It's a common sentiment among insurance buyers of every kind, both corporate and consumer. Pushed by events as divergent as Enron's collapse, terrorism, natural disasters, and health care inflation, insurance costs are spiraling industrywide unlike anything seen in more than a decade. The insurance inflation is part of what's stifling corporate profits and eating into household budgets, and experts believe it could be at least another two years before prices stabilize.

Insurance executives contend they've had little choice but to make major adjustments in premiums. Paul Bridges, senior vice president of Marsh USA, the nation's largest insurance broker, explained the increases this way:

''We had an insurance industry that used to make all of its money off of investment returns on Wall Street. But with the death of the dot.bombs, those stopped,'' he said. ''Then, with recent losses, margins reversed and [insurers] weren't making money for stock holders.''

''We started ratcheting up prices partly on the backs of disasters'' last year, added Bridges, noting that premiums are still on the rise. Commercial policies ''started off rising 30, 40 and 50 percent and some even 100 percent.''

THERE'S NO ESCAPING

The burden is being felt at firms of all sizes.

Minneapolis CPA Barry Rogers runs his own firm with six employees. There have been no major illnesses among his workers, so he was shocked when his agent announced last year that his premiums were ''only going up 12 percent.''

''We had one person who had outpatient surgery done, and that was the extent of it,'' Rogers said of the firm's previous claims.

The firm's health care premiums jumped from $145 per worker to $163, with the co-pay from $15 per office visit to $25.

Rogers and his agent eventually worked out a plan to reduce the co-payment back to $ deductibles for hospitalization climbed from $300 to $500.

Statewide, commercial health insurance premiums rose 12 percent in 1999, 16 percent in 2001, according to the Minnesota Department of Health. Estimates are that rates will go up again around 12 percent this year.

Health care companies reported their costs rose 9, 13 and 10 percent in 1999, 2000 and 2001, respectively.

In many cases, the rising health care costs are being partly passed along by employers, effectively canceling out workers' cost-of-living raises. Workers are then finding that their personal insurance costs also take more money. Last year, homeowner premiums rose 10 percent nationwide. This year, homeowners' rates are expected to rise again.

''There's no doubt about it, '02 had lots of premium increases,'' said Kenneth Ciak, president of American Express Property Casualty, which collected $260 million in premiums last year.

CORPORATE COVERAGE

''Frankly, it's about time,'' Ciak said. ''On the personal lines side, we have not had a 9/11 catastrophe, but there are a fair number of storms that have occurred and the homeowners' product has just been underpriced. We have not made money for the last four or five years.''

While homeowners paid $37 million nationwide to protect their homes against storms, fire and other disasters in 2001, insurers reported losses and expenses equal to 114 percent of all home premiums collected last year.

Even corporate coverage, which for years was predictably and modestly priced, has exploded in cost, thanks to recent events. The accounting scandals at Enron, WorldCom and other companies have erased an change for reasonable directors and officers insurance or cheaply priced surety bonds.

The recent $1.4 billion settlement by investment banks with regulators over allegations of misleading stock recommendations also has increased the pricing pressures on such policies, as insurers brace for investor lawsuits alleging biased stock research. Directors and officers insurance protects companies if their executives are sued by shareholders or other plaintiffs.

A 2001 survey by Tillinghast-Towers Perrin found that insurance claims against executives averaged $5.7 million for each of its 2,037 corporate respondents that year, up 75 percent from 2000. Shareholder lawsuits alone leaped 178 percent to cost insurers $17 million on average in 2001.

PAYING FOR ENRON'S SINS

Companies that haven't been sued aren't escaping the fallout.

Apogee Enterprises of Minneapolis manufactures and installs exterior building glass. The company has 5,500 workers, 12 directors and no directors and officer claims in its history. Nevertheless, it is paying or Enron's sins.

''Last year we paid about $150,000 [in premiums]. Now we can expect it to go way up, maybe triple . . . even though [four underwriter groups] are very comfortable with Apogee and our governance,'' said Michael Clauer, Apogee's chief financial officer.

''That's the reality of Enron. If you want the coverage, you pay the price,'' Clauer added.

Marcy Korbel, a Marsh vice president of financial professional services, recently shared similar bad news with risk managers from General Mills Inc., 3M Co. and other firms.

Industrywide, directors and officers ''premiums average 50 to 300 percent increases and that's only if there are no claims,'' she said. ''We are seeing increases of more than 300 percent if there is claims activity and even more for companies with market caps over $1 billion.''

Policy prices have to reflect reality, said Bob Hartwig, senior economist for the Insurance Information Institute.

''The end of 2001 and all of 2002 were horrific years for this country in terms of corporate governance. We have had some of the worst scandals in the history of this country,'' Hartwig said.

PREMIUMS GOING UP

Enron alone hit 11 insurance companies for $350 million in director and officers claims. Enron's bankruptcy also cost the St. Paul Companies $10 million in surety bond losses and $12 million in unsecured debt the insurer held in the energy company. AIG has announced a $1.8 billion charge in part to deal with claims for both Enron and WorldCom.

All of this was on top of 9/11, which brought insurers $40 billion in losses.

The St. Paul Companies, which lost $941 million in 9/11 claims, hoisted commercial premiums 32 percent in 2001, and 27 percent last year to squeak back into the black after a dismal 2001. The company lost nearly $1 billion in 2001. It earned $290 million in 2002, about half the $567 million it earned in 2000.

St. Paul CEO Jay Fishman has said premium increases will continue this year.

At Apogee, the company's property premiums have risen 40 percent, while its general liability premiums doubled. To compensate, it has adopted higher property deductibles and is self-insuring for workers compensation claims.

''Not only did we assume more of claims but we also incurred even more costs because premiums keep going up. It's been a very challenging year for us,'' Clauer said.

On top of that, the company is still waiting for some projects to get going because of the lack of terrorism insurance, a product that is only beginning to be offered again now and is likely to add another cost equal to about 10 percent of the property's regular insurance costs.

''We still have projects on hold because of the developers' inability to get terrorism insurance,'' Clauer said.

SURGING PREMIUMS

After going through a long period of subdued prices in the '90s, premiums for business and homeowners insurance are rising fast, pushed by a confluence of events including terrorism, corporate crimes and natural disasters. Percentages for 2002 are estimated, percentages for 2003 are forecast.

Premium percent change from prior year—'90 4.5 percent; '02 14.0 percent; and '03 12.2 percent.

Mr. HOLLINGS. Mr. President, Enron alone hit 11 insurance companies for $350 million in director and officer claims. Enron's bankruptcy also cost St. Paul $10 million in surety bond losses and $12 million in unsecured debt insurers held in the energy company. AIG has announced a $1.8 billion charge in part to deal with claims for both Enron and WorldCom.

All of this was on top of 9/11 which cost insurers $40 billion in losses. Now, we find 9/11 and Enron. Kenny Boy is responsible for the losses. It is not medical malpractice. In fact, in all of the cases, only 1 out of 9, or 12 percent, of the cases actually go to court. Some 26 percent of that small percentage actually are tried. The verdicts are up instead of down. But now we find out from where they come.

I have another article in the final edition of the Gannett Corporation on Friday, January 3, 2003. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, Jan. 3, 2003]

J.P. MORGAN, INSURANCE FIRMS SETTLE LEGAL DISPUTE

(By Edward Iwata)

Hoping to cut loose the Enron albatross, J.P. Morgan Chase early Thursday settled a legal dispute with 11 insurance firms that had accused the Wall Street bank of engaging in sham financial deals with the collapsed energy-trading firm.

Later in the day, J.P. Morgan Chase said it will take $1.3 billion in fourth-quarter charges to cover losses on its dealings with Enron and to create a $900 million reserve for related but unresolved legal claims.

J.P. Morgan Chase had sued the insurers last year, after the companies refused to cover $1.1 billion in losses on several failed energy trades in the late 1990s involving Enron and Mahonia, an offshore company associated with J.P. Morgan Chase.

The insurers—plus congressional investigators who have looked into Enron's ties with Wall Street banks—alleged that the deals between Enron and J.P. Morgan Chase were fake accounting transactions designed to hide debt and boost revenue.

Under the complex settlement submitted in court, the insurance companies could pay from $520 million to $660 million to J.P. Morgan Chase.

Neither side admitted wrongdoing, and both claimed a legal victory.

John Callagy, an attorney at Kelley Drye & Warren in New York who represents J.P. Morgan Chase, says the settlement bolsters the bank's contention that the Enron deals were legitimate. ''There was absolutely no evidence of fraud,'' he says.

Alan Levine, a lawyer at Kronish Lieb Weiner & Hellman in New York and the lead attorney for the insurers, says, ''We're very satisfied with the economics of the settlement.''

J.P. Morgan Chase's troubles relating to Enron haven't ended, though. The bank still faces the giant Enron bankruptcy case, a shareholders' class-action lawsuit against Enron and several Wall Street banks and federal investigations into the Enron scandal.

The insurers' settlement should have no legal impact on the other legal fights, says one attorney close to the cases. However, lawyers often use settlements as leverage in talks in related cases.

In the insurers' case, the settlement came early Thursday morning, near the end of a monthlong trial in New York before U.S. District Judge Jed Rakoff. The jury was ready to start its deliberations Thursday.

As part of the settlement, Travelers Property Casualty could pay up to $159 million; Chubb's Federal Insurance, $110 million; Lumbermens Mutual Casualty, $94 million; Allianz's Fireman's Fund, $93 million; St. Paul Fire & Marine Insurance, $80 million; CNA Financial's Continental Casualty and National Fire Insurance, $47 million; Safeco, $33 million; Hartford Financial Services, $25 million; and Liberty Mutual Insurance, $13 million.

Mr. HOLLINGS. Mr. President, it says:

Hoping to cut loose the Enron albatross, J.P. Morgan Chase early Thursday settled a legal dispute with 11 insurance firms that had accused the Wall Street bank of engaging in sham financial deals with the collapsed energy-trading firm.

As part of the settlement, Travelers Property Casualty could pay up to $159 million; Chubb's Federal Insurance, $110 million; Lumbermens Mutual Casualty, $94 million; Allianz's Firemen's Fund, $93 million; St. Paul Fire & Marine Insurance, $80 million; CNA Financial's Continental Casualty and National Fire Insurance, $47 million; Safeco, $33 million; Hartford Financial Services, $25 million; and Liberty Mutual Insurance, $13 million.

Let us talk about those losses. Where do we go?

I quote from an article dated June 30 in U.S. News and World Report.

The case of Samuel Desiderio, while tragic, seems to give perfect voice to the complaints of many doctors who see a legal system gone wild. As a 4-year-old, he suffered brain damage following surgery at a New York City

hospital. A state court jury awarded him a hefty $80 million for medical expenses and pain and suffering. In April, just two months ago, an appeals court approved boosting the award against his doctors and the hospital to an astonishing $140 million.

But as Joan Butsko's modest award suggests, caps may not be the answer. Insurance costs are up, but it's not clear that juries or the courts are the culprits, or even that the crisis is as dire as it's being portrayed. The statistics don't line up as neatly as doctors and insurers would have them, and left out of the argument is recognition that ordinary market forces may be at work instead.

For starters, there's no explosion of cases that might drive up legal costs. The number filed each year has remained fairly steady during the past decade, according to the National Center for State Courts. Further, most malpractice plaintiffs never even see a jury—two thirds of their cases are dropped or dismissed—and when they do, it often isn't a sympathetic one. Only a tiny sliver of cases filed—just 0.9 percent of some 5,500 cases surveyed for 2002—produce jury verdicts for patients claiming injury. And even the size of that small wedge is down by half since 2000, according to the Physicians Insurers Association of America, the trade group for malpractice insurers owned or operated by doctors, which account for about 60 percent of the market.

Within that wedge, the number of payments that doctors' insurers make following jury verdicts has held steady in recent years, at around 400 annually, according to a U.S. News review of hundreds of thousands of payments of all kinds reported to the federal National Practitioner Data Bank. These payments total about $143 million each year. Malpractice insurers are required by law to report their payouts to the system.

Doctors and insurers say that frequency of claims aside, the prime issue is the size of awards. Indeed, the size of insurer payments stemming from jury verdicts has been increasing in recent years, U.S. News has found; in 2002 it reached a median of $295,000. But, that's far below the median jury award of $1 million the AMA and others often cite. Even assuming two defendants per case—a number insurers say is typical—plus other adjustments, the median payment remains hundreds of thousands of dollars short of the $1 million figure.

But it's not clear that verdicts are really the whip behind settlements. Over time, the size of a typical settlement payment has grown somewhat faster than a typical jury verdict payment. And while the sum from jury awards has remained stable over the past decade, the total of payouts from settlements has soared, especially recently, when doctors say the crisis has emerged.

Mr. President, that is what punitive damages do. They really set the pace.

Dickie Scruggs and Ron Motley, the trial lawyers in the tobacco case, did more to cure people of cancer or prevent people from getting cancer than Dr. Koop and Dr. Kessler.

I have been in the vanguard since Warren Magnuson had me have cancer hearings all the way back in 1967 and 1968. And over the years, we have tried everything in the world to stop people from smoking.

If my time is up, I ask unanimous consent for 10 additional minutes, Mr. President.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

People talk about those two lawyers and say, ''Look at all the fees they got.'' I say look at all the good they did. Over the many years, we have had the American Cancer Society, we have had fundraisers, we have had cancer institutes, we have had all kinds of research and everything else like that, but how do you stop people from smoking? When they got that 360-some-billion-dollar settlement with the Government, the Attorney General, the medical community, and everybody concerned, and the State attorneys general, that failed to pass the Senate, so it was taken up, and I think it was $232 billion that the States settled for. That money is being paid out. In many States they have programs to teach youngsters to avoid smoking. I go to the heart of the Pee Dee in South Carolina where they grow tobacco, and you will see a big sign on the courthouse that says: ''No smoking.''

Now, that really got me. Those two lawyers really deserve every dime they get out of the legal fees. They had been bringing cases upon cases upon cases, and I think their average victory was some 4 in 100 cases.

They just lost another case down in Charleston last year. Of course, there have been ridiculous verdicts, like in Florida, where the punitive damages is somewhere around $27 million, but had been $145 billion. Well, that was a six-man jury and a judge who did not know what they were doing. That was just a seven-man conspiracy. I agree, it was wild and unjustified.

My point is, these trial lawyers are really doing a wonderful service. I can go to the class actions, I can go to the asbestos cases. The onslaught has got to be stopped here on this so-called tort reform because it is totally political. It is totally campaign funds. It is totally the election next year and not the needs of the country.

Mr. President, that is what is going on, and colleagues have to wake up and realize we have a President who runs off to Africa, who has not settled Afghanistan, who does not know where he is in Iraq. All he knows is the election is next year, in November. So there we are. We are being put upon with not the needs of the country but, frankly, with the needs of the campaign.

I have an article here dated September 7 of last year from the New York Times. I ask unanimous consent to have that article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 7, 2002]

INSURERS SCALE BACK CORPORATE LIABILITY POLICIES

(By Jonathan D. Glater and Joseph B. Treaster)

Shellshocked by corporate scandals and fearful of the hefty payments they will have to make to settle shareholder lawsuits, the big commercial insurance companies are cutting back sharply on liability coverage for American corporations, their directors and senior executives.

The cutbacks are taking the form of higher deductibles and lower limits on overall coverage. But the insurance companies are also demanding that corporations pay part of any court settlements or jury awards out of their own pockets. As a result, corporations in telecommunications, energy, financial services and pharmaceuticals—where the risk of being sued is thought to be highest—could face payments of up to half of the cost of any settlement.

The three leaders in this line of coverage—the American International Group, the Chubb Group and Hartford Financial Services—have already begun requiring some customers to share the expense of settlements.

The cutbacks effectively limit the size of policies insurance companies will sell to any one company, said Andrew Marcell, who is in charge of insurance for directors and corporate officers at Guy Carpenter, a New York reinsurance broker and a unit of the Marsh & McLennan Companies.

''Companies that until recently were willing to provide $50 million in coverage are now offering $25 million, and companies that offered $25 million are now providing $10 million to $15 million,'' Mr. Marcell said.

Enron had $350 million in this kind of coverage and some corporations had been buying up to $1 billion worth. But now, Mr. Marcell said, ''$250 million in coverage is pretty hard to come by.''

The sharing of the burden of settlements may also leave directors' and officers' personal assets exposed, lawyers said.

''This is very bad news for directors and officers,'' said Michael Young, a partner at the law firm of Willkie Farr & Gallagher in New York who often represents directors and officers. ''The insurance industry is sending out the word that for outside directors, insurance that provides 100 percent protection is going to be increasingly difficult to get and companies are going to have to pay through the nose for it.''

John Keogh, a unit president of the American International Group, said that some corporations could avoid sharing the costs of lawsuits with insurance companies and get full coverage up to limits of their policies by paying higher premiums. But David H. McElroy, who is in charge of this kind of insurance at Hartford Financial Services, said the riskiest clients could not get full coverage at any price.

The insurers say they are merely acting in self-defense as they watch corporate giant after corporate giant collapse as they come under fire for deceptive accounting and management abuses that have drained companies like WorldCom, Global Crossing and Tyco of hundreds of millions in corporate money.

As share prices of these companies have plunged, shareholders have turned to lawsuits in an attempt to recover at least some of their losses.

Combining the expected costs from some of the latest lawsuits, which are still in their early stages, and scores of others that have been working their way through the courts over the last few years, insurers estimate that they will have to pay out $7.5 billion this year on liability policies for directors and officers—but they collected only $4.5 billion in premiums.

''The expected claims paid out are going to be multiples of the premiums that have been collected,'' said Mr. Keogh of A.I.G. He would not comment on specific numbers. Some insurers said that they expected the actual losses to be lower, but that the industry would still lose money this year. Quietly, several insurers have also begun trying to cancel certain policies, arguing that corporate fraud makes them void—a nightmare for executives.

The cutback in liability coverage and increases in premiums are hitting corporations

hard. Bruce S. Zaccanti, an insurance consultant at Ernst & Young, said a nationwide real estate management company he had been advising paid $3 million for $100 million in coverage last year. This year, the company's premium jumped to $4.5 million for $70 million in coverage. On top of that, he said, the deductible has jumped to $15 million from $5 million.

By forcing the companies to share the cost of settlements, the insurers also hope to prod them to fight harder to keep those costs down. When all the costs have been covered, the insurers said, the corporations are often eager to settle quickly—rather than work for a smaller settlement.

''There is no doubt in our minds that insureds' settlement behavior has been less reluctant than maybe it once was when there was an economic alignment,'' said Tony Galban, vice president and manager of directors and officers liability insurance underwriting at Chubb Specialty, a subsidiary of Chubb & Son.

In recent years, the average size of settlements in securities lawsuits has increased drastically, rising to $16 million in 2001, according to the Securities Class Action Clearinghouse, an organization at Stanford University that tracks securities litigation. Before 1995, when a law was passed making it tougher to bring securities fraud claims, the average settlement was less than half that amount.

The possibility that individual directors and officers could be forced to dip into their own wealth may make it harder to recruit executives to serve on corporate boards, said Brooks Chamberlain, head of the global insurance practice at Korn/Ferry International, an executive search firm. Fearful of personal liability, more and more recruits are conducting their own due diligence on prospective employers, he said.

Smaller companies, companies with financial problems, companies in certain industries perceived to have a higher incidence of fraud, and companies with fewer hard assets but sizable market capitalizations will have more trouble, Mr. Chamberlain said.

According to Mr. Young of Willkie Farr & Gallagher, directors want some assurance that somebody else will be able to pay any settlement or damage award.

''What if the company goes into bankruptcy? Then who covers?'' he asked rhetorically. ''Or what if the company's just not wealthy enough?

The changes have already had the odd effect of leading to the creation of a new type of policy that will protect only independent directors. A.I.G. will sell the policies that cannot be canceled even in the case of management fraud, Mr. Keogh said.

But Gregory M. Schmidt, general counsel at the LIN TV Corporation, an owner of television stations in several states, wondered whether companies might choose not to take on the additional cost of these policies and instead promise to cover any settlement costs owed by the directors. ''The question is whether that's going to be satisfactory'' to the directors and officers, he said.

LIN's policies are not up for renewal until March, he said, but executives at the company are monitoring changes the insurers are announcing.

''We're worried,'' he added.

Mr. HOLLINGS. We really are in trouble. I have in my own State the widow of a physician who worked at a hospital in Columbia, where her husband died after surgery. They had to sue as a result of his death.

How can we, the Congress, solve this problem? Let the doctors discipline the doctors. They are going to have to do it on the one hand. And let's have insurance reform. Yes, the Durbin-Graham approach is salutary in that it does away with the fixing of rates. That ought to be done away with. But the only way to really get at the problem itself is what they did in California with proposition 103 that passed in 1988 and that is to regulate the rates themselves.

You can get the information only then from the insurance companies, and I have tried my best as a member of the Commerce Committee, subject to insurance jurisdiction, to try to again and again, year in and year out. And the insurance companies won't tell you anything because they say they are State regulated and we have no jurisdiction whatsoever over them. If there is one thing that is engaged in interstate commerce, it is insurance.

Let's don't just go with terrorism insurance, and just tax credits to pay the premiums, and patchwork little Band-Aids on this problem. Let's get to the real heart of the problem. The insurance companies lost money. They lost it on Kenny Boy. And now the officers and directors of these corporations are being sued, and the rates have gone up with respect to corporate bad practice. The only way to get at it is insurance reform itself.

We are just acting like a dog chasing its tail when we go on about tort reform, and the lawyer's fees, and joint and severable liability, and product liability. If they are real problems, every State has a legislature and they are subject to that jurisdiction. They can do it. But as far as insurance goes, I have worked with them. I have seen them, after 50 years of governmental service at every level. I had to clean up my own insurance department as Governor of South Carolina. I know it intimately.

I can tell you that we have an insurance reform bill, and I want to work with my colleagues on this, for this is how to take care of the medical malpractice increase in premiums.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I rise today in strong support of S. 11, the Patients First Act, of which I am an original cosponsor. Throughout my career in public service, health care has been one of my top legislative priorities. We all want access to quality, affordable health care. And when the quality is not there, when people die or are truly sick due to negligence or other medical error, they should be compensated. But when healthy plaintiffs file meaningless lawsuits to coerce settlements or to shake the money tree to get as much as they can get, there's a snowball effect and all of us pay the price.

For the system to work, we must strike a delicate balance between the rights of aggrieved parties to bring lawsuits and the rights of society to be protected against frivolous lawsuits and outrageous judgments that are disproportionate to compensating the injured and made at the expense of society as a whole.

I have been concerned about this issue since my days as Governor of Ohio. I wish we had the outpouring of support for medical liability reform 6 years ago that I see now. In 1996, I essentially had to pull teeth in the Ohio Legislature to pass my tort reform bill. I signed it into law in October 1996. Three years later, the Ohio Supreme Court ruled it unconstitutional, and if that law had withstood the Supreme Court's scrutiny, Ohioans wouldn't be facing the medical access problems they are facing today: doctors leaving their practice, patients unable to receive the care they need and costs of health insurance going through the roof.

During my time in the Senate, I have continued my work to alleviate the medical liability crisis. To this end, I worked with the American Tort Reform Association to produce a study that captured the impact of this crisis on Ohio's economy in order to share these findings with my constituents and colleagues. Guess what we found? In Ohio, the litigation crisis costs every Ohioan $636 per year, and every Ohio family of four $2,544 per year. These are alarming numbers! In these economic times, families can not afford to pay $2,500 for the lawsuit abuse of a few individuals.

It is not just the individuals but the lawyers who bear some of the responsibility. I recently received my yellow and white pages. Look what I found on the front and back covers, advertisements for personal injuries. This is the yellow pages of the Cleveland phonebook and the white pages, advertisements on the front cover and on the back cover. One of them says: Medical malpractice. It talks about wrongful death, quadriplegic/paraplegic. They have pictures, birth injuries, nursing home negligence, Erb's palsy, cerebral palsy, heart attacks/late treatment, cancer late diagnosis, emergency room negligence.

It goes on to say, ''Our firm will advance expenses for our clients in most cases,'' and ''Clients do not have to repay expenses unless there is a successful outcome.'' This kind of stuff is in the yellow pages and on television every night.

When I got out of law school, solicitation was a violation of the canons of professional ethics of lawyers. That has all changed today. I think unfortunately so.

Next to the economy and jobs—the most important issue facing our country today is health care. In fact, it is a major part of what is wrong with the economy. We have too many uninsured, employers face spiraling costs, and those who have insurance face soaring premiums every year. The impact on

businesses is great. It affects their ability to offer health insurance to employees. Too many times, they pass on the added costs to their employees, whose family budgets are often already stretched razor thin. And then there are those who lose their jobs and can't afford COBRA, assuming their company is still in business and COBRA is available.

This issue is a personal one for me. My daughter-in-law, who is expecting her fourth child, recently learned from her obstetrician that after her delivery, she is no longer going to deliver any more babies. Her doctor is in a four-physician group, all of them obstetricians. They have never had any lawsuits against them, yet their insurance premiums have skyrocketed from $81,000 three years ago to over $381,000 today. That's $75,000 per person over a period of 3 years. How can physicians be expected to afford rate hikes like these? And how many babies do they have to deliver in order to pay for medical insurance. Think of somebody getting out of medical school that is an OB/GYN and being told: Before you open the door, you will have to pay a premium of $75,000 to $80,000 to practice medicine.

This crisis is out of control, and when you listen to the statistics, you will be astounded:

From 1994 to 2000, the median award for medical negligence in childbirth cases, $2.05 million, was the highest for all types of medical malpractice cases analyzed.

The median medical liability award jumped 43% in one year, from $700,000 in 1999 to $1 million in 2000; it has doubled since 1995.

Medical liability reform could produce $12.1 billion to $19.5 billion in annual savings for the Federal Government and increase the number of Americans with health insurance by up to 3.9 million people.

There are some who say the Federal Government doesn't have a dog in the fight. We certainly have, when medical liability reform could produce $12.1 billion to $19.5 billion in annual savings and increase the number of Americans covered by insurance.

Seventy-six percent of physicians in Ohio, surveyed by the Ohio State Medical Association, said rising professional liability premiums have impacted their willingness to perform high-risk procedures.

Over half said they are considering early retirement as a result of rising costs.

There has also been an immense jump in million-dollar verdicts. In 1995–97, a little over 36 percent of cases resulted in an award of $1 million or more. By 1998–99, the rate of million dollar awards reached 43 percent. By 2000–01, it was at 54 percent, with one quarter of all awards exceeding $2.7 million. It is going up like a rocketship.

These numbers are shocking, and they continue to grow. We feel this crisis very strongly in Ohio. Medical Liability Monitor ranked Ohio among the top five states for premium increases in 2002. OHIC Insurance Co., among the largest medical liability insurers in the State, reports that average premiums for Ohio doctors have doubled over the last 3 years. But don't listen only to the statistics. Let's talk about doctors—human beings who have practices and patients:

Dr. Perm Jawa, a Cleveland urologist, says that soaring liability premiums leave him in perpetual fear of career-ending lawsuits. ''I shy away from major cases now. Sometimes you know what the best thing is but you don't want to be doing it because there are potential complications with it,'' Jawa said. ''You're not as aggressive as you should be.''

In Columbus, Dr. David Stockwell has seen coverage for his two-physician OB–GYN practice climb to over $100,000 a year. And he expected his premiums to rise 20 to 25 percent in May.

Dr. Robert Norman, a geriatrician in Cuyahoga Falls, saw his annual medical liability premium jump $5,700 to $34,000 last year. He had been warned that it could reach $100,000 this year if he continued treating patients in nursing homes. But in May he received an unexpected ultimatum from his insurer and every other carrier he queried: agree to stop seeing nursing home patients or lose liability coverage altogether. As a result, 150 of Dr. Norman's patients had to find a new doctor.

Dr. Stephen Cochran lost his hospital privileges at Akron General Medical Center when his insurer's financial stability rating was downgraded recently. He is seeking another insurer, but meanwhile, he says, ''We receive daily phone calls from the patients: 'Why aren't you here? Why aren't you seeing me? I want my doctor.' '' He says. ''It's been very stressful to a lot of the patients, particularly the geriatric patients . . . This [the malpractice crisis] has probably changed the nature of our practice more than anything that has happened in the last 10 to 20 years.''

After practicing for 15 years—their entire careers—in Cleveland, Dr. Christopher Magiera and his wife, surgeon Patricia Galloway, decided to leave Ohio to seek refuge from overwhelming liability premiums. Their insurance agent warned them that both would soon be paying $100,000 in annual premiums, up from $30,000 this year. Magiera and his wife decided to ''get out before the situation became hopeless,'' he said. They resettled in Wisconsin. Good for Wisconsin.

This is disgraceful. This crisis is forcing doctors to close their doors and greatly affecting patient access to care.

I want to commend the physicians' grassroots efforts—they are really starting to get attention for this issue. On May 3, 2003, I spoke in my home State of Ohio at the annual conference of the Ohio State Medical Association. I also participated in a physicians rally last October in Columbus, OH which was sponsored by the Ohio State Medical Association. I was impressed with all of the speakers, in particular, Dr. Evangeline Andarsio, an OB–GYN from Dayton, who described the changes in the profession and the effect of the litigation cloud:

> The professional liability crisis is creating a barrier to patients' access to good medical care, especially pregnant women. . . . a paradigm shift needs to occur in our society. Our laws must change to begin to reflect this paradigm shift.

After speaking at this rally, I received a letter from a young doctor, telling me that he was leaving Ohio because he couldn't afford his medical liability insurance premiums. Dr. Cly had received a notice from his insurance carrier that his premiums would be increased by $20,000–30,000. This, plus the $20,000 increase from last year, forced him to make the difficult decision of uprooting his family and his practice to another State. Dr. Cly was unable to make the insurance premiums and still take care of his student loan obligations and his family. Even though he has never had a malpractice claim or judgment against him during his residency training or his private practice years, his rates continued to skyrocket to the point where he could no longer afford them. His move to Fort Wayne, IN, will save him $50,000 per year in liability insurance.

In his letter to me, which I would like to submit for the record, Dr. Cly writes:

> I represent young physicians in Ohio. Most young physicians I speak with are all considering relocating to a place where the ability to practice medicine is better and the liability situation is more stable. I do not want to leave. I have developed close relationships with many patients, families, nurses, physicians, and staff here in Dayton, Ohio. I always planned to retire here and raise my children here. It saddens me greatly to have to make this decision. I feel as if I am giving up and ''throwing in the towel'' by leaving, but I believe my decision is the right one for my family.

I ask unanimous consent that this entire letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 16, 2003.

Hon. GEORGE V. VOINOVICH,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR VOINOVICH: Thank you for you listening to the challenges Ohio physicians are facing regarding the medical malpractice insurance premiums. As you may recall, I was the young physician from Dayton, Ohio who spoke with you after your speech to the Ohio State Medical Association May 3, 2003, while you were walking to another meeting. I work alongside Dr. Evangeline Andarsio at Miami Valley Hospital.

I too, am an obstetrician/gynecologist here in Dayton, Ohio. I have been in Dayton since 1988 when I attended the University of Dayton. I later went to Wright State University School of Medicine in 1992. After graduating from medical school, I did my residency training at Miami Valley Hospital from 1996

until 2000. I have been in private practice for the past 3 years.

In order to attend college and medical school I had to take out educational loans and work during those years. As a result, I have accumulated $150,000 in student loans. With the decreasing reimbursement and increasing medical liability insurance premiums I am not able make much effort in paying off my student loans. In addition, I am married with a set of 5 year old boy and girl twins. I haven't been able to afford to save for their future college educations yet, nor have I been able to put away much money in a retirement plan for me and my wife.

Unfortunately, the liability insurance rates are being unfairly and significantly increased once again this July by our carrier, OHIC. I am expecting another $20,000–30,000 increase from the $20,000 increase last year. Currently, prior to the July increase, I am paying $55,000 for my insurance premium. It is important to know that I have never had a malpractice claim or judgment during my residency training or private practice years.

I no longer afford to stay in Dayton or Ohio to practice medicine. I am leaving the state, in July, 2003, and I will be moving to Fort Wayne, Indiana to practice medicine. I will save approximately $50,000 per year in liability insurance alone. In addition, the managed care penetrations is much less and the reimbursement is better. These factors will allow me to begin eliminating my debt and saving for my family's future.

I represent young physicians in Ohio. Most young physicians I speak with are all considering relocating to a place where the ability to practice medicine is better and the liability situation is more stable. I do not want to leave. I have developed close relationships with many patients, families, nurses, physicians, and staff here in Dayton, Ohio. I always planned to retire here and raise my children here. It saddens me greatly to have to make this decision. I feel as if I am giving up and ''throwing in the towel'' by leaving, but I believe my decision is the right one for my family.

I am extremely thankful of your willingness to help physicians with this crisis. I am genuinely concerned about the future of medicine for our patients. If these issues aren't corrected soon, many patients will suffer due to the lack of access to care.

If I can be of any assistance please contact me. My home phone is 937–376–0705. My cell phone is 937–657–5094. My 24 hr pager is 937–636–3263. My office numbers, until June 27, 2003, are listed above. My email is geoffcly@msn.com.

Sincere Thanks,

GEOFFREY CLY, MD.

Mr. VOINOVICH. For those of my colleagues who think medical liability reform is a State issue, I ask them to read this letter and see how the medical liability crisis transcends State lines—particularly my friends from the neighboring State of West Virginia. Our Ohio physicians who practice along the border are feeling the effects of their proximity to West Virginia and its favorable plaintiff's verdicts. They are feeling these effects in their increasing insurance premiums.

This is a nationwide crisis. And it's not only doctors crossing State borders to find better insurance rates—it's patients as well. Citizens living along the thousands of miles of State borders very often obtain their medical care across that line. Federal action is appropriate and critically necessary. Even more so because this crisis affects Federal health care programs, including Medicare and Medicaid, and costs the Federal Government billions of dollars every year.

In fact, the cost of this crisis to the economy is quite staggering. With over 41 million Americans without health insurance, including an estimated 1.25 million Ohioans at some time in 2001, we have to look at a new system—because this crisis is not only bad for doctors and patients, it also affects our competitiveness in the global marketplace. Many of our company's insurance costs have skyrocketed because of medical lawsuit abuse costs that their competitors just do not have.

The Nation's medical schools and students feel the effects of the medical liability crisis. According to the National Resident Matching Program, a private, nonprofit corporation, the number of American medical students applying to general surgery residency programs declined by 30 percent from 1992 to 2002. If this trend continues, less than 5 percent of medical school graduates will choose a career in surgery by 2005, and only 75 percent of general surgery residency positions will be filled by graduates of medical schools in the United States.

Thank God we have foreign doctors who have come to the United States of America. In Ohio, one out of six doctors is an Asian Indian.

And, in its 2003 biennial survey of medical residents in their final year of training, the firm of Merritt, Hawkins & Associates, MHA, noticed a disturbing trend. When asked if they would study medicine or select another field if they had their education to begin again, one quarter of all residents surveyed indicated they would select another field—this compared with only 5 percent in 2001. It is sweeping across the country and everybody is getting hit. It is going to have a disastrous effect—it already is—and we have to do something about it. When asked to identify what factors caused them a significant level of concern, sixty-two percent of residents indicated that malpractice is a significant area—compared to just 15 percent of residents surveyed 2 years ago.

Specific medical specialties feel the crisis more than others. A September 25, 2002 report by the American Association of Neurological Surgeons, Congress of Neurological Surgeons, and Council of State Neurological Societies, entitled ''Neurosurgery in a State of Crisis'' found that professional liability costs among Ohio neurosurgeons have skyrocketed since 2000. For a $5 to $7 million coverage policy, in 2000, a physician would have paid $75,000. By 2002, this number had jumped to $168,000.

Not only in Ohio, but across the nation, between 2000 and 2002, the average premium increase was 63 percent. As a result, of those neurosurgeons polled: 14 percent said they plan to, or are considering moving; 25 percent said they either plan to, or are considering, retiring; 34 percent said they already do, or are considering, restricting their practices.

In my hometown of Cleveland, OH, at one of our hospitals, the neurosurgeons just left. There was no one there to take care of emergency patients, although just recently because of something the Cleveland Clinic did, they agreed to step in, but there were four neurosurgeons serving about 15 hospitals, and they just decided they were getting out. Who is going to pick that up for them? What is going to happen to those patients?

Patients cannot get emergency medical treatment because fewer neurosurgeons are covering ERs, and trauma hospitals are shutting their doors and diverting patients with serious head and spinal cord injuries to other locations.

Patients cannot find a neurosurgeon close to home because neurosurgeons are moving to States where insurance costs are relatively stable.

Further exacerbating this problem is the high retirement rate. According to the American Board of Neurological Surgery, in 2001 alone, over 300 neurosurgeons retired. This is 10 percent of our Nation's neurosurgical workforce. And for the first time in over a decade, there are now fewer than 3,000 board certified neurosurgeons practicing in the U.S.

Earlier this year, I participated in a press conference with my distinguished colleague from Pennsylvania, Senator SANTORUM, and my distinguished colleague from Nevada, Senator ENSIGN. During this conference, I met a doctor from Florida who had rushed his son to the hospital with his head hemorrhaging, only to find that there were no pediatric neurosurgeons there. He asked if a regular neurosurgeon could help, but they could not because pediatric neurosurgeons require special liability insurance. Due to the exorbitant costs of insurance for pediatric neurosurgeons, only seven were practicing in the State of Florida and the nearest one was 150 miles away. Fortunately, the boy survived, but this type of scenario does not need to happen.

I was recently speaking with some doctors in Cleveland who told me that the nephrologists practicing there will not even look at a baby facing kidney problems, because adding pediatric work to their existing practices will cause their premiums to skyrocket.

The effects of the medical liability crisis can also be felt by the obstetrics-gynecologists community. In fact, obstetrics-gynecology is among the top three specialties in the cost of professional liability insurance premiums. Nationally, insurance premiums for OB-GYNs have increased dramatically: the median premium increased 167 percent between 1982 and 1998. The median rate rose 7 percent in 2000, 12.5 percent in 2001, and 15.3 percent in 2002 with increases as high as 69 percent, according to a survey by Medical Liability Monitor, a newsletter covering the liability insurance industry.

According to Physicians Insurance Association of America, OB-GYNs were first among 28 specialty groups in the number of claims filed against them in 2000. OB-GYNs were the highest of all specialty groups in the average cost of defending against a claim in 2000, at a cost of $34,308. In the 1990s, they were first—along with family physicians-general practitioners—in the percentage of claims against them closed with a payout of 36 percent. They were second, after neurologists, in the average claim payment made during that period.

Although the number of claims filed against all physicians climbed in recent decades, the phenomenon does not reflect an increased rate of medical negligence.

That is something we should point out. It does not reflect an increased rate in negligence.

In fact, OB-GYNS win most of the claims filed against them. A 1999 American College of Obstetrics and Gynecology survey of its membership found that over one-half of claims against OB-GYNS were dropped by plaintiffs' attorneys, dismissed or settled without a payment. Of cases that did proceed, OB-GYNS won seven out of ten times. Enormous resources are spent to deal with these claims, only 10 percent of which are found to have merit. The costs to defend these claims can be staggering and often mean that physicians invest less in new technologies that help patients. In 2000, the average cost to defend a claim against an OB-GYN was the highest of all physician specialties: $35,000.

According to an ACOG survey of its members, the typical OB-GYN is 47 years old, has been in practice for over 15 years, and can expect to be sued 2.53 times over his or her career. Over one-fourth of ACOG fellows have even been sued for care provided during their residency. In 1999, 76.5 percent of ACOG fellows reported they had been sued at least once so far in their career. The average claim takes over 4 years to resolve.

Practicing medicine and having lawsuits hanging over your head, and only 10 percent are well taken, can you imagine, Mr. President, how it is to practice medicine under those conditions?

How does all of this affect patients' access to care?

As premiums increase, women's access to general health care—including regular screenings for reproductive cancers, high blood pressure and cholesterol, diabetes, and other serious health risks—will decrease. OB/GYNs are disappearing.

It leads to more uninsured women. Last year, 11.7 million women of childbearing age were uninsured. Without medical liability reform, a greater number of women ages 19 to 44 will move into the ranks of the uninsured.

The legislation we are debating today gets us on our way to enacting meaningful medical liability reform.

There are going to be a lot of excuses. We are going to hear from some colleagues as to why this is not a good thing, and they are going to get into specific caps and so forth.

The fact is, this legislation provides a commonsense approach to our litigation problems that will help keep consumers from bearing the cost of costly and unnecessary litigation, while making sure those with legitimate grievances have recourse to the courts.

That is what we want to do. We want to make sure those who are legitimately harmed have recourse to the courts and are compensated.

The bill sets sensible limits on noneconomic damages to help restrain medical liability premium increases, while ensuring unlimited economic compensation for patients injured by negligence.

In other words, there is no cap on economic compensation. All of those issues that can be documented, you can be reimbursed for. It limits attorney's fees so the money awarded in the court goes to the injured parties, who are the people who really need it. It mandates that relevant medical experts testify in malpractice trials, as opposed to highly paid ''expert witnesses'' who are often used to influence juries and foster abuses in the legal system. It also allows physicians to pay any large judgments against them over a period of time in order to avoid bankruptcy, and requires all parties to participate in alternative dispute resolution proceedings, such as mediation or arbitration, before going to court.

It is a sensible way of handling a problem in our country and, at the same time, looking at the societal costs that are being paid today by all Americans.

Providing this commonsense approach to our medical liability premiums is a win-win situation. Patients would not have to give away large portions of their judgments to their attorneys, truly injured parties can recover 100 percent of their economic damages, punitive damages are reserved for those cases that are truly justified, doctors and hospitals will not be held liable for harms they did not cause, and physicians can focus on doing what they do best: practicing medicine and providing health care.

I end with the words of Dr. Andarsio, whom I quoted earlier:

> Help us to maintain an ability to have a practice that offers patients excellent access to care—to continue one of the most important relationships in our lives—the doctor-patient relationship—thus maintaining individualized and compassionate care.

In my own particular case—and it may be why I am probably more fired up about this than some people in the Senate—when I was about 2 years old, I contracted osteomyelitis.

It is a disease in the marrow of the bone. There was a lot of controversy among a couple of doctors on how I should be treated for that osteomyelitis. There was one physician who had the courage to try some new things. His name was Dr. Holloway. Dr. Holloway saved my life. I will not ever forget going to his funeral.

There are a lot of other people around this country like GEORGE VOINOVICH who are in need of access to orthopedic surgeons and other types of medical care. I want them to have the same opportunity I had, to have a life. That is what this is about.

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. MCCONNELL. 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. MCCONNELL. Mr. President, I also understand we are under an agreement that we go back and forth. It could be that a Democratic speaker might have been next. Therefore, I ask unanimous consent that I be allowed to go ahead and speak since I am in the Chamber and prepared to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I have heard colleagues on the other side of the aisle extol the virtues of the Weiss report to justify opposing limits on noneconomic damages. Some of our colleagues on the other side of the aisle seem to view this report as the end all and be all of reports on the effect of damage caps.

This Weiss report makes the rather bold and somewhat astonishing assertion that States with caps on damages actually have higher premiums than States without caps on damages. I never heard of such a conclusion. Indeed, it flies in the face of common sense, common experience, and the expertise of actuaries and insurance commissioners.

As one can imagine, I was intrigued by this report and wanted to learn more about it. Upon reviewing the report, it reminded me of the saying by Mark Twain, or Will Rogers, who said: There are lies, there are damn lies, and then there are statistics.

I am wondering how Weiss calculated the median premiums found in his report. No one can seem to figure that out because the report never really explains how the median premium was established.

The Weiss report uses data over a decade-long period. We are talking about the cost of something, in this case insurance coverage, over a substantial amount of time. Inflation is a pretty basic statistical variable for which one should account. Does the Weiss report take inflation into account in reaching its conclusion regarding caps? It looks as if the Weiss report knows that to do a proper analysis one should take inflation into account. After all, it does so in analyzing insurance company payoffs.

For some inexplicable reason the Weiss report fails to do so in its analysis of the increase in insurance company premiums. There is no indication Weiss took inflation into account, despite the fact it does so in making a similar calculation for insurance company payoffs in other parts of the report. If I didn't know better, I would say such a glaring and telling omission was part of an effort to arrive at a predetermined conclusion.

The publication from which the Weiss report obtained its data is something called the Medical Liability Monitor. It is one of the best sources for medical malpractice premium information. Many legitimate reports use the data found in this publication to help explain the crisis. The most recent comprehensive rate survey in the Medical Liability Monitor, dated October 2002, had a headline that reads ''2002 rate survey finds malpractice premiums are soaring. Hard market wallops physicians. Average rate increase more than double those in 2001.''

It seems to me the methods the Weiss report uses are not only wrong but, in fact, misleading. The Weiss report is so seriously flawed, according to the Medical Liability Monitor, the experts who collect the data that Weiss manipulated, actually had to print the following disclaimer in a June 2003 issue to ensure this report was not used to mislead the public.

Let me read the most salient parts.

The Weiss ratings analysis of medical malpractice caps cites Medical Liability Monitor as the source of data Weiss uses to calculate average and median premiums for physicians during the last 12 years.

While we are an independent news publication and take no position on tort reform or other proposals to improve the medical liability climate, we feel it necessary to comment on the use of our statistics because some readers have expressed concern.

The medians and averages in the Weiss report are not the numbers we report in our annual rates surveys. Weiss may have taken our numbers—the amounts and increases of premiums paid by doctors State by State—and used them to arrive at their statistics, but it is impossible from their report to say definitely how our numbers have been used.

It is our view that it is impossible to calculate a valid ''average'' premium for physicians or for physicians in a particular State or territory, and we state that clearly in the executive summary of our rate survey.

But the editor of the Medical Liability Monitor goes further, advising the leaders it is misleading to use median annual premiums compiled from data from the Medical Liability Monitor to demonstrate the effect of noneconomic damage limits on medical liability rates. This is exactly what Weiss does. The report uses median annual premiums compiled with data from the Medical Liability Monitor to try to demonstrate the effect of noneconomic damage limits on liability rates. Not only is this wrong, it down right misleads the public.

I would be the first to confess I am not an expert on the subject but according to many experts, including the PIAA, it is impossible to calculate a valid and useful median premium using the numbers found in the Medical Liability Monitor for many reasons. One of the obvious reasons is a median is not a weighted average. Thus, the Weiss methodology, as far as we can tell, actually inflates the insurance carrier's premium increase by not weighing premiums according to market share. This is critically important because the highest rate probably has the lowest market share.

In fact, the Medical Liability Monitor does not report how many doctors have a particular premium, so a helpful weighted average is impossible to calculate based upon that data as the authors of the Weiss report will tell you.

In short, according to the very experts upon whom the Weiss report relies, the conclusion of the Weiss report on the effective economic damages are wrong, misleading, and should be avoided.

I think it is better to look at some legitimate studies. While folks should question the Weiss study, we can generally trust CBO. So let's look at some highlights from CBO.

Reading from pertinent parts, States with limits of $250,000 or $350,000 on noneconomic damages have an average combined highest premium increase of 15 percent compared to 44 percent to States without caps on noneconomic damages. In California, where the State has placed a cap on noneconomic damages, punitive damages, or rewards for pain and suffering at a quarter of a million, insurance rates have not shown the sharp increase experienced in other States.

Looking at my next chart which has been used by a number of proponents of the underlying legislation, it is very clear that major cities in States which have adopted some kind of caps on noneconomic damages are experiencing lower malpractice insurance rates for physicians. California and Colorado, where there are sensible restraints on noneconomic damages, whether you look at a specialty of internal medicine or general surgery or obstetrics, there is a dramatic difference between the rates in California and in Colorado compared to States such as New York, Nevada, Illinois, and Florida where there are no such caps.

The most dramatic example, I suppose, is in the area of obstetrics where in California the annual premium is $54,000; in Colorado, $30,000; compare these figures to a premium for obstetrics in Florida, which is $200,000 a year, Illinois is $100,000 a year, Nevada is $107,000 a year, and New York is just under $90,000 a year. These are actual 2002 premium survey data looking at selected specialties in States where there are caps versus States where there are no caps.

I repeat, once again, this legislation does not deny the victim a full recovery for all economic damages, plus on top of that, a quarter of a million dollars for pain and suffering, plus on top of that, punitive damages at twice the amount of economic damages or a quarter of a million, whichever is greater.

This is a bill that does provide for victims. In addition to that, it provides some reasonable restraint on lawyer's fees, which of course also benefit the victim because the dollars the lawyers don't get, the victims do.

We can have many legitimate arguments. I know my colleagues on the other side of the aisle seem to be terribly concerned about States' rights as it applies to this issue. I think that is certainly a reasonable argument to make. But it seems to me it borders on nonsensical to argue that caps on noneconomic damages have not had an impact on premiums, because clearly they have. The facts speak for themselves. All you have to do is look at the premiums for these specialists in States where there are caps on noneconomic damages and compare them to premiums in States where there are not. Clearly it makes an enormous difference.

Taking a look at California again, their underlying legislation, which is commonly referred to as MICRA, is the model for the bill which we hope to be able to proceed to. California has had very stable rates over the years going back to 1976 when MICRA was adopted, going right up to the present. If you look at the rest of the United States, California has had a 182 percent increase in medical malpractice liability insurance premiums over this quarter of a century period, but if you compare that to the rest of the country, there has been a 573 percent increase. Any way you look at it, the California law obviously has had a positive impact on making it possible for physicians to afford their liability insurance and therefore continue to offer health services for their people.

That takes us back to where I started yesterday. A year ago when the underlying bill was offered as an amendment, or a portion of it was offered as an amendment, we had a number of States in crisis. Today we have more States in crisis. Wyoming just yesterday changed from a state with problem signs to a state in crisis. Also, in the year since we last debated this issue, my own State of Kentucky, which was a State with problems a year ago, is now a State in crisis. We have to add both states to the red State list.

Connecticut. A year ago Connecticut was a State in trouble. Today, it is a State with a genuine crisis. So it will have to be added to the crisis State list today.

North Carolina. A year ago North Carolina was a State with problem signs. Today it is a State that is in crisis over this issue.

Arkansas. One year ago when we were considering legislation similar to this, Arkansas was a State with problems. Today, Arkansas is a State in crisis.

Missouri. A year ago, Missouri was in trouble. But today it is in crisis.

Finally, Illinois would have to be added today as a State in crisis.

So let's take a look at the map, where we stand today. As I can count them, there are only six States in America that are currently OK according to the AMA; that is, physicians are not avoiding choosing certain specialties or retiring early or closing their shops over the cost of their medical malpractice premiums. We now have 19 red States. Red States are States in crisis. I think we had 11 this time a year ago. Now we are up to 19. Then the rest of America is yellow. That is, States with problem signs. At the rate we are going, many of these yellow States will become red States in the coming months if we do not act to deal with this truly national problem.

I think the argument of States' rights occasionally makes sense, but this is a national issue, affecting health care for all Americans. This is really largely about the patients. Some people have described this as sort of a titanic struggle with doctors and insurance companies on one side and lawyers on the other. Frankly, I am not particularly interested in that struggle. I am sure it exists in a number of different ways. The real issue is whether or not patients are going to be cared for, whether or not there is going to be a medical professional within reasonable proximity of patients in order to deliver a service all Americans are entitled to. That is no longer the case in a significant part of our country.

In my State in eastern Kentucky we have had a number of horrendous occurrences as a direct result of medical professionals not being available because they went out of business. They simply could not afford to pay their medical malpractice insurance premiums and still be in business. So this is a national crisis.

Let me just say in closing, we are debating a motion to proceed. Reasonable people can differ about how to do something about this crisis, but I don't think there are many Senators coming out here, saying this is not a crisis. It is a crisis. Even those who are opposing the motion to proceed, I would expect most of them think we have a major problem here. One of the advantages of voting for the motion to proceed is to get us onto the bill so amendments can be considered. I would not even rule out the possibility that by the time we came to final passage of this legislation, it might look quite different. I might not like that, but I am not sure where the votes are unless we get onto the bill and have a chance to consider amendments and options to deal with this measure about the national health care crisis.

Two weeks ago we added a prescription drugs benefit to a reformation of Medicare. The House has acted. A conference will unfold in the coming weeks and we will on a bipartisan basis deal with one of the major health care issues confronting senior citizens, that is how to afford prescription drugs and whether or not they are going to have choices under the Medicare program.

Now we need to turn our attention to another major health care crisis, and that is the unavailability of health care in major portions of the country simply because physicians can no longer afford to pay their medical liability insurance premiums and still provide health care for patients. That is why we call this the Patients First Act of 2003.

I hope tomorrow, late morning, when we have the vote on cloture on the motion to proceed, that cloture will be invoked, that we will move on to this legislation, consider the various suggestions that have been made by Senators on both sides of the aisle as to how we ought to deal with this crisis. But let's act. Let's act. Let's make an effort to tackle one of America's great health care problems of the 21st century.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I ask unanimous consent that I be allowed to address the underlying bill for no more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I will not object, but I would like to amend that to be recognized after the Senator from Nebraska.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. Mr. President, rapid increases in the cost of medical liability insurance are forcing many physicians to stop performing high-risk procedures, limiting the kind of patients they will see, moving to another State where the liability climate is more favorable, or, simply, they take the option of early retirement. When this occurs, who wins? Who benefits? No one. Everyone loses.

Twenty-six States, including my State of Nebraska, have instituted some sort of cap on noneconomic damages. However, some States have had their caps overturned by the courts and other States are barred by their State constitutions from enacting a cap. Medical liability and access to quality health care are national problems. Medical liability reform is needed to help preserve the ability of health care providers to obtain affordable malpractice insurance so we can remain in practice and deal with the health care needs of America. At the same time, we must ensure that victims of medical malpractice continue to have access to the courts and jury awards.

This is not an either/or issue. S. 11, the Patients first Act of 2003, is a responsible solution. It is a balanced approach to maintaining access to quality care while preserving the rights of both patients and providers.

S. 11 does not cap actual damages. S. 11 caps non-economic damages but defers to current or future state caps. It limits punitive damages to two times actual damages, or $250,000, whichever is greater, but does not preempt existing state caps. It does not preempt State law with respect to compensatory or punitive damages, regardless of the limit.

S. 11 limits attorney contingency fees so that awards go to victims, not to trial lawyers.

No provisions in the House-passed bill or in S. 11 would limit awards for actual damages.

This legislation is important to ensuring access to quality health care for our citizens, and retaining our healthcare workforce.

As an example of what providers face and the impact on patients, consider the fact that annual medical liability insurance premiums for OB-GYNS range from a low of $12,000 a year in Nebraska, to a high of $208,000 in certain areas of Dade and Broward Counties in Florida. Women in rural areas have historically been particularly hard hit by the loss of obstetric providers.

Practicing obstetrics is already economically marginal in rural areas due to sparse population, low insurance reimbursement for pregnancy services and growing managed care constraints. An increase in liability insurance rates will force rural physicians to stop delivering babies.

This is happening now. With fewer obstetric providers, women's access to early prenatal care will be reduced.

This is happening now.

Greater availability of prenatal care over the last several decades has resulted in this country's lowest infant mortality rates ever.

Providers' ability to maintain this standard will be threatened because the cost of insurance places a major additional strain on our maternal health care system.

Dr. Daniel Rosenquist, family practitioner in Columbus, NE who has been in practice 16 years, has delivered babies across Nebraska. However, if Nebraska's medical liability cap is overturned, he may have to give up that part of his practice. In the months before the cap was finally upheld, Dr. Rosenquist had to tell his patients that he wasn't sure if he would be able to continue seeing them.

Dr. Rosenquist is not alone. The Harris Interactive for Common Good Poll of April 11, 2002 states that 432 percent of physicians said they have considered leaving the medical profession because of changes brought about by the threat of malpractice liability.

Because of a liability cap, Nebraska is able to recruit physicians into rural areas by keeping medical malpractice insurance premiums at the fifth lowest in the Nation. It is important to note that even with a cap in place, medical liability premiums in Nebraska rose 36 percent in 2002.

Dr. Christopher Kent, one of four neurosurgeons in Lincoln, NE, who has come to view Nebraska as a great place

to practice medicine, initially came to Nebraska to practice because of its reasonable medical liability structure.

If Nebraska's cap were to be overturned, he says he would have to leave the State, probably within a year. One of his partners would also leave Nebraska and another would retire. This is equivalent to losing 75 percent of the neurosurgeons in Lincoln, and 15 percent of the neurosurgeons statewide. Dr. Kent and his colleagues have already begun restricting their practice, and worry that they will have to restrict care further if the cap is overturned.

According to a study by the Department of Health and Human Services' Agency for Healthcare Research and Quality, States that have enacted limits on non-economic damages in medical lawsuits have about 12 percent more physicians per capita than states without such caps.

Medical liability reform is about quality of care and access to care.

Caps on non-economic damages help keep premiums down, and keep doctors in practice all over our State. S. 11 will provide security to States like Nebraska facing the uncertainty of legal challenges to existing caps, and will result in a faster, fairer, simpler medical liability system that protects both patients and doctors.

The economic benefits of medical lability reform are substantial.

CBO estimates that if legislation such as S. 11 is signed into law, Medicare, Medicaid and the Federal Employees Health Benefits Programs would save $14.9 billion in Federal spending over the next 10 years.

State and local governments would save about $8.5 billion. State spending for Medicaid would decrease by $2.5 billion over that period—again putting that money where we need it the most, where health care is most urgent.

The Joint Economic Committee in a May, 2003 report, estimates an additional $16.7 billion will be saved over 10 years due to reductions in the practice of defensive medicine. According to a July 2002 Health and Human Services report, States with reasonable caps on noneconomic damages saw premium increases of 12 to 15 percent in 2002 compared to 44 percent in States without caps on noneconomic damages.

Dr. Daniel Kessler, a professor at the Stanford Business School, and Dr. Mark McClellan, a former Stanford University economist who is currently FDA Commissioner, in a February 2000 study, looked at spending cuts after tort reform, beyond claim payouts and insurer expenses.

They concluded that States adopting direct reforms exhibited reductions in hospital expenditures of 5 percent to 9 percent, but this did not result in higher patient mortality rates or an increase in serious medical complications.

If these savings were generalized to all medical spending, a $50 billion reduction in national health spending could be achieved through such reforms, in addition to that sense of confidence that would be increased across America because these dollars would be focused in areas that need the health care the most—productive uses for $50 billion.

I am proud to be an original cosponsor of this responsible legislation, S. 11, the Patients First Act of 2003. I urge my colleagues to give it serious consideration and support S. 11.

Thank you and I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Illinois.

Mr. DURBIN. Madam President, I thank my colleagues on the other side of the aisle and on the other side of this issue for coming to the floor because I hope the tone we have set in this debate indicates that regardless of which side of the aisle you are on, regardless of which side of the bill you are on, we understand that we are facing a national challenge.

There is entirely too much medical malpractice in our country today. The best doctors concede that. However, the insurance that is being charged to even good doctors is too unreasonable in many areas, depending on the specialty and where they choose to live. Frankly, there are a lot of people who will suffer if we don't do something about that. Obviously, the doctors themselves who have dedicated their lives to the medical profession want to see some solution to this. I do as well. But the patients who are served by them are also looking for us to do something constructive and positive to make certain that quality health care is available across America.

I don't personally believe S. 11 is up to that challenge. I am not even certain it is a step in the right direction. There has been lengthy debate about whether or not putting a limitation on the amount that can be awarded to a person who has been a victim of medical malpractice is going to bring down malpractice insurance premiums.

This bill, S. 11, suggests that rather than giving that decision to a jury—whether it is in Rhode Island or Illinois or Nebraska—that decision on how much an injured patient should receive will be made by a jury of 100 U.S. Senators. We will pass a bill that says: Regardless of what has happened to you, what happens to your family as a result of medical negligence and medical malpractice, you will be unable to recover anything more than $250,000 for your pain and suffering. Oh, yes, they will pay the medical bills. And if you have lost wages, those will be paid, too. But when it comes to pain and suffering, regardless of whether you are 6 years old, 60, or 96, there will be a limitation of $250,000 which can come your way.

Now, $250,000 in the abstract sounds like a large sum of money—until you sit down and consider the cases, the actual people who have been affected by medical malpractice.

In a few moments, I am going to talk about a number of them, some of whom I met for the first time today. When you hear their stories, I hope those who are following the debate will step back for a second and say: Wait a minute—as I have—is this right for the Senate, for those of us elected from 50 States across the Nation, to decide in each and every case what the maximum recovery will be for medical malpractice injuries? I think the answer is clearly no. That is why I am encouraging my colleagues to vote against the cloture motion, which is a motion which tries to bring this bill before the Senate.

What I believe—and others, I think, share this belief—is that we have a national challenge and a problem when it comes to medical malpractice. But it is a problem that will not be resolved until we deal with it responsibly and completely, until we look at all the facets of the problem.

This bill says it comes down to one thing: Injured victims of medical malpractice are recovering too much money for their injuries. If we can limit the amount of money they recover, then the system is going to be so much better.

I think that oversimplifies it. In fact, I think it really is an abuse of the situation rather than an effort to rectify it. That is why I am opposing it.

We had testimony a few weeks ago from the Bush administration, a doctor from the Department of Health and Human Services, saying that medical malpractice in America has reached epidemic proportions—epidemic proportions. There are those who estimate that as many as 100,000 Americans lose their lives each year because of medical malpractice—not because they are destined to die because of God's choice but, rather, because someone has made a very serious and fatal mistake in their medical treatment—100,000 a year.

We also have studies that have come out from Harvard University that suggest that only 1 out of every 50 cases of medical malpractice ends up in a lawyer's office with a claim against a doctor or hospital—1 out of 50. So I say to those who support this bill, if you do not look at the underlying incidence of medical malpractice in this country, simply limiting the amount that an injured person can recover is no guarantee you will not face an avalanche of cases coming at you for medical malpractice. We have to go to the underlying issues in how to deal with it.

It is interesting to me, as well, how many elements are being overlooked during the course of this debate. All the debate on the floor has been about doctors: States that do not have doctors, communities that do not have obstetricians to deliver babies, red maps brought before us to show State after State where doctors are facing problems.

But read this bill. This bill isn't just about doctors. This bill is about protecting HMOs, managed care insurance companies, pharmaceutical companies, medical device companies, and nursing

homes. So in all of this debate about the sad situations many doctors do face in America, no one has come to the floor to justify why, within this bill, there is protection for these special interests: HMOs, managed care insurance companies, which many times make decisions which can be as lethal and fatal as any decision made by any doctor.

I think most Americans know of what I am speaking. When an HMO that you are a part of or a managed care insurance company that your family is a part of makes a decision as to whether or not they will pay for a diagnostic test, a laboratory procedure, your hospitalization, or a surgery, when they decide how many days you can stay in the hospital, they are, in fact, dictating medical care in the name of profitability. They want to make more money. They would like to keep you out of the hospital as much as possible, reduce your costs as much as possible, and they make medical decisions.

It is interesting that today a report came out. It is a report that was published by Health Affairs, and those who prepared it are people from the American Medical Association based in Chicago: Matthew Wynia, Jonathan VanGeest, Deborah Cummins, and Ira Wilson. This report is entitled ''Do Physicians Not Offer Useful Services Because Of Coverage Restrictions?''

They surveyed doctors across America and asked them the question: How often have you decided not to offer a useful service to a patient because of health plan rules?

I have talked to doctors who have told me many times that is happening more often than they would like to admit.

Let me show you a chart which tells you what they found in asking doctors across America that question. They were asked this question: How often have you, as a doctor, decided not to offer a useful service to a patient because of health plan rules, insurance rules? In this case, ''very often,'' 2 percent; ''often,'' 6 percent; ''sometimes,'' 23 percent; ''rarely,'' 27 percent. Even if you take the ''very often,'' ''often,'' and ''sometimes,'' you have 31 percent of the cases. Almost a third of the time doctors are saying they are making decisions not to provide a useful service to a patient because the health insurance company tells them they will not pay for it and they cannot do it.

Now, that isn't part of this debate. No one has brought into this conversation the question as to whether or not HMOs, in the way they are treating doctors, are having some impact on medical malpractice and injuries to patients. No. What we are doing for HMOs is not holding them accountable but, rather, saying we are going to give them even more privileges under law. We are going to insulate them from the liability of these bad decisions. So the insurance companies, particularly the HMOs, are running rampant across the Senate when it comes to malpractice instead of being held accountable, as they should be, for their restrictions on good doctors making sound medical decisions.

This is another question asked of these doctors in this Health Affairs study that came out today: If ''sometimes'' or ''more often'' you decide not to offer a useful service because the insurance company tells you you can't, are you doing so more often, less often, or about as often as you were 5 years ago? Most of them say unchanged: 55 percent. But 35 percent say ''more often.''

So you have doctors who are increasingly finding insurance companies making decisions on what you, your mother and father, your wife or husband or child is going to receive in terms of medical care. Is that the answer to this issue, that we are going to say that HMOs will make these decisions, and when they are wrong, and people are injured, and these poor people then turn to a court and ask for some compensation for their injury, they will be limited not only in what they can recover from the doctor or the hospital but even the HMO insurance company? That is what this bill says. That is what this bill is designed to do: to insulate from liability even HMO insurance companies which are responsible for more and more doctors making medical decisions which they believe, based on their training and experience, are not the right decisions for their patients. I do not think that is fair. I do not think it treats people as they should be treated.

Let me mention a couple other items. We have a nursing shortage in America. It worries me. I am reaching an age when I am thinking about the day when I want to punch a button at a hospital or some other place to call a nurse and hope that someone shows up. But the likelihood that is going to occur is diminishing because we have a nursing shortage, and it is a serious shortage.

As America's population ages, we need more nurses to take care of us in convalescent homes and nursing homes and hospitals and other places. Sadly, those nurses are not as plentiful as they once were.

Let me tell you about a report from the Journal of the American Medical Association that relates to the issue of malpractice and the shortage of nurses. This is a report from October of 2002 from the Journal of the American Medical Association. They published the results of a study that, for the first time, showed that the number of patients who die in the hospital increases when nurses are assigned to care for too many patients. An estimated 20,000 people die each year in hospitals from medical mistakes attributed to nurses caring for more patients than they can handle.

This accounts for 20 percent of the nearly 100,000 deaths annually from medical mistakes. While a link between nurse staffing and quality of care seems like common sense, many hospitals downplayed the link until the study was published.

This is a troubling report as well. I read from a book entitled ''The Wall of Silence,'' written by Rosemary Gibson and Janardan Singh. This is a quote from the book:

> Experienced nurses as well as newly-minted nurses are leaving patient care at the bedside at a time when other job opportunities exist. Their knowledge and skills are valued in pharmaceutical companies, managed care organizations and information technology firms. How many are leaving? It is hard to say precisely. The Federal Government's Bureau of Health Professions issued a report showing that about 50,000 fewer nurses were using their licenses in 2000, as compared with 1996.

As our population ages, as the demand for nurses increases, the number of nurses in America diminishes. We have seen that when there are fewer nurses in a hospital, there is more likelihood of medical mistakes, medical malpractice, and medical injuries. Has that even been mentioned in the course of this debate? Has anyone talked about the HMOs and their impact on medical practice? Has anyone talked about the shortage of nurses and the fact that it is leading to more medical mistakes, leading to more lawsuits filed against doctors and hospitals. Instead what we have had in this debate is a strict debate, limited to the question of how much injured parties can recover once they face medical malpractice, once the injuries have occurred.

I would like to introduce in the debate now some real-life stories about people who have been victims of medical malpractice. As I mentioned earlier, some of them were kind enough to join Senator LINDSEY GRAHAM and myself earlier this morning when we held a press conference and introduced our version of a bill which we think is a more reasonable approach to dealing with the medical malpractice challenge we face in America.

The first person is Colin Gourley. Colin is on your left as you view this picture here in the striped shirt. This is his twin brother Connor. Nine-year-old Colin Gourley, from the State of Nebraska, suffered a terrible complication at birth as a result of a doctor's negligence. Colin has cerebral palsy. He cannot walk. He could not speak until he was 5 years old. He has irregular brain waves and the amount of time he has spent in a wheelchair has affected his bone growth. He has had five different surgeries, and he needs to sleep in a cast every night to prevent further orthopedic problems. His twin brother Connor survived birth without any injury.

A jury ruled that Colin was a victim of medical negligence. They decided that because of that medical negligence the Gourley family was entitled to receive $5.6 million. That was what was needed to compensate him for his medical care and for the lifetime of suffering and problems which

he will face. Last month, the Nebraska Supreme Court upheld a Nebraska law that severely cut this jury verdict to about one-fourth of the award. As a result, Colin will have to rely on the State of Nebraska and the Federal Government for assistance for the rest of his life.

The jury understood what the case was worth. The jury got to meet Colin, his brother, his two sisters, and mom and dad. The jury heard what happened that led to this terrible medical malpractice, and the jury decided in fairness that he and his family were entitled to $5.6 million. Yet the law came in and said: I am sorry. We have to limit you—a law similar to the one we are considering in the Senate this evening, a law which will say no jury in Nebraska nor Illinois nor North Carolina is going to make that decision. This decision will be made by a jury of 100 United States Senators, and we will decide, in the case of Colin, that no matter what his life may be, whether it is 5, 10, 20, 50, or 80 years, the maximum amount we will pay for his pain and suffering is $250,000.

What may have sounded like a large amount of money at the beginning of this conversation, as we understand as we consider each and every case, becomes an amount which is hardly adequate to take care of what Colin is going to face, as well as his family.

Let me introduce you now to Kim Jones. This is a picture taken before Kim's medical malpractice. As you can see, she is a lovely, proud mother from King County, WA. She was 30 years old and she remains severely brain damaged and in a comatose state today after undergoing routine tubal ligation surgery following childbirth at the Washington State Medical Center. After the operation, the hospital staff failed to notice that Kim had stopped breathing since her vital monitors had been improperly removed. Though successfully resuscitated, Kim suffered multiple seizures and was given seizure control medication that actually worsened her condition. She was later taken by helicopter to another medical facility.

Today Kim is unable to control her bodily functions. She has no discernable mental function and is being cared for at a convalescent center. Kim's father filed a lawsuit against the hospital and the anesthesiologist. The case is still pending.

Kim is standing there at a better time before the medical injury with her daughter. Now she is in a nursing home or convalescent home for the rest of her natural life. What is it worth? After the medical bills are paid, after her lost income is paid, what is it worth to her, to her daughter, to her parents? According to this bill, we know exactly what it is worth. It is worth no more than $250,000 for the pain and suffering she will endure for the rest of her life.

Now let me introduce you to a young lady who made quite an impact on us this morning. She told her terrible story. This is Sherry Keller from Conyers, GA. Sherry is shown in her wheelchair. That is where she was today when she came to speak to us. She stood up and said: I am from Conyers, GA, and I am a registered Republican. I want to make that clear.

I said: We have Republicans and Democrats and Independents. Then she told her story.

Sherry Keller received a complete hysterectomy. Her surgeon relied upon staples rather than sutures to hold her incision closed. Upon having the staples removed, Sherry's incision began to bleed. The surgeon began cleansing the wound. Unfortunately, the incision opened. I won't go into the graphic details. But the doctor in that situation—this happened at the doctor's office—apparently panicked and left her alone in the room for 35 minutes when the doctor went to call a wound specialist. She left her lying on an examination table. The doctor continued to see other patients while the specialist was on the way and left Sherry in that examining room for 35 minutes. Sherry went into shock from loss of blood, lost consciousness, and fell off the exam table. There was no one with her. Her head hit the counter as she fell. She came to but in the process damaged her spinal cord and rendered her an incomplete quadriplegic. She dragged herself out in that condition into the hallway to get the attention of a nurse or doctor to come to her aid. The doctor called for an ambulance but gave directions that she should be transported only. She, the doctor, left instructions that a doctor would go to the emergency room to dress the wound later.

Sherry was then left in the emergency room for 2½ hours waiting for a doctor to treat her wound. As a result of that fall in the office, Sherry will never walk again. As she was not employed outside the home, she has no lost income for her injury. Her damages were virtually all medical bills and pain and suffering. Here she is, a woman, some 35 years of age, who faces a lifetime in a wheelchair now because of malpractice.

This law we are considering would pay her medical bills but say that the total amount of compensation for her for the pain and suffering she and her family will go through is limited to $250,000. Some Senators as jurors have decided that in her case $250,000 is adequate, thank you.

I think a jury has a right to consider that case. A jury has a right to consider whether that doctor is guilty of malpractice and whether this woman and her family are entitled to more than $250,000. The fact that she was at home raising her children, because of this bill, will be used against her. She has no job where she earns a paycheck, but she has a real job as far as America is concerned; she was raising her family.

And now look at this situation. This bill will actually penalize her for being a stay-at-home mother with her family. For a Senate that is supposed to be dedicated to family values, it is hard to understand how Sherry's case tells that story.

The next person I would like you to meet is Evelyn Babb of Tyler, TX. This case is similar to many you may have read about. She is a bright, happy-looking person in this picture. She needed arthroscopic surgery on her right knee for a torn lateral meniscus. Her doctor marked her right knee to be operated on with an X. However, the hospital staff negligently prepared her left knee for surgery. Without verifying whether the staff had properly prepared the patient, the doctor proceeded to operate on the knee which the staff had prepared. He began performing the partial lateral meniscectomy before he realized he was operating on the wrong knee. The staff then prepared the other knee, and the doctor performed the operation as previously planned.

Due to the unnecessary surgery on the one knee, Mrs. Babb's recovery was considerably longer and more painful than it would have been. She has severe pain and swelling in her left knee and a lingering infection. She continues to suffer from pain, has difficulty walking, and has a markedly decreased range of motion in her knee.

As an elderly woman of 75, Mrs. Babb will suffer no loss of income, however, and there will be few, if any, additional medical expenses because there is nothing that could be done to improve her condition. Virtually all of the damages she could recover for this obvious malpractice would relate to the pain and suffering she would endure. This bill has decided how much her case is worth: no more than $250,000, period.

When you look at that situation, a person who is retired, with no active income, and with limited medical bills, but a serious medical outcome, it is an indication of the unfairness of this underlying bill.

This case I will tell you about now involves Heather Lewinsky from Pittsburgh, PA. Seventeen-year-old Heather Lewinsky's face remains scarred for life after a Pittsburgh plastic surgeon performed radical surgery to correct a skin disorder near the left corner of her mouth when she was 8 years old.

The doctor claimed to have done this procedure on children many times before when, in fact, neither he nor any doctor in the United States had ever done the surgery to treat a condition such as Heather's. Following the operation, Heather was left with horrific facial scarring and a terrible stroke-like tugging at the corner of her mouth.

The doctor attempted to fix the problem with two additional surgeries, which made it even worse, forcing her to undergo 10 more operations with other doctors between the third and tenth grades.

The pain, swelling, and recuperation with each procedure were excruciating. Heather and her family filed a lawsuit

against the doctor who only paid a small fraction of the jury verdict because he had insufficient insurance coverage.

This is an indication of a young lady who is scarred for the rest of her life. What is permanent disfigurement worth if it is the result of medical malpractice? A point will be reached when no more surgeries will be indicated; they won't add much to her improvement. She may not have lost wages, but she is scarred for life. As far as this bill is concerned, permanent disfigurement because of medical malpractice is worth $250,000, not one penny more.

The last case I want to talk to you about is a case that involves Alan Cronin of California. In the year 2000, Alan Cronin, then 42 years old, went into the hospital for a routine hernia surgery. Alan was married with three children at the time—two of them still at home. He goes in for a routine hernia surgery. After the surgery, two doctors failed to diagnose an acute infection following the routine hernia repair. The doctors treated him as though he had the flu rather than inspecting the surgery site. He became septic and suffered toxic shock. Once the doctors finally opened the surgery site, the pus and sepsis were so overwhelming that they told Alan's family that he had a 98-percent chance of dying. Gangrene had set in and all of Alan's limbs were amputated. When he awoke from his coma, he no longer had arms or legs.

Alan was a customer service representative for a medical equipment manufacturer. Workers' compensation paid for all of his medical bills, including future expenses. He also had a private disability policy that was used as an offset against future economic damages.

In speaking with Alan about the cap on noneconomic damages, he says that there are so many things that you don't think of as necessities, and $250,000 could not begin to cover those expenses. Alan, 42 years old, has had the amputation of his arms and legs from medical malpractice. How much is the suffering and pain that he will endure in the next 30, 40 years of his life worth? We know in the Senate. It is worth $250,000 and not one penny more.

Incidentally, there is another provision in the bill. Because Alan had the foresight to work for a company that provided him with health insurance that covered some of his medical bills after the medical malpractice, and because he also had a private disability policy that will help him with some of his expenses as he tries to struggle through rehabilitation and rebuilding his life, that information, according to the bill, should be brought up in the trial. As a former trial lawyer, I can tell you it is being brought out so as to encourage the jury to diminish any award they are going to give to Alan Cronin. Because he had the foresight to pay for health insurance and a private disability policy, he would be penalized in a court of law by the disclosure of this insurance and this disability policy.

That isn't done today in any court in America, but it would be done under this bill. S. 11 has decided that is a fair way to deal with medical malpractice. I think most Americans would disagree. What they believe is, if you put a cap or limit on the recovery of a person who is a victim of medical malpractice, the malpractice insurance premiums may come down. They hope if they come down, the threat to the lifestyle and future careers of doctors is going to be diminished. Yet when you look at the studies—the Weiss study, for example—you find the opposite is true.

States with limitations on what can be recovered in court had a higher percentage increase in malpractice premiums between 1991 to 2001 than States without caps. So not only is this proposal in S. 11 fundamentally unfair, it is totally ineffective. What we are doing is seeing, frankly, this battle between the White House and the people who are gearing up for some Presidential campaign and the American trial lawyers. That is what this is about. It is not about malpractice premiums, bringing them down. It is not about the incidence of malpractice and reducing it. Frankly, it is about a political battle which should be secondary to the more important issues before us.

S. 11, as it has been brought to us today, is a bill against which I have led the fight. I am sorry I have to do it in one respect, but I am proud to do it in another. I am sorry because this should not be the bill we are considering. We ought to be coming before the American people with a bill that addresses this problem in its entirety and in a fair way. We ought to bring into this conversation medical providers across America. We should sit down and have an honest and open conversation about how to reduce medical injuries and medical errors. That would be good for everyone. I am sure doctors could tell us ways to do that.

Let me give you an example of what we have tried to do in the past. We decided at one point that we would create a national registry to try to find out how often we have these incidents of problems. With that national data bank, we would say to hospitals that before you hire a doctor on your staff, you can check to see whether he has had his license suspended or has been sued successfully for malpractice. In the 1980s, we established that—my colleague, Ron Wyden from Oregon, was then a Congressman who proposed the legislation. He thought if this data bank were present, we could find the limited number of doctors who are most responsible for malpractice and make certain that they either change their ways or get out of the practice of medicine. It was certainly a good idea.

Sadly, there haven't been many people who have used it. Consider this fact:

> The data bank is an effective information tool only if hospitals and other health organizations actually report adverse actions involving a health care professional. Federal law requires this information to be reported. But hospitals are not complying. Since the data bank was established, more than 60 percent of hospitals have never reported any adverse action [against a doctor that occurred on the premises.] It was expected that hospitals would report more than 1,000 disciplinary actions every month, yet fewer than 1,000 are reported in a year.

Managed care organizations, which are protected by this bill from liability—the HMOs and managed care organizations which, again, receive preferred treatment by the Senate under this bill—are not doing much better.

> From September 1, 1990, to September 30, 1999, [the managed care organizations in America] reported only 715 adverse events to the data bank. Eighty-four percent of them have never reported any adverse action. The investigative arm of the Federal Department of Health and Human Services, the Office of the Inspector General, notes that ''with close to 100 million individuals enrolled in [managed care organizations and HMOs] and hundreds of thousands of physicians and dentists associated with them, fewer than a thousand adverse action reports over nearly a decade of service, for all practical purposes, are reported.

So the efforts we put in place to track medical malpractice, to try to weed out the bad actors, to try to take the doctors away who perform some of these acts of malpractice have been in vain.

Hospitals, HMOs, managed care organizations, have refused to report the bad actors. Yet our answer on how to deal with that situation is S. 11. We are going to limit the amount of money victims can recover. Is this totally upside down?

Should we not start with the premise that we want to limit the amount of malpractice itself and medical error in America and then follow through to the next and obvious question: When doctors are going to buy insurance, how can we help them secure reasonably priced malpractice insurance policies? That, of course, would mean bringing in the malpractice insurance companies and reinsurance companies.

Incidentally, there is one thing I said yesterday that we are going to look into. It was my understanding from reports we received that there were five reinsurance companies available to U.S. insurers. A call today to the Illinois State Medical Society said they work with 9 or 10. I want to make sure the record is corrected and reflects the fact that at least we are trying to come to the right number of reinsurance companies. Regardless of whether it is 5 or 50, the reinsurance companies have to be part of this conversation as to how we are going to reduce the cost of malpractice insurance for doctors and hospitals across America.

The third point, and equally important, and I speak to this one as a

former trial lawyer myself, is that the legal profession has to be part of this conversation. We have to say those lawyers who would consider filing a frivolous lawsuit are going to face severe penalties. They will have to pay compensation of cost and fees associated with those cases, and if, in fact, they are found to have done it repeatedly, we can prohibit them from that field of practice completely.

I add, based on my personal experience, it would take an absolute fool as a lawyer to entertain a medical malpractice case that really did not have a chance of success and that could be considered frivolous. Those cases in my State of Illinois are extremely expensive. You start with a certification by a doctor that you actually have a justifiable cause of action before you file your complaint. An important consideration in taking these cases up is whether or not you can move them forward to recover for the plaintiff who is injured. If you do not think you have a chance, you have to tell that sad news to the client who sits in your office, and I have done that.

Frankly, you have to honestly tell many people who are seriously injured: I do not think you have a case on which you can recover.

We have to bring together, if we are serious about medical malpractice, the doctors who can speak for their profession, nurses who can help us understand how we can bring more medical professionals to the job to reduce the likelihood of medical injuries, HMO insurance companies that have to be told they can no longer dictate sound medical practice, where doctors are told what they have to do regardless of whether they think it is right professionally. We have to bring in the insurance companies to make certain the rates they charge are reasonable, and lawyers have to be brought in as well so they are involved in responsible conduct which is focused more than anything else on recovery for the patient or claimant involved. That is what this is about.

The idea that by limiting recovery for the victims we have talked about here is going to solve the problem just will not work.

Let me use this chart as an illustration as well. Here are two States in the Midwest: One I am very familiar with, my State of Illinois, and a neighboring State, Michigan. They are comparable States in makeup of the population in rural areas and urban areas. They are big States by most standards.

Michigan has caps and limitations on how much a person can recover in court. Illinois does not. Here we take a look at the professional liability insurance that is being paid in these two States as of October of last year. We will see in the State of Michigan, OB/GYNs on average are paying more than in the State of Illinois that does not have caps. With surgery, it is the same story. With internal medicine, it is the same story. Michigan, with caps, has higher medical malpractice insurance rates than the State of Illinois without caps.

The belief that in passing this bill and establishing caps across America we are going to bring down malpractice insurance premiums I do not think is a reasonable conclusion, which is borne by the evidence presented here, and this comes from an analysis of the medical liability monitor data, the same monitor data used by both sides of the debate.

I understand the Senator from Utah is here and would like to speak. I close at this point by saying what I said at the outset, and I repeat today, I value very much the medical profession. They have meant so much to me and my family. I have entrusted the care of my greatest treasures on Earth—my wife and children—to great doctors, and I thank God they were there when we needed them.

I want them to continue in practice. I want them to feel good about what they do for a living. I do not want them looking over the shoulders at lawyers who are filing frivolous lawsuits. I do not want them facing 35-percent increases in malpractice premiums they cannot cope with, that they cannot pass on to patients, that force them to make decisions that, frankly, are not in the best interest of good medicine.

Today, during the course of our press conference with these victims of medical malpractice, one of the staff in the back of the room fainted. When he fainted, we stopped everything and somebody said: Call a doctor. How many times have we heard that said? We say it because we all know in those dire emergency situations and in everyday situations, we need the medical profession.

I said at the outset of this debate, and I repeat, I stand ready to sit down with anyone in good faith who wants to deal with the medical malpractice crisis facing America. Let us deal with this in its entirety and in an honest fashion. Let us ask everyone to make a sacrifice—the doctors, the lawyers, and the insurance companies—and then I think we can come up with a bill that is worthy of the Senate.

For us to deliberately limit the amount of money available to these victims with tragic stories, which I have brought to the Senate today, is fundamentally unfair. It is as unfair to those victims as those malpractice premiums are unfair to many of the doctors who are paying them today.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I rise to speak about the medical liability and medical crisis threatening our great Nation. Over the years, I have pressed for legislation to protect our health care delivery system from the ravages of an out-of-control medical liability system.

Many times we have come close to enacting legislation, and a giant opportunity stands before us today. I hope we do not let it slip through our fingers once more.

I remember as a young lawyer in the early days of my practice in Pittsburgh, PA, the law basically was, if you met the standard of practice in the community, there was no case because everybody knew that medical science is not an exact science. Once they adopted the doctrine of informed consent in its various forms, it meant that every case goes to the jury, regardless; every case that has a bad result, even though the doctor did everything in his or her power to effectuate a decent result. And we have had this medical liability catastrophe upon our hands ever since.

I can remember as a defense lawyer, my advice to some doctors was that they needed to do everything they possibly could to make sure there was absolutely no way they overlooked anything with regard to any person's complaint. If a person came in to them with a common cold, they could no longer say: Take two aspirin every 6 hours, drink all the liquids you can, and in 7 days you will be better. Or: Don't do anything and in 7 days you will be better. No, they have to give vascular and respiratory examinations, blood tests, et cetera. As a result, what used to be a $5 bill in those days, or at most $15 or $20, is far more today. Of course, I believe unnecessary defensive medicine such as that has driven our country to its knees from a medical liability standpoint.

Today, defensive medicine increases health care costs by $60 to $108 billion per year according to the Department of Health and Human Services report of last year.

As I have noted previously, out-of-control medical liability litigation is needlessly increasing the cost and decreasing the quality of health care for every American. It is preventing patients from accessing high-quality health care or, in some cases, any care at all because doctors are being driven out of practice.

I was pleased that President Bush announced his desire to address medical liability legislation reform last summer when he spoke of the need for reform in his State of the Union Address and when he called on us to pass meaningful medical liability reform legislation in this Congress. I am pleased that our majority leader, Dr. FRIST, has brought the Patients First Act forward to be debated today.

Our colleagues, Senator ENSIGN from Nevada, who introduced this bill, and Senator MCCONNELL from Kentucky, deserve special recognition and thanks for their work on this bill as well.

Of course, this was not the first time we have addressed this issue. As many of us will recall, we passed medical litigation relief language with the Commonsense Product Liability and Legal Reform Act in 1995. Unfortunately, it was stripped from that bill in conference.

I am sorely disappointed that in the ensuing 8 years we have not addressed this problem. As a result, the problem has continued to fester like an infection that will not heal. Worse yet, this infection is spreading to all parts of our country.

This map which has been utilized throughout this debate, and I think properly so, with data supplied by the American Medical Association, shows the States that currently are experiencing a medical liability crisis and those that are showing signs of a developing crisis. The 19 red States are crisis States. Nineteen of the 50 States are crisis States. The 26 yellow States are showing problem signs. Only 5 States are currently OK. The red ones are in crisis. The yellow ones are about to be in crisis. The white States are currently OK generally because they have passed medical liability litigation reform legislation like S. 11.

To contrast this for my colleagues, I must note that on a map with last year's data, only 12 States were in crisis. In March, it was up to 18. Now it is 19. The problem is growing and it reaches from coast to coast.

There are very unfortunate consequences to this crisis—doctors forced to quit practicing, trauma centers closing, babies being born by the roadside, and, yes, people dying. These are all due to out-of-control litigation and soaring medical liability insurance premiums.

The crisis is particularly acute in the farming and ranching communities of rural America where obstetricians and family practitioners, some of whom have been delivering babies for 25 years, are quitting their obstetrical practice. As a result, there is an increased shortage of obstetricians in the rural west, including in my home State of Utah.

Studies by both the Utah Medical Association and the Utah chapter of the American College of Obstetricians and Gynecologists underscore the problem. According to the Utah Medical Association:

> 50.5 percent of family practitioners in Utah have already given up obstetrical services or never practiced obstetrics. Of the remaining 49.5 percent who still deliver babies, 32.7 percent say they plan to stop providing OB services within the next decade. Most plan to stop within the next five years.

The Utah study examined the causes of the crisis also:

> Professional liability concerns were given as the chief contributing factor in the decision to discontinue obstetrical services. Such concerns include the cost of liability insurance premiums, the hassles and costs involved in defending against obstetrical lawsuits and a general fear of being sued in today's litigious environment.

Although many blame out-of-control litigation, others believe that the downturn in the economy caused the crisis. In an attempt to identify the cause, in February Senator GREGG and I held a joint hearing of the HELP and Judiciary Committees. We heard from a lawyer who believes the downturn in the economy and problems with State insurance regulations are responsible. But, in addition, we heard from the Texas State insurance commissioner and from the president of Physician Insurance Association of America, representing provider-owned or operated insurance companies that provide insurance for the majority of American doctors.

One reason they do is not because the insurance companies are so awful. It is because the insurance companies will not handle this type of coverage any more. The reason they will not is because of the exposures they are facing. So they have turned now to provider-owner and operated insurance companies.

These gentlemen face this crisis and its consequences every day. Their data and their studies, as well as those from the Department of Health and Human Services, show that increasingly frequent frivolous lawsuits and skyrocketing awards are responsible for rapidly rising premiums.

Have the recent downturns in the economy and the stock market affected medical liability premiums? Possibly. But this does not appear to be a major cause of the current crisis.

Look at this chart. This is a chart showing how insurance companies that offer medical liability coverage allocate their assets. As this chart shows, between 1997 and the year 2001, insurance companies invested conservatively, primarily in bonds—that is corporate in red, Government in green, which is the middle line, and municipal bonds in purple. A minority of funds, only about 10 percent, happens to be invested in equities, which is shown in the yellow.

This conservative investment strategy minimizes the effect that changes in the stock market have on insurance premiums. In fact, there is good evidence that increasing medical liability awards are responsible for increasing premium costs.

This pie chart with data from the Physicians Insurance Association of America shows the outcome of medical liability cases. The area in the orange, almost 68 percent of the pie, represents medical liability cases that were dropped or dismissed. In other words, a vast majority of cases are frivolous to begin with. In those cases, the plaintiff received no award because no harm was found. Yet these frivolous lawsuits cost money, an average of at least $25,000 per case, and those costs increase the costs of medical liability insurance.

This next chart shows the growth in median—that is the blue line and the average in red—medical liability claim payments between 1989 and the year 2001. Prior to 1995, median and average claim payments increased readily, as we can see. But the rate of growth for both increased dramatically after 1995.

Finally, this next chart shows the growth in million dollar ''mega verdicts'' claim payments equal to or greater than $1 million between 1985 and 2001.

In 1985, less than 1 percent of all awards exceeded $1 million. In 2001, over 8 percent of awards were $1 million or higher. The data is very clear. A high percentage of medical liability claims are frivolous. Average and median claim payments are increasing rapidly and the percentage of mega awards, those greater than $1 million, increased dramatically as shown on this particular chart.

It seems clear to me that out-of-control medical liability litigation is driving the increase in premiums, not the economy and not a problem with the insurance industry which some would try to make it. It is not just the doctors but all Americans who are paying the price. This is a national problem and one that requires a national solution.

In my letter of March 12 to Budget Committee Chairman NICKLES and Ranking Democrat CONRAD, I emphasized the important implications of medical liability litigation on the Federal budget. In that letter, I wrote:

> The Federal Government pays directly for health care for members of the armed forces, veterans, and patients served in the Indian Health Service. The Federal Government provides reimbursement for the Medicare and Medicaid programs. According to the Department of Health and Human Services' March 3, 2003, report . . . the Federal Government spends $33.7 billion–$56.2 billion per year for malpractice coverage and the costs of defensive medicine.

That is $33.7 billion to $56.2 billion a year just for malpractice coverage in these areas of Federal Government medicine.

That report states:

> reasonable limits on noneconomic damages would reduce the amount of taxpayers' money the Federal Government spends by $28.1 billion to $50.6 billion per year.

Now I continued to write:

> In my view, Federal legislation that would decrease costly frivolous medical liability lawsuits and limit awards for noneconomic damages is necessary, not only to ensure patient access to health care, but to curb increasing Federal health care costs. Because of the substantial and important budgetary implications, particularly to the Medicare and Medicaid Programs, we request that the budget resolution include language calling for medical liability legislation reform.

I am pleased to report the budget resolution we passed in the Senate recognized the tremendous impact of medical liability costs. The budget resolution included $11.3 billion in savings over 10 years as a result of medical liability reform based on CBO calculation. The Medicare Program alone would save $7.9 billion while Medicaid would save $2.9 billion. The remaining savings would occur in the Federal Employees Health Benefits Program and the Department of Defense.

What if we had that money to help with the poor? It would certainly do a lot of good, more good than is being done by spending it on medical liability.

But it is not only the Federal Government that is affected. Medical liability litigation directly and dramatically increases health care costs for all Americans.

What is more, skyrocketing medical litigation costs increase health care costs indirectly by changing the way doctors practice medicine. In an effort to avoid frivolous suits, doctors often feel compelled to perform diagnostic tests that are costly and unnecessary. This defensive medicine is wasteful. Unfortunately, for doctors, it has become a necessity.

I hate to admit it, but I am partly responsible for that myself because, knowing that many doctors are going to be sued unnecessarily and improperly, I advised them to do what they can to protect themselves. Consequently, this defensive medicine is leading to a lot of unnecessary defensive medicine. And they have to do it or they face unnecessary litigation.

According to a recent Harris poll, fear of being sued has led 79 percent of doctors to order more tests than are medically needed; 74 percent refer patients to specialists more often than necessary; 51 percent recommend invasive procedures that they thought were unnecessary; 41 percent prescribe more medications, including antibiotics, that they did not think were necessary.

Defensive medicine increases health care costs. But the real problem inherent in the current medical liability system and the resulting process of defensive medicine is that it also puts Americans at risk. Every test and every treatment poses a risk to the patient. Every unnecessary test, procedure, potentially puts a patient in harm's way.

According to the Harris poll, 76 percent of the physicians are concerned that malpractice litigation has hurt their ability to provide quality care for their patients.

That brings us to the main question. What can we do to address this crisis today? The answer is, plenty. There are excellent examples of what works. The March 2003 Department of Health and Human Services report describes how reasonable reforms in some States have reduced health care costs and improved access to, and the quality of, care. According to this report, over the last 2 years the States with limits of $250,000 or $300,000 on noneconomic damages premiums have increased an average of 18 percent compared to 45 percent in States without such limits.

In 1975, California enacted the Medical Injury Compensation Reform Act, MICRA. Again, I will refer to this chart. This graph shows that MICRA slowed the rate of increase in medical liability premiums dramatically, and it did so without affecting negatively the quality of health care received by the State's residents.

The red on the chart is States that have gone up 573 percent from 1976 to the year 2000. In California they have increased by only 182 percent. As a result of MICRA, California has saved billions of dollars in health care costs, and Federal taxpayers have saved billions of dollars in the Medicare and Medicaid Programs.

The March 2003 report goes on to state:

> A leading study estimates that reasonable limits on non-economic damages such as California has had in effect for 25 years, can reduce health care costs by 5–9% without ''substantial effects on mortality or medical complications.'' With national health care expenditures currently estimated to be $1.4 trillion if this reform were adopted nationally, it would save $70-$126 billion in health care costs per year.

Now, in our joint HELP and Judiciary Committee hearings in February, we heard from those who believe insurance reform is a cure for this crisis. These individuals believe the Federal Government rather than the States should regulate insurance. Those who advocate Federal insurance regulation apparently believe the States and the State insurance commissioners are not able to accomplish this alone. They suggest that insurance companies are colluding to increase premiums. In all honesty, some of them are getting out of the business because of the risks and exposure they face.

There has been little, if any, evidence during or after our hearing to support these allegations. In fact, we heard that the State insurance commissioners monitor and regulate insurance business practices very closely. The State laws are based on the National Association of Insurance Commissioners model rating laws that include the following language:

> No insurer or advisory organization shall attempt to monopolize or combine or conspire with any other person to monopolize an insurance market or engage in a boycott . . . of an insurance market.

And:

> No insurer . . . shall make any arrangements with any other insurer . . . which has the purpose or effect of unreasonably restraining trade or lessening competition in the business of insurance.

Moreover, insurance companies are precluded from increasing premiums to make up for past losses. It seems to me insurance reforms that some have proposed not only miss the mark badly, they would do nothing to address the cause of the crisis and would prevent State insurance commissioners from performing their jobs.

I have to say I came away from the hearing convinced, and I remain convinced, that out-of-control medical litigation is the major cause of the crisis and we have to do something to stop it. The current medical litigation system represents and resembles a lottery more than a justice system. This system harms patients in many ways. All Americans deserve the access to care, the cost savings, and the legal protections that States such as California provide their residents. This problem has reached crisis proportions, and it is high time we end it.

The task before us is to design a system that protects both the patient and the provider. S. 11, the Patient First Act of 2003, which I am proud to cosponsor, includes provisions that have been shown to work that are fair to all concerned. So S. 11 would encourage speedy resolution of claims by providing a reasonable statute of limitations. The bill provides for unlimited awards for economic damages, and it limits awards for noneconomic damages to $250,000.

Moreover, S. 11 does not preempt State limits on awards for damages, noneconomic or otherwise, even if the State limits are higher than those imposed by S. 11. The Patient First Act limits attorney's fees, thereby reducing the costs of medical liability litigation and channeling award money to where it belongs, the injured patient.

Normally I am against that, limiting the attorney fees, but in this particular case we have to do something. Women are going to be without obstetricians. Many people are going to be without surgeons and many will be without specialists. Young people are not going to go into the profession. Young outstanding geniuses who would make great doctors do not want to go into the profession.

In addition, S. 11 provides for evidence of collateral source payments to be introduced in any health care lawsuit. Juries would be made aware of existing health insurance or other sources that compensate individuals for injuries. No longer would Americans compensate an individual twice for the same injury.

While there is much to commend S. 11, one provision we should consider adding is the carefully crafted catastrophic exception to the limit on awards for noneconomic damages. A carefully worded catastrophic exception can provide that individuals who have particularly severe injuries as a result of extremely egregious acts of negligence receive an award for noneconomic damages that would be greater than the limit. Nine States have included such a provision in their statutes.

Having said that, I must say that S. 11 is a very good bill and I believe that it will accomplish our primary goal of ensuring that Americans have access to health care.

What I like most about the ''Patients First Act'' is that it is true to its name.

The bill puts the patient first.

Not the doctor.

Certainly not the lawyer.

You see, it is the patient who is threatened the most by the medical liability litigation crisis.

It is the patient who eventually pays for the increased health care costs and it is the patient that suffers most when he or she cannot access needed care.

The medical liability litigation crisis threatens the economic health of our country and the personal health of every American. It is like a festering

wound, spreading like an infection throughout the country. It is time that we cured this infection by treating it with a proven remedy. S. 11, the Patients First Act of 2003 is the proven remedy Americans need and deserve. I urge my colleagues to join me in supporting this very important legislation.

Madam President, I began these remarks by stating that, as someone who had experience in this field, I have witnessed an unfortunate transition; a transition from the days when the standard of practice in the community was the rule in most communities, which seemed to me to be a fair rule, to a rule of the doctrine of informed consent, which means the doctor has to so inform the patient that the patient knows all of the risks involved. Well, the patient would have to go to medical school to know all of the risks and it would take so much of the doctor's time to advise a patient of those risks that none of us could afford it.

There are always risks in surgery and there are always risks in a number of clinical procedures. Consequently, because no doctor can ever really meet those standards, every one of those cases go to trial. In this country, jurors don't realize by giving outrageous awards that are not justified in these medical liability cases, they are basically spreading that cost to everybody in society.

If we do not act, babies will not be delivered with the utmost care in the future. Americans will not have access to trauma care. Americans will not have access to the top surgeons.

And if we do not act, unnecessary and costly defensive medicine will continue. I have to say, I have witnessed the increased use of costly CAT scans and MRIs in cases where patients could very easily have been treated at a very low cost in comparison. You can go right on down the line in almost everything else. It is getting so that young people in this country cannot afford to have children because it costs so much, and it is all driven by this medical liability situation. I think that is pathetic. I think it is pathetic for anybody to stand on the floor and say this is not a problem of tremendous concern and, literally, say that it is the insurer's fault.

That just is not the case. In all honesty, it doesn't take a rocket scientist to figure out what the problem is. I hate to say it, being a lawyer and having been a trial lawyer. The problem is caused by many in our profession who are bringing these frivolous suits. I have to tell you that I have seen lawyers bring frivolous medical liability suits for one reason and that is because it costs between $50,000 and $100,000 to defend those suits. Many of these insurance companies, rather than take the risk of a runaway jury or a forum shopping situation, even within in a state, will pay the defense costs to get out of the case even though the case has no merit.

Settling 20 of these frivolous cases per year, makes a pretty good living for an attorney, just forcing the insurance companies to pay defense costs because the insurance company doesn't want to take the risk of a runaway jury verdict in a runaway community.

I think what jurors need to know is that in many respects, by allowing outrageous verdicts in some of these cases where there has been no negligence, they are basically running this system right into the ground. That is what has happened.

As I say, I would have a catastrophic provision in this bill if I could, that basically would take care of particularly egregious, gross negligence type cases. There are reasons for bringing litigation from time to time. There are good reasons to weed out those doctors who should not be in the operating room, those doctors who really are incompetent, those doctors who do not do what is right.

But those are the exceptions, not the rule. We are finding that far too many good doctors are leaving the profession because they cannot stand this intolerable situation anymore. The country cannot stand it, either.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, this legislation, S. 11, is not a serious attempt to address a significant problem being faced by physicians in some States. It is the product of a party caucus rather than a bipartisan deliberation of a Senate committee. It was designed to score political points, not to achieve a bipartisan consensus which is needed to enact major legislation. For that reason, it does not deserve to be taken seriously by the Senate.

We must reject the simplistic and ineffective responses proposed by those who contend that the only way to help doctors is to further hurt seriously injured patients.

Unfortunately, as we saw in the Patients' Bill of Rights debate, the Bush administration and congressional Republicans are again advocating a policy which will benefit neither doctors nor patients, only insurance companies. Caps on compensatory damages and other extreme tort reforms are not only unfair to the victims of malpractice, they do not result in a reduction of malpractice insurance premiums. Not only does this legislation fail to do what it claims but it would do many things that its authors are attempting to conceal.

In reality, this legislation is designed to shield the entire health care industry from basic accountability for the care it provides. While those across the aisle like to talk about doctors, the real beneficiaries will be the insurance companies and large health care corporations. This amendment would enrich them at the expense of the most seriously injured patients, men and women and children whose entire lives have been devastated by medical neglect and corporate abuse.

This proposal would shield HMOs that refuse to provide needed care, drug companies whose medicine has toxic side effects, and manufacturers of defective medical equipment.

In the last 2 years, the entire Nation has been focused on the need for greater corporate accountability. This legislation does just the reverse. It would drastically limit the financial responsibility of the entire health care industry to compensate injured patients for the harm that they have suffered. When will the Republican Party start worrying about the injured patients and stop trying to shield big business from the consequences of its wrongdoing? Less accountability will never lead to better health care.

According to professor Sara Rosenbaum, a nationally respected expert on health care law at the George Washington University School of Public Health:

> This measure is so vast in scope that it reaches every conceivable health care claim against every health care corporation or manufacturer of health care products . . . In this sense the measure extends far beyond its popular billing as one related to the crisis facing physicians and other medical professionals in individual practice.

In testimony on the companion bill to S. 11 before the House Commerce Committee, she stated that the bill was written so broadly that it would shield health care companies from claims as varied as billing fraud, providing tainted blood to patients, fixing the prices of drugs, deliberately overcharging Medicare or Medicaid for health services, making defective implants and violating nursing home safety rules. This legislation is attempting to use the sympathetic family doctor as a Trojan horse concealing an enormous array of special legal privileges for every corporation which makes a health care product, provides a health care service, or insures the payment of a medical bill. Every provision of this bill is carefully designed to take existing rights away from those who have been harmed by medical neglect and corporate greed.

This legislation would deprive seriously injured patients of the right to recover fair compensation for their injuries by placing arbitrary caps on compensation for noneconomic loss in all of these cases. These caps only serve to hurt those patients who have suffered the most severe, life-altering injuries and who have proven their cases in court.

They are the paralyzed, the brain-injured, and the blinded. They are the ones who have lost limbs, organs, reproductive capacity, and in some cases even years of life. These are life-altering conditions which deprive a person of the ability to engage in many of the normal activities of day to day living. It would be terribly wrong to take their rights away. The Bush administration talks about deterring frivolous cases, but caps by their nature apply only to the most serious cases which have been proven in court.

A person with a severe injury is not made whole merely by receiving reimbursement for medical bills and lost wages. Noneconomic damages compensate victims for the very real, though not easily quantifiable, loss in quality of life that results from a serious, permanent injury. It is absurd to suggest that $250,000 is fair compensation for a person paralyzed for life.

Caps are totally arbitrary. They do not adjust the amount of the compensation ceiling with either the seriousness of the injury, or with the length of years that the victim must endure the resulting disability. Someone with a less serious injury can be fully compensated without reaching the cap. However, a patient with severe, permanent injuries is prevented by the cap from receiving full compensation for their more serious injuries. Is it fair to apply the same limit on compensation to a person who is confined to a wheelchair for life that is applied to someone with a temporary leg injury?

Caps discriminate against younger victims. A young person with a severe injury such as paralysis must endure it for many more years than an older person with the same injury. Yet that young person is prohibited from receiving greater compensation for the many more years he will be disabled. Is that fair?

Caps on noneconomic damages discriminate against women, children, minorities, and low-income workers. These groups do not receive large economic damages attributable to lost earning capacity. Women who are homeowners and caregivers for their families sustain no lost wages when they are injured, so they only receive minimal economic damages. Noneconomic damages are particularly important to these vulnerable populations.

In addition to imposing caps, this legislation would place other major restrictions on seriously injured patients seeking to recover fair compensation. At every stage of the judicial process, it would change long-established judicial rules to disadvantage patients and shield defendants from the consequences of their actions.

It would abolish joint and several liability noneconomic damages. This means the most seriously injured people may never receive all of the compensation that the court has awarded to them. Under the amendment, health care providers whose misconduct contributed to the patient's injuries will be able to escape responsibility for paying full compensation to that patient.

The bias in the legislation could not be clearer. It would preempt State laws that allow fair trdatment for injured patients, but would allow State laws to be enacted which contained greater restrictions on patients' rights than the proposed federal law. This one-way preemption contained in Section 11(b) shows how result-oriented the legislation really is. It is not about fairness or balance. It is about protecting defendants.

The amendment preempts State statutes of limitation, cutting back the time allowed by many States for a patient to file suit against the health care provider who injured him. Under the legislation, the statute of limitations can expire before the injured patient even knows that it was malpractice which caused his or her injury.

It places severe limitations on when an injured patient can receive punitive damages, and how much punitive damages the victim can recover. Under the bill, punitive damages can only be awarded if the defendant acted ''with malicious intent to injure'' or ''deliberately failed to avoid unnecessary injury.''

This is far more restrictive than current law. It prohibits punitive damages for ''reckless'' and ''wanton'' misconduct, which the overwhelming majority of States allow. In the very small number of cases where punitive damages would still be allowed, it would cap them at twice the amount of economic damages, no matter how egregious the defendant's conduct and no matter how large its assets.

It imposes unprecedented limits on the amount of the contingent fee which a client and his or her attorney can agree to. This will make it more difficult for injured patients to retain the attorney of their choice in cases that involve complex legal issues. It can have the effect of denying them their day in court. Again the provision is one-sided, because it places no limit on how much the health care provider can spend defending the case.

If we were to arbitrarily restrict the rights of seriously inured patients as the sponsors of this legislation propose, what benefits would result? Certainly less accountability for health care providers will never improve the quality of health care. It will not even result in less costly care. The cost of medical malpractice premiums constitutes less than two-thirds of 1 percent—66 percent—of the Nation's health care expenditures each year. For example, in 2001, health care costs totaled $1.42 trillion, while the total cost of all medical malpractice insurance premiums was $7.3 billion. Malpractice premiums are not the cause of the high rate of medical inflation.

This chart clearly reflects that we spend $1.42 trillion a year in total personal health care expenditures. It is a very large amount per individual. If we are ever able to get the cost of health care per individual down to a reasonable amount there would be real savings. But that isn't what this is about. This is about $7.3 billion, and that amounts to just one-half of 1 percent of all medical costs. Medical malpractice premiums do not contribute to the overall rise. We ought to address the cost of health care. That isn't what this bill is about.

Over the last 15 years, medical costs increased by 113 percent. The total amount spent on medical malpractice insurance rose just 52 percent over that period, less than half the rate of inflation for health care services. The increase is rising at virtually one-half of what other health care services are rising.

The White House and other supporters of caps have argued that restricting an injured patient's right to recover fair compensation will reduce malpractice premiums. But there is scant evidence to support their claim. In fact, there is substantial evidence to refute it.

In the past year, there have been dramatic increases in the cost of medical malpractice insurance in States that already have damage caps and other restrictive tort reforms on the statute books, as well as in States that do not. No substantial increase in the number or size of malpractice judgments has suddenly occurred which would justify the enormous increase in premiums which many doctors are being forced to pay.

Comprehensive national studies show that the medical malpractice premiums are not significantly lower on average in States that have enacted damage caps and other restrictions on patient rights than in States without these restrictions. Insurance companies are merely pocketing the dollars which patients no longer receive when ''tort reform'' is enacted.

Let's look at the facts. Approximately half of the States have a cap on medical malpractice damages. Most have had those statutes for a substantial number of years. The other half of the States do not have a cap on malpractice damages. The best evidence of whether such caps affect the cost of malpractice insurance is to compare the rates in those two groups of States.

Based on data from the Medical Liability Monitor on all 50 States, the average liability premium in 2002 for doctors practicing in States without caps on malpractice damages was $31,926, virtually the same as the average premium for doctors practicing in States with caps, which was $30,521.

There are many reasons why insurance rates vary substantially from State to State. This data demonstrates that it is not a State's tort reform laws which determine the rates. Caps do not make a significant difference in the malpractice premiums which doctors pay. This is borne out by a comparison of premium levels for a range of medical specialties.

The average liability premium in 2002 for doctors practicing internal medicine was less—2.8 percent—for doctors in States without caps on malpractice damages—$9,552—than in States with caps on damages—$9,820. Internists actually pay more for malpractice insurance in the States that have caps.

The average liability premium in 2002 for general surgeons was almost identical for doctors in States without caps—$33,016—than States with caps—$33,157. Surgeons are paying the same regardless of the State's tort laws.

The average liability premium for OB/GYN physicians in 2002 in States without caps—$53,163—exceeded the rate for doctors in States with caps—$48,586—by less than 10 percent, a relatively small difference.

Shown on this chart are the figures for: internal medicine, general surgery, OB/GYN, and the physicians in States without caps on damages and the physicians in States with caps on damages. A fair reading of that would indicate there is virtually little that would reflect itself in lower malpractice insurance rates for those States with caps.

This evidence clearly demonstrates that capping malpractice damages does not benefit the doctors it purports to help. Their rates remain virtually the same. It only helps the insurance companies earn even bigger profits. As Business Week Magazine concluded after reviewing the data ''the statistical case for caps is flimsy.'' That is from their March 3, 2003 issue.

Since malpractice premiums are not significantly effected by the imposition of caps on recovery, it stands to reason that the availability of physicians does not differ between States that have caps and States that do not. AMA data shows that there are 233 physicians per 100,000 residents in States that do not have medical malpractice caps and 223 physicians per 100,000 residents in States with caps. Looking at the particularly high cost speciality of obstetrics and gynecology, States without caps have 29 OB/GYNs per 100,000 women while States with caps have 27.4 OB/GYNs per 100,000 women. Clearly there is no correlation.

If a Federal cap on noneconomic compensatory damages were to pass, it would sacrifice fair compensation for injured patients in a vain attempt to reduce medical malpractice premiums. Doctors will not get the relief they are seeking. Only the insurance companies, which created the recent market instability, will benefit.

A National Association of Insurance Commissioners study shows that in 2000, total insurance industry profits as a percentage of premiums for medical malpractice insurance was nearly twice as high—13.6 percent—as overall casualty and property insurance profits—7.9 percent. Do we understand that now? This is the National Association of Insurance Commissioners. Their study showed, in the year 2000, that the insurance industry profits as a percentage of premiums for medical malpractice insurance was twice as high as casualty and property insurance profits. The profits from the premiums for medical malpractice insurance were twice as high. This is the National Association of Insurance Commissioners study.

In fact, malpractice was a very lucrative line of insurance for the industry throughout the 1990s. Recent premium increases have been an attempt to maintain the high profit margins despite sharply declining investment earnings. That is what is at the root cause here.

Insurance industry practices are responsible for the sudden, dramatic premium increases which have occurred in some States in the past 2 years. The explanation for these premium spikes can be found not in legislative halls or in courtrooms, but in the boardrooms of the insurance companies themselves.

There have been substantial increases in the last 2 years in a number of insurance lines, not just medical malpractice. Insurers make much of their money from investment income. Interest earned on premium dollars is particularly important in medical malpractice insurance because there is a much longer period of time between receipt of the premium and payment of the claim than in most lines of casualty insurance.

The industry creates a ''malpractice crisis'' whenever its investments do poorly. The combination of a sharp decline in the equity markets and record low interest rates in the last 2 years is the reason for the sharp increase in medical malpractice insurance premiums. What we are witnessing is not new. The industry has engaged in this pattern of behavior repeatedly over the last 30 years. When ''tort reform laws'' are enacted, the insurance companies pocket the resulting savings to bolster their profits.

Last month, Weiss Ratings, Inc., a nationally recognized financial analyst, conducted an in-depth examination of the impact of capping damages in medical malpractice cases. This is a nationally recognized financial analyst. Their conclusions sharply contradict the assumptions on which this legislation is based. Weiss found capping damages does reduce the amount of money that malpractice insurance companies pay out to injured patients. However, those savings are not—those savings are not—passed on to doctors in lower premiums. That is the conclusion.

This is what the Weiss report, issued on June 3 of this year, states:

> Since the insurers in the states with caps reaped the benefit of lower medical malpractice payouts, one would expect that they would reduce the premiums they charged doctors.

At the very minimum, they should have been able to slow down the premium increases. Surprisingly, the data show they did precisely the opposite. Between 1991 and 2002, the Weiss analysis shows that premiums rose by substantially more in the States with damage caps than in the States without caps. The 12-year increase in the median annual premium was 48.2 percent in the States that had the caps, and only 35.9 percent in the States that had no caps. In the words of the report:

> On average, doctors in states with caps actually suffered a significantly larger increase than doctors in states without caps. . . . In short, the results clearly invalidate the expectations of caps proponents.

There it is. Those States with the caps, 48.2 percent median premium increase; States without caps, 35.9 percent. That is from the study by Weiss Rating, Inc. It is not a study that is made up by those of us who are expressing opposition.

Doctors, especially those in high-risk specialties, whose malpractice premiums have increased dramatically over the past 2 years, do deserve premium relief. That relief will only come as a result of tougher regulation on the insurance industry.

When insurance companies lose money on their investments, they should not be able to recover those losses from the doctors they insure. Unfortunately, that is what is happening.

Doctors and patients are both victims of the insurance industry. Excess profits from the boom years should be used to keep premiums stable when investment earnings drop. However, the insurance industry will never do that voluntarily. Only by recognizing the real problem can we begin to structure an effective solution that will bring an end to unreasonably high medical practice premiums.

I conclude with a quotation from the analysis of medical malpractice premiums by Weiss Ratings, Inc. Weiss Ratings, as I said, is not speaking from the perspective of a trial lawyer or a patient advocate, but as a hard-nosed financial analyst that has studied the facts of malpractice insurance ratings. Here are their recommendations to us based on those facts:

> First, legislators must immediately put on hold all proposals involving non-economic damage caps until convincing evidence can be produced to demonstrate a true benefit to doctors in the form of reduced med mal costs. Right now, consumers are being asked to sacrifice not only large damage claims, but also critical leverage to help regulate the medical profession—all with the stated goal that it will end the med mal crisis for doctors. However, the data indicate that similar state legislation has merely produced the worst of both worlds: The sacrifice by consumers plus a continuing—and even worsening—crisis for doctors. Neither party derived any benefit whatsoever from the caps.

Mr. DURBIN. Will the Senator yield for a question?

Mr. KENNEDY. I also reference a really excellent article in U.S. News and World Report from June 30 that shows on a chart what has been happening with premiums going from $2.9 billion to $4.9 billion and, on the other hand, points out insurers' payments after the jury verdict was $147 billion in 1993 and in the year 2001, $172 billion—so basically a fairly flat line across almost a 10-year period, a dramatic increase in the premiums and virtually flat in terms of the payments.

I am glad to yield.

Mr. DURBIN. If the Senator from Massachusetts would yield for a question, I would ask him, since he has been our leader in the Senate on the issue of a Patients' Bill of Rights to ensure that patients across America have their rights against HMOs and managed care companies—I ask the Senator from Massachusetts, is he aware

that despite the copious debate on the floor about the crisis facing physicians across America, S. 11 provides a limitation on liability not just for doctors and hospitals but also for HMO insurance companies, managed care organizations, pharmaceutical companies, and manufacturers of medical devices?

Mr. KENNEDY. The Senator is exactly right. It is not only limited to those groups the Senator has cited, but there is a strong belief that it would also apply protection for billing fraud, tainted blood to patients, fixing of prices of drugs, deliberately overcharging Medicare and Medicaid for health services, as well as making defective implants, and violating nursing home safety standards.

We don't hear much from those who are supporting this about why all of these various groups need this kind of protection. It is a catch all, not dealing with what was stated by many of those who were speaking in favor. This is a catch all for anything to do in any way, under any pretense, with the health care industry.

Mr. DURBIN. May I ask the Senator from Massachusetts another question through the Chair. There is a section in this bill I would like to call to his attention, section 13. I would like to read it to the Senator and ask him to respond, since he has been the sponsor of a Patients' Bill of Rights, so that once and for all HMOs and managed care companies will be held responsible and accountable for medical decisions they make that injure patients. I ask the Senator if he would respond and tell the Senate on the record what it means to include in S. 11 a section 13, with the following language—sense of Congress:

> It is the sense of Congress that a health insurer should be liable for damages for harm caused when it makes a decision as to what care is medically necessary and appropriate.

I ask the Senator from Massachusetts, does this sense of Congress language guarantee that those who are harmed by health insurers who make bad decisions about diagnostic procedures, stays in the hospital, necessary surgery—is this language some refuge and comfort for them that finally now they will have their day in court and now, with this sense of Congress, they can hold these health insurance companies accountable?

Mr. KENNEDY. It really insults the intelligence of the average family, and the average family is far too bright and smart not to understand what this says and what it does not. As implicated in the Senator's question, this is a sense of the Senate of something we should be doing by legislation which we have attempted to do with the Patients' Bill of Rights.

This sense of the Senate is meaningless. It isn't even worth the paper it is written on, because of all the other provisions included in the legislation which the Senator has spoken to so effectively during the course of the debate.

This is sort of a catch all, a ''make them feel good,'' section, for some to be able to say: Look, they have language in here that it is the sense we all feel this way. But, of course, it says this in a piece of legislation which will effectively undermine the protections for working families, for their parents, and for their children.

We have many things that can be done to provide help to some of those who have the particular specialties which need attention, but the idea that you have these two lines of a sense of the Senate to effectively say: We have done all of these bad things, and we have put them in law, but we want a sense of the Senate to make you feel good and show that we are actually protecting the average family in this country—as the Senator well knows, it isn't worth the paper it is printed on.

Mr. DURBIN. If I may ask one last question of the Senator?

Mr. KENNEDY. If I may just add, as the Senator remembers—I hope the American people do—we had weeks of debate on the floor on the Patients' Bill of Rights. As the Senator remembers, what underlined that whole debate was that we ought to put the well-being and the health care interests of the patients of this country ahead of the bottom line of the HMOs. This was a debate in which the American people really participated. It was sidetracked because the administration refused to allow States to make the ultimate decision about compensation for individuals. That was in the final compromise which this administration refused.

So for all those who want to talk about States rights issues on this and the States know best—all those who make that argument—they somehow miss the importance of the real protections for people.

Mr. DURBIN. My last question to the Senator: If this sense of the Congress is not worth the paper it is written on, as the Senator has said, is it fair to conclude that since the HMOs and managed care companies prevailed before when the Senator from Massachusetts offered his Patients' Bill of Rights to protect individuals from insurance companies making medical decisions, is it fair to conclude that if S. 11 were enacted as written, limiting the liability of these HMO and insurance companies, these companies would win again, that we would reward them again for bad conduct, despite the sense of the Senate, sense of Congress, section 13 of this bill?

Mr. KENNEDY. I think what you could say is that this is the anti-Bill of Rights for the American consumer because it goes in just the opposite way. Rather than guaranteeing protections, it undermines whatever protections are out there. This is a battle we have been fighting over and over again in recent years, making sure the most basic protections for our consumers and families in the health care area are not undermined.

As the Senator has pointed out, this is going in the opposite direction.

Mr. DURBIN. I thank the Senator.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Nevada.

Mr. ENSIGN. Mr. President, I wish to respond to a few of the items just laid out in the Senate and try to point out what I think are glaring inaccuracies.

First of all, the Weiss report we have heard so much about from the last two speakers uses numbers from the Medical Liability Monitor. The Medical Liability Monitor just provides the numbers. They are not a group that is pro tort reform or anti tort reform. This is what the editor, Barbara Dillard, says about the numbers that the other side of the aisle is using to somehow skew what the premiums are doing in those States that have enacted tort reform. Let me read some of the most salient parts:

> The Weiss ratings analysis of medical malpractice caps cites the Medical Liability Monitor as the source of data Weiss uses to calculate ''average'' and ''medium'' premiums for physicians during the last 12 years. While we are an independent news publication and take no position on tort reform, or other proposals to improve the medical liability climate, we feel it is necessary to comment on the use of our statistics because some readers have expressed concern. The median and averages in the Weiss report are not the numbers we report in our annual rate surveys. Weiss may have taken our numbers, the amounts and increases of premiums paid by doctors State by State, and used them to arrive at their statistics. But it is not possible from the report to say definitely how our numbers have been used. It is our view that it is impossible to calculate a valid ''average'' premium for physicians, or for physicians in a particular State or territory, and we state that clearly in the executive summary of our rate survey.

But the editor of the Medical Liability Monitor goes further. She advised the leader's office that:

> It is misleading to use median premiums compiled with data from the Medical Liability Monitor to demonstrate the effect of noneconomic damage limits on liability rates.

This is exactly what Weiss does. That is the report they have been quoting here. The report uses median annual premiums compiled with data from the Medical Liability Monitor to try to demonstrate the effect of noneconomic damage limits on liability rates. Not only is this wrong, it downright misleads the public.

Let me refer to some of the other issues they were talking about. Half of the States have enacted medical liability reform. My State did that a year ago. It has caps. If you look at my State, as far as the numbers, it would look like it hasn't worked. It takes a minimum of probably 8, 10, 12, or 15 years to go through the courts to find out whether the caps are going to be upheld. If the insurance companies are unsure whether the caps are going to be upheld or not, there is no predictability there because they can reach way back—once it is held unconstitutional, they can go back and try those cases and get those awards.

That is why in California it took so long—from 1975 until the mid-1980s—to

find out whether the law was going to work. Colorado and California have now had their laws in place long enough to stabilize rates. Let's look at those two States, in major cities, compared to other cities around the country.

Here are Los Angeles and Denver. We will start with the general surgery. It is almost $37,000 in Los Angeles for the medical liability premiums for the year; that is for a general surgeon. In Denver, it is around $34,500. New York is about $51,000. Las Vegas was $70,000. It is a lot higher this year in Las Vegas. In Chicago, it is $68,000. In Miami, it is $174,000. The cities in the gray on the chart are States without medical liability reform. The two in the white have had medical liability reform in place long enough for them to have predictability.

This whole debate isn't about hurting patients; it is about helping them to have access to quality care. In my State, we had a level I trauma center close for 10 days because of a crisis, where the specialists who were treating patients there could not afford the medical liability insurance anymore. So they had to say: We cannot come in there and practice because we cannot afford the insurance. The Governor of our State, within a week, called a special session of the legislature. They enacted, in a bipartisan way, caps. Unfortunately, like a lot of the caps in the country—and they use a lot of these statistics—they are similar to the caps in my State where they have loopholes that you can drive a truck through, which makes the legislation pretty much, as far as a court of law is concerned, ineffective. That is why there is a move in my State to close those huge loopholes down to where just the most serious cases actually have unlimited pain and suffering type of awards.

In our State, the way they reopened the level I trauma center in that special session of the legislature—not only did they enact a $350,000 cap for the general population but for the level I trauma center they put it under the State. Guess what. Our State has $50,000 caps total—economic, pain and suffering, medical, the whole thing. That is the only way they could get the level I trauma center back open. Why did they do it? They knew there was a crisis. People had died, and more would die if they didn't reopen the trauma center.

Well, how bad does it have to get in the U.S. for us to say there is a crisis? When will the other side realize how bad the situation is in America? We are losing specialists. People are leaving the practice of medicine—especially those specialties and subspecialties in which we already have a shortage in many areas; and new people are not going into these areas because they see the writing on the wall. They see it is going to be too expensive for them to go out and practice.

I have a good friend from Las Vegas, Dr. Spoon. We were talking a couple months ago. One of his favorite things to do in his practice—he is an obstetrician—is to deliver babies, especially those high-risk pregnancies. He got so much enjoyment from bringing them to the point where they were successful. His insurance company made him stop performing high-risk deliveries, and they also cut him down from 250 or 300 deliveries a year, and he can deliver no more than 125 babies a year.

Southern Nevada is the fastest growing metropolitan area in the country. Yet we are losing OB/GYNs and new ones are not coming in. So what happens in that area is women are having serious trouble locating OB/GYNs to deliver their babies.

I want to try to talk a little bit about the bill and what it really does do and try to clear up some of these issues. First, to go back to premiums. It was said that in places such as California premiums and caps on economic damages—caps on pain and suffering don't work. According to the CBO, they do work. H.R. 5, which is virtually identical to the bill we have today, would significantly lower premiums for medical malpractice insurance from what they would otherwise be under current law. Premiums for medical malpractice insurance ultimately would be an average of 25 to 30 percent below what they would be under current law.

The Congressional Budget Office is nonpartisan, and everybody is supposed to respect the numbers they put out around here. They certainly don't have any pro or con as far as tort reform is concerned. There are others such as the U.S. Department of Health and Human Services that say States with limits of $250,000 or $350,000 on noneconomic damages have average combined highest premium increases of 12 to 15 percent—that is average combined highest premium increases—compared to 44 percent in States without caps on noneconomic damages.

The Joint Economic Committee of the Congress says that tort reform will reduce overall spending on health care savings by between $67 billion and $106 billion over the next 10 years.

I wish to talk a little bit about what kinds of economic damages. That has been criticized. We don't cap economic damages. What can you get in economic damages under this bill? You can get all lost wages and benefits. Lost earning capacity. They say it hurts children. You get a child who gets hurt because of malpractice and you can calculate what that child would have had over the next 60, 70 years.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ENSIGN. They may not have the education to know what their total potential was but it is 60 or 70 years' worth of earnings they can get in economic damages. That can be significant. I will freely admit it is not what Barry Bonds would get if he got hurt, or LaBron James, the new basketball player. They would obviously get a lot more money because they have the potential of making so much more money. But this child would still get a significant amount.

Let me go through these points, and then I will yield for a question.

All medical expenses would be covered under this bill: long-term care, assisted living devices, child care, household services, lost time, special medical damages, value of care, counsel, advice, aid, comfort, counsel for children, parents, and spouses. All of those are possible under economic damages in this bill.

The final point I wish to make is this: Does this capping hurt patients? We just have to look at Colorado and California and ask: Are there people out there being hurt? I submit there are a lot more people being hurt and going to be hurt in States such as Nevada where the doctors are leaving, where the doctor will not be in that emergency room or will not be able to deliver a baby, especially in those high-risk pregnancies.

This one case in Florida is a very good example. I actually met this gentleman. He is a physician himself. He was not performing duties as a physician at this time, he was a parent of an injured child. His name is Dr. Frank Shwarin. His 4-year-old child in Naples, FL, fell and hit his head on the side of the swimming pool. This was in July of 2002. The father is named Frank and Craig is the son. He rushed him to the nearest hospital only to find that none of the neurosurgeons on call would treat patients under 18 years of age. Why? Because they could not get medical liability coverage to treat, even in an emergency situation, a pediatric neurosurgery case. They had to medevac his son a couple hours away. Fortunately, because the father is a doctor, he was able to keep his son alive during that time.

A woman testified before the Senate that when the level I trauma center crisis happened in my State, her father died when that trauma center was closed because he had to be sent to another emergency room, and an emergency room is not a trauma center. They do not have the kind of expertise to treat severe trauma. As a result, her father died.

We cannot guarantee he would not have died in the trauma center, but we can guarantee he would have had the best possible care and the best chance of living. That is what I believe this debate has come down to: The system is out of balance now. It is not working. To correct this imbalance, we have to start reining in some of these frivolous, outrageous jury awards.

I yield for a question.

Mr. DURBIN. Mr. President, I thank the sponsor of the legislation for coming to the Chamber. I want to give him an opportunity to complete his statement, and perhaps at the end of that statement, if he and I can engage in dialog or debate, that would be fair. I do

not want to interrupt his train of thought during his presentation.

Mr. ENSIGN. That would be fine. I have a couple other issues to go through. There are a few other cases I would like to bring to the attention of our colleagues.

First, because we need to put a real face on this issue—we need to put a face on the patients, and I think it is legitimate to put a face on the other way. I think it is legitimate to put a face on somebody who has had a claim of malpractice and actually had malpractice committed against them, and it is also fair to put faces on those people who now are having trouble finding the kind of health care they need.

This is a balancing act, there is no question about it. There is no perfect answer to this situation. I wish there were. The fact is, the current system is driving health care providers out of the practice of medicine, hospitals are closing down, and we need to correct the situation so that when we seek health care in an emergency situation or in a nonemergency situation, we will have the kind of care we need.

A friend of mine in Las Vegas has Parkinson's disease and goes down to Loma Linda—I told this story earlier today—to see his subspecialist in neurology to treat this disease. He had some fairly radical surgery where they actually separate parts of the brain. He has had very good success with it. He had a specialist talked into moving his practice to Las Vegas shortly before the medical malpractice crisis hit in Las Vegas. Once that hit the news, the guy said: Sorry, I live in California where we have caps. I cannot go to Las Vegas and pay $250,000 a year for my practice for medical liability coverage. I cannot afford to do it. Why would I do that when I have a good practice here, we have caps, and it is working well in California?

He wanted to move to Las Vegas. He was ready to go with his family. He liked the quality of life in Las Vegas. He did not go simply because he cannot afford to take that kind of economic hit. So people in Las Vegas have to drive down there.

Most of the time those are not emergency cases, but for those cases that are an emergency, it is just a shame.

People say this is a State issue. I would counter that this is the United States of America, and we are supposed to be able to live where we want to live, and now we are saying to people: No, you cannot go there because of medical liability premiums, you cannot afford to open up your practice because of medical liability premiums. People should be able to find the kind of health care they need wherever in the United States and live the quality of life and obtain the best health care they can possibly get based on what is available in the area. I do not think outrageous premiums should be the limiting factor.

Let me close with this point, Mr. President. Earlier there was debate about punitive damages and that we are protecting big companies. Under this bill, we do protect companies that make medical devices if they have followed FDA regulations. In other words, the manufacturer would not be liable for punitive damages if it satisfied FDA's rigorous approval process and if the harm to the patient did not result from the company's violation of an FDA regulation. If they played by the rules that the Government set down, we protect them in this bill from noneconomic—we do not protect them from economic or from medical expenses. But if they violate the FDA rules, then they are not protected. I think that is fairly reasonable. That is why we think this bill is a reasonable compromise, is a reasonable approach to solving what I believe is an out-of-control system.

I will be happy to yield for questions.

Mr. DURBIN. Mr. President, I thank the sponsor of the legislation. I would like to ask him this question. Virtually every example the Senator has given, every compelling example he has given for this legislation involves doctors paying malpractice premiums. Yet as he has written this legislation, it goes far beyond providing limitation of liability for doctors. It includes limitation of liability for HMOs, managed care, pharmaceutical companies, medical device manufacturers, and nursing homes.

Can the Senator from Nevada explain to me why he has not come before us and argued on behalf of HMOs and why their exposure to liability for wrongdoing is a source of concern and leads to, he thinks, the need for legislation?

Mr. ENSIGN. Mr. President, we know we live in a litigious society. We are sue happy today. Everything is somebody else's fault, and we immediately go to court. Because of the nature of our courts, it is easier to settle. When we settle, it drives up the cost for all of us. A lot of the cases never make it because it is too expensive to take the case all the way to court.

A lot of companies especially are self-insured for certain amounts of money. It is easier for them to calculate the cost of going to court, and what happens in the long run is that all of us pay for that in higher premiums. When we have higher premiums, it is pretty simple. We end up with a situation where employers cannot afford it. A lot of small employers especially are dropping their health insurance coverage and we are ending up with 41 million uninsured in this country and a big part of that is the cost, not only of the premiums to doctors but just the whole cost of defensive medicine that we have to practice today because of the fear of being sued.

Mr. DURBIN. So if the Senator from Nevada will yield for another question, through the Chair, is the Senator from Nevada going to bring for us then more evidence, as he has when it comes to doctors, as to the insurance crisis facing drug companies in America, which as I understand are the most profitable corporations in America with an average annual return of 18 percent on capital, about 6 times the rate of return of the Fortune 500? Is he going to tell us about the liability exposure of HMOs that really necessitate this protection which he is building into his proposed law, S. 11? Is he going to tell us about the medical device corporations that have made faulty products which are causing problems across America and how their exposure and liability necessitate this need to limit their accountability and cap the recovery of innocent people who are victims of their misconduct?

Mr. ENSIGN. If the Senator would vote for us to go forward with the bill tomorrow when we have a cloture vote, we will have a lot of time to debate this. We can amend it and go forward with this debate. So I hope he will join us in voting for cloture because I do have a lot of evidence to justify the various provisions in the bill.

The bottom line is we all know that today it costs around $900 million to bring a single new drug to the market. I am not here to defend the pharmaceutical companies or any other company.

Mr. DURBIN. That is what the bill of the Senator does.

Mr. ENSIGN. No. What I am here to say is we have a problem with our health care system today and we need to fix it. If we can go forward with this bill, if there are amendments the Senator thinks can improve this bill, let's at least move to it so that we can amend it, put the amendments forward, and have a healthy debate. We can take a week, or whatever it takes, to do that so that we can go forward and try to fix some of the glaring problems. If the Senator thinks there are some problems with the bill, let's bring forth amendments and try to fix it.

Mr. DURBIN. If the Senator will yield for another question, I am curious. What the Senator has just suggested is a good basis for establishing what we might even call a Senate committee where we could have Members of the Senate come together, consider evidence, and offer amendments before the bill comes to the floor. If I am not mistaken, the Senate bill already provides for committees. Why is it that this bill, of such consequence, should not go through a Senate committee system so that the very aspects that we have just discussed can be openly debated and amended and come up with a work product that might be of real value to this country?

Mr. ENSIGN. I say to my friend and colleague that it is obvious why. We could not get a bill to the floor. The Senator knows that and everybody here knows that. It is just like last year when the Senator was in the majority, there were at least two bills that I remember, the Energy bill, as, well as the prescription drug bill, that were brought to the floor that were not brought through committee. They were

brought directly to the floor by the majority leader at the time. It is not a common procedure, but it is a procedure that has to be done every once in a while to bring up important legislation that cannot go through committee and my colleagues know cannot get through committee.

The way the Senate works is so different than the House, and the Senator knows that. We both served in the House of Representatives. The House of Representatives does almost all their work in the committee. We can do a lot of our work on the floor and produce a pretty darn good product by bringing it to the floor, amending the bill on the floor, and that is what I think we should do.

Mr. DURBIN. If I could ask the Senator from Nevada, the sponsor of this legislation, another question, he has spoken about his own home State of Nevada and the problems they have faced. In the last 2 days, there has been a lot of discussion on the Senate floor about the medical malpractice crisis in this country that involves an increasing incidence of medical malpractice. In fact, the Bush administration says it has reached epidemic proportions.

I ask the Senator from Nevada, what in his bill, S. 11, would deal with the problem in his home State of Nevada, reported by Business Week on March 3 of this year, in which they reported that in his home State of Nevada, which adopted a $350,000 cap on recovery last year, it was discovered that two doctors in his State were responsible for $14 million of the $22 million in claims awarded in Nevada in 1 year? What in this legislation would make certain that those doctors, guilty of malpractice, would be held accountable for their wrongdoing and would be removed from practice if, in fact, they are not meeting the standards of professional conduct?

Mr. ENSIGN. Mr. President, I say to my colleague that it is a great point. I practiced veterinary medicine and I understand how professional boards work. I understand that with professional boards there is a self-policing that is assumed. It is supposed to happen with lawyers. It is supposed to happen with accountants. It is supposed to happen with veterinarians. It is supposed to happen with physicians. The big problem today with professional boards is they are afraid to do something with somebody's license because if they do, they can be held personally liable. That happens time and time again.

All of the professional boards go through this; that as badly as they would love to jerk somebody's license, unless it is so clear and the evidence is so outrageous of what they have done to deserve their license being jerked, it just does not happen. Frankly, it should happen more. There are incompetent doctors. There are incompetent lawyers. There are incompetent veterinarians. More of them should have their license jerked in that case, and I wish they were empowered a little more and maybe protected a little more to do that.

Mr. SESSIONS. Will the Senator from Nevada yield for a question?

Mr. ENSIGN. I am happy to yield for a question.

Mr. SESSIONS. I say to Dr. Ensign, we appreciate his leadership on this matter and know that he is a professional himself, and he is familiar with these liability issues. The Senator talked about two doctors in Nevada being responsible for $14 million of the $22 million in punitive damages. I guess what I want to ask the Senator is that in this way we operate with punitive damages, is not the real truth that when two doctors get hit with big verdicts that the premiums from all the innocent doctors in Nevada go up? It is not just the bad doctor who pays—it is supposed to punish him—but the insurance company pays it, does it not, and then they pay for that by raising the premiums on everybody else?

Mr. ENSIGN. The Senator from Alabama brings up a very true point, but also the Senator from Illinois is correct in that we do need to do a better job of policing the physicians. They need to do a much better job of that. That is why I brought up the point of the boards. The point is, though, if we vote for cloture tomorrow, maybe we can work this out. Maybe we can come up with something that could be addressed, or at least give suggestive language to the States to be able to work this out. It is so clear that if we can invoke cloture—for the general public, that means that we can proceed to the bill. The vote tomorrow is just whether we can proceed to the bill. All of this is just pre-debate on whether we are going to proceed to a bill that is so critical to the future health care in this country.

Mr. SESSIONS. The Senator is exactly correct. I certainly agree, as a Federal prosecutor—and I prosecuted some physicians and other professionals in the medical business for bad behavior, but the odd thing about the way our tort system works, people think the doctor who gets sued is being punished, but really the doctor has insurance which he is required to have in order to practice in a hospital—virtually everybody has to have some, no matter how much it costs—and they do not end up being punished. Every physician in the community is punished, are they not? Is that not an odd thing that we are dealing with in current law?

Mr. ENSIGN. I do not know if the Senator can see this chart—maybe we can have that chart turned just slightly so the Senator from Alabama can see it, but it brings up the exact point. The States that have capped noneconomic damages in the white, California and Colorado, represented by Los Angeles and Denver, in those States let's go down to the OB/GYNs, $54,000 in Los Angeles for the annual premiums for the medical liability insurance, $30,000 in Denver. Go over to New York; it is almost $90,000; in Las Vegas, $108,000. I guarantee that number in Las Vegas is old because friends of mine who are OB/GYNs say they are paying anywhere from $130,000 to $150,000 a year. Chicago, $102,000 and Miami is over $200,000 a year. The cities in gray, representing the states in gray, have no tort reform that has been on the books. Nevada has it but it has not been on the books long enough. It will take 6, 8, 10 years. Los Angeles and Denver have had their laws on the books long enough to work.

Because they have enacted what we want to do today, we see these premiums.

I yield the floor.

The PRESIDING OFFICER (Mr. TALENT.) The Senator from Alabama.

Mr. SESSIONS. I will share my thoughts. I believe this bill is a good way to go about at the present time dealing with what is a health care crisis in America—the surging costs of insurance and liability. I wish we were not in the Senate having to deal with it. I have some great friends in the tort business, good lawyers, and they have learned over the years how to utilize the system to maximize verdicts and maximize recoveries. They have been successful.

Things have gotten out of sync. They need to be brought into sync. We can do it a number of different ways. We can do it State by State. The truth is over half of the medical care in hospitals in America today, and a very large percentage of what doctors do every day, is paid for by the Federal Government in Medicaid. It is our tax money. We are paying it. Part of the need they have for higher pay and higher reimbursement rates is because of the malpractice insurance they must pay.

Caps on damages have worked. Last week I was in the small town of Russellville in Alabama where I practiced law for a year or so. It is pretty far off the beaten path. A bright young doctor gave me a couple of ideas about reforming medical care unrelated to this issue. He told me he had come from California. His premiums in Alabama were substantially higher, and growing each year, than his colleagues he left in California. He did not expect that. We have little or no caps. We have some caps in Alabama, but not the kind in California.

I talked to a physician friend of mine, a wonderful person I go to church with, Dr. Conrad Pierce, former president of the OB/GYN Association. And he talked about the $100,000 liability premiums that OBs pay. He said, Jeff, you can get by in a city if you are delivering a couple hundred babies a year, but if you deliver 50 or 100 babies, this is $1,000 per delivery. It represents your health care premium. That is a big deal.

Mr. ENSIGN. If the Senator will yield, is the Senator aware that, for instance, in Las Vegas, they are limiting

the number of babies they are allowed to deliver to 125. What your friend was talking about is right, they used to deliver 250 to 300. Now they limit how many they can deliver.

Mr. SESSIONS. That is the result we are dealing with. All kinds of factors are occurring that are impacting adversely health care as a result of the premiums.

As my friend pointed out, in some rural areas you only deliver 50 or 60. It is not precisely how many babies delivered by a doctor that determines the premiums paid. You pay a basic premium if you deliver any at all. So the low numbers drive out physicians in rural areas who do not deliver that many babies.

It is a big deal. We have seen medical malpractice insurance jump by 81 percent over the past 2 years alone. It has driven people out of business.

The Physicians Insurance Association of America shows a fourfold increase from the period of 1991 to 2002 in the percentage of jury awards that exceed $1 million. We have a fourfold increase in the percentage of jury awards that exceed $1 million. Some say the reason these premiums have gone up is because insurance reserves are not producing the returns they used to produce. I don't think it is disputed that we have a substantial increase in the large verdicts around the country. That does drive the market.

In West Virginia, Charleston Area Medical Center lost its Level I Trauma Center status, leaving West Virginia University Ruby Memorial Hospital as the only Level I Trauma Center in the State. The inability of this facility to find neurosurgeons and orthopedists created a situation in which critically injured patients had to be medevac'ed out of the State.

Open the newspaper and you will read of similar crises in Pennsylvania, Nevada, Mississippi, and other areas. Rural areas are hit hardest by the increasing costs. This places additional burdens on those who can least afford it.

In my home State, I was in the town of Atmore, not too far from where I grew up. The Atmore Community Hospital was forced to close its obstetrics unit because it could not afford the 282 percent increase in malpractice insurance from $23,000 to $88,000. When you deliver a limited number of children, $88,000 is a substantial cost against you. Now expectant mothers must travel either to the hospital in Brewton, 30 miles away, or to Mobile or Pensacola, FL, an hour away, eliminating availability of health care.

Another rising crisis in my State has been brought to my attention involving the nursing home industry. It was a stunning statistic. At the request of the American Health Care Association, Aon Risk Consultants conducted an actuarial analysis that found there was a substantial increase in premiums, an extraordinary increase from 1995 to 2002 for nursing homes, meaning that the cost for settling and defending malpractice claims increased from $320 a bed in a nursing home to $4,410 per bed, over a tenfold increase in the insurance premiums paid. This was first brought to my attention by an individual I know in my hometown of Mobile who shared those numbers with me. It is consistent with his personal experience. I was shocked. We are looking at $4,000 per-bed cost annually for liability insurance per nursing home bed. That is very significant.

I hope as we go forward we can move beyond obstruction and a filibuster to be able to offer amendments, if people think they can make it better, that we can do things that would be realistic and effective. I think we can do that. This bill has a good core right now. I intend to support it and I intend to vote for it and I intend to vote to move it up for debate.

The odd thing about malpractice in America today and the lawsuits that get filed are, as I suggested to my able friend from Nevada, Senator ENSIGN, we think we are punishing doctors who make a mistake and we sue them for punitive damages. This historically was not a big part of litigation in America, but in the last 20 or 30 years punitive damages have become a staple in litigation. If a doctor makes a mistake, they sue him for the mistake, they sue him for the compensation, damages, pain and suffering of the patient, and they invariably add it was done recklessly, wantonly, or without due regard of care and that he is, therefore, responsible for punitive damages. Those punitive damages are added on to it as a punishment to that doctor. But already the doctor in the basic recovery is above the deductible he had on his insurance policy. He has already paid that out of his pocket. So whether it is $1 million or $10 million or $500,000 in punitive damages, that is paid for by the insurance system that we set up. And who pays into that insurance system? All the doctors in the community.

I absolutely agree with Senator ENSIGN that we need tighter controls on physicians by the medical associations, just as I believe—and have believed for a long time—we need tighter controls by the legal professional community, of which I have been a part. We do not do enough there.

But, regardless of that, you are still going to have negligence. You are still going to have these kinds of recoveries. If not capped, they continue to shift the payment from the person who did wrong to the innocent doctors and physicians out there who will all see their premiums increase substantially.

I have visited hospitals in my State on a regular basis. I visited probably 30 hospitals in the last 3 or 4 years. I ask them about how their liability insurance premiums are doing. They tell me they tripled in the last several years, invariably—more than double consistently, they tell me, over the last 3 or 4 years. Each one is somewhat different but the premiums have gone up at an extraordinary rate.

I think this Congress, faced with a demand for improving health care and health care delivery to more people, and at the same time trying to do so with contained cost, ought to look at one aspect of the medical system that produces little or no benefit and that is the amount of money paid out through this system.

Yes, I do believe that lawsuits make some physicians more careful. I do think it has led to the altering of practices for better health care. I do not believe all lawsuits are bad. I do not believe all recoveries are bad. I think it is good sometimes if physicians get hit and popped and sent a message. I think the embarrassment of the lawsuit itself has a substantial impact on this physician and other physicians in the community. But whether the recovery is $500,000 in punitive damages, $250,000 or $2 million is not the point. That physician is not really going to be paying it. The other physicians in the community will be paying it.

I think we will get the same impact in terms of improving health care if we allow lawsuits to go forward but we don't allow them to turn into jackpot justice where one patient, one victim, one injured patient who sues gets $10 million and another one gets $500,000 or zero for virtually the same circumstance. Too often that has happened. This is not a systematic way we are dealing with malpractice in America. And who is paying for it? John Q. Citizen, the Federal Government, in terms of Medicare and Medicaid moneys we send out.

I think we can do better. I think this bill is a step in the right direction. My friend from Illinois is a skilled lawyer. There is no doubt in my mind his remarks on this bill will represent the best comments that can be made in opposition to it. But overall I think it is a net plus. It is the right step to take. We are going to need to do something about these costs. I do not believe the benefits in improved health care are anything like the costs that are being incurred by physicians. They do not consider the amount of care being denied American citizens as a result of physicians choosing another course.

Finally, I read in the newspaper about Dr. Sumpter Blackman from Camden, AL, a small town I grew up in of not much more than 1,000 people with a small hospital with about 20-some-odd beds. Dr. Blackman is the main physician there.

It was reported that he may have to give up his practice; that he could not get insurance. One of the companies had changed and he was not able to get other insurance. The rates were extraordinarily high. He was wondering whether or not he should stay in the business.

I could say to the Members of this Senate, with no doubt, if you took a poll of the people in Camden, AL, and the environs and asked who was the

most important person in that community to them, Dr. Sumpter Blackman would win that hands down.

He was my mother's physician. He takes care of people there. He knows them. He is an excellent physician. He is talking about retiring early as a result of lawsuits. I think this has gone beyond just talk and debate and big insurance companies and rich companies and poor victims and doctors. I think it is a health care issue. We cannot afford to lose people such as Dr. Sumpter Blackman from the medical profession. He has saved the lives of thousands in his long career there in Camden, AL, and there are a lot more like him. They are thinking maybe this business just isn't worth it; I put aside some money and maybe I will just go off somewhere and do something else and not have to worry about this and worry about getting insurance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Alabama for his kind words. He and I disagree on many issues but respect one another very much. I am sure there will be an issue somewhere along the way on which we agree. We are both waiting, and after 6 or 7 years the day may come. We will announce it.

Mr. SESSIONS. If the Senator will yield, I think we do agree we need to work to improve our legal system to make it the best we possibly can. How do we do that? Sometimes we disagree but I respect the Senator from Illinois and his skill.

Mr. DURBIN. I consider that a rhetorical question but I respect the Senator from Alabama.

Let me say there was a statement made earlier by the sponsor of this legislation that tells the whole story. When he came to illustrate the savings in malpractice premiums from States with caps and States without caps, he said to us, I think the CONGRESSIONAL RECORD will reflect what I am about to say is accurate, that the reason he only chose Los Angeles and Denver to illustrate that States with caps lower malpractice premiums was because it takes a long period of time for the caps to be reflected in the premiums charged to doctors. In his words, he said 8 to 12 to 15 years before premiums come down.

I think perhaps he may be right. Perhaps he may not be right. Over a period of 8 to 15 years it is hard to measure what is going to have an impact on malpractice premiums. It could be the investment success of the insurance company as much as a cap or any other thing. But it tells an important part of the story. If we are facing a medical malpractice insurance crisis today in America, what is being proposed, limiting the recovery of medical malpractice victims, putting a cap on the amount of money they can take home from a lawsuit, is, in fact, not going to provide relief to doctors or hospitals facing these high premiums today. In fact, it may be 8, 10, 12, or 15 years, according to Senator ENSIGN, the sponsor of this legislation. I think that should give pause to every Senator who believes they can vote for this legislation, see it enacted, go home to doctors in their community and say we have met our obligation. I do not think that is a fact.

There is another side of the story here that is worth at least pointing to. When I asked the Senator from Nevada why he included more than just doctors in this bill, more than just hospitals in this bill, why did he go on to include health care organizations such as insurance companies, HMOs, managed care organizations, why did he include pharmaceutical companies, medical device manufacturers, nursing homes, why are all of them being brought into the debate if our concern is whether or not there will be enough doctors around to deliver babies, he basically said we are trying to reduce the cost to the health care system. I assume if you limited recovery to zero dollars, you could reduce it even more. This bill limits it to $250,000 in noneconomic losses. He gave an illustration of the fact that economic losses include lost wages. Then he went on to say that if a child were injured and would be unable to be employed, for example for the rest of his life, they would have to try to make some calculation as to the lost wages.

I might remind my friend from Nevada that his bill requires objective verifiable losses. How do you calculate that for a 6-year-old boy, such as the one I talked about yesterday, who will literally have no work life, no work experience the rest of his life on Earth? How do you calculate that in objective verifiable ways, as to his future lost wages?

The importance of that, of course, is that is only one of two things he can be compensated for—medical losses as well as loss of income. So the calculation is very difficult under the exact language of the bill written by the Senator from Nevada.

I take exception to a comment made during the course of this debate by my friend from Alabama. He has made this comment before. He referred to what he called ''jackpot justice.'' He referred to verdicts that really are of little or no benefit, as he said, to society.

I suggest to him that we have statistics. Virtually both sides inundated the record with statistics. But these come from the National Association of Insurance Commissioners. Here is what they tell us.

The number of new medical malpractice claims declined by 4 percent between 1995 and 2000. During that 5-year period of time, new medical malpractice claims declined by 4 percent.

If we were talking about a proliferation of claims or lawsuits, the record suggests it is not the number. But, of course, some will argue how much is being awarded to those that are being filed. I would concede that the general awards have gone up. It reflects a number of things. It reflects inflation in medical care, and the cost of medical care. Everybody knows that is a fact. The cost of prescription drugs, the cost of doctors' care, and the costs of hospitals have all gone up. That is reflected when a verdict or an award is given to someone who has been injured. You would expect under normal circumstances for a person who is aggrieved or injured by medical malpractice on a year-to-year basis to see that award going up, understandably so. But how about the big awards, ones over $1 million?

According to Business Week, and their March 3, 2003, issue, which I quoted earlier—Business Week is hardly a liberal publication—in 2001 there were only 895 out of 16,676 payouts exceeding $1 million, about 1 percent. That is up from 506 in 1996.

In a 5-year period of time, the number of awards over $1 million went from 506 to 895.

From the debate on the floor you would conclude that the number was much larger.

I take exception especially to a reference to these awards and settlements in larger numbers as ''jackpot justice.''

I will not bring out the photographs. But earlier I mentioned some of the people who have been victims of medical malpractice.

Heather Lewinsky of Pittsburgh, PA, a 17-year-old who has gone through a series of plastic surgeries and will be deformed and scarred for the rest of her life by medical malpractice—would a verdict in her case be a jackpot? I don't think so.

Evelyn Babb, a 75-year-old woman from Tyler, TX, went in for a simple knee surgery and the surgeon operated on the wrong knee. As a result, this 75-year-old lady lost her mobility and will be suffering with pain for the rest of her natural life. Would a verdict in her case be ''jackpot justice''?

Sherry Keller from Conyers, GA, a graphic case which I talked about earlier, a lady who went into her doctor's office after a hysterectomy and had a terrible situation where her womb was reopened because of bleeding and she went into shock—the doctor left her alone in the room, she fell off the examination table striking her head as she fell to the floor, eventually leading to a situation of being a quadriplegic. If she received an award, this mother and homemaker, of $500,000, has she hit the jackpot?

I don't think so.

Colin Gouley from Nebraska came with his family to see us today. This little 9-year-old boy, whose life has been compromised dramatically, will have a difficult time doing things we pray that every child can do, such as read, write, engage in conversation, walk, and run. He will never have that chance. A jury in Nebraska thought that his damages from malpractice committed against him was worth

more than $5 million. So did Colin Gouley hit the jackpot with a $5 million verdict if he has a lifetime of being in a wheelchair because of medical malpractice? Is this ''jackpot justice''?

Kim Jones, 30 years old, went in for a simple tubal ligation and ended up in a comatose state in a nursing home for the rest of her life. Is an award in her case a jackpot? Did she hit it big if they gave her enough money for someone to care for her the rest of her life? Frankly, she will never be able to care for her daughter again.

Or Alan Cronin, 42 years of age, who went into a hospital in California for a routine hernia surgery and ended up with an infection so serious that it lead to gangrene in all of his limbs and amputation of both arms and legs—Alan Cronin, would he be the winner of a jackpot if those who were responsible for his losing his arms and his legs had to pay and compensate him not only for his medical bills and lost wages but also for his pain and suffering?

That is the part of the calculation which those who bring the bill to the floor have not spoken of. They talked about the challenges facing doctors. We conceded that. In some areas of the country, malpractice insurance is too high. Don't overlook what this bill does. It closes the door and removes the jury from the decision about fair compensation for people who have been injured through no fault of their own.

That is why I think those who are pushing this bill will probably be unsuccessful tomorrow. People on this side of the aisle, and Republicans as well, believe this bill, S. 11, goes too far. This is excessive. This is not setting out to simply solve the problem. This is setting out to make a political point—that we are going to go after those who would be so bold as to file a lawsuit.

In the pages of this bill, you will see a limitation on what attorneys can be paid if they represent one of these clients or one of these patients I have mentioned—people who have lost their limbs, people who are no longer able to function as normal human beings. If they go to hire a lawyer to represent them in a case of malpractice, this law will restrict how much their lawyer can be paid.

If you believe in justice, wouldn't you also argue that those who defend the doctors and defend the hospitals should have their attorney's fees limited as well? Wouldn't that be fair? Isn't that justice with a blindfold? No. The blindfold is raised on one side. It is a wink and a nod to the defense industry representing the doctors and the hospitals. But when it comes to these poor people with limited economic resources fighting for compensation for injuries that are no fault of their own, this bill limits the amount of money that can be paid to those lawyers.

I will tell you that without the contingency fee system, most of these poor people I have described today will never ever have their day in court. No attorney will be able to represent them.

Do you recall not too many months ago that sad story in North Carolina, I believe at a major university, where there was supposed to be a heart-lung transplant and they mistakenly brought the wrong blood and tissue type organs to be transplanted and a mistake was made? It was clearly not the mistake of the family or the little girl who was involved. Discovering this error, they tried to implant an additional set of organs—heart and lung—to save her after this serious mistake was made.

I can tell you that this little girl, who sadly died because of that malpractice, would have recovered little or nothing for that wrongful death under this legislation.

Where do you point to in terms of lost wages for a little girl who died during the course of the surgery? Where is the pain and suffering in a wrongful death lawsuit? Yet that is what it comes down to.

Those sponsors of this bill are prepared to close the courthouse door and say that for her family, they do not have the opportunity to get a lawyer because the contingency fee is limited, and once they have that lawyer there is little or nothing they can recover despite clear evidence of medical malpractice.

That isn't fair. It isn't American. It isn't just. We are talking about rewarding people who have been seriously and egregiously injured.

I hope my colleagues will join me tomorrow in voting against the motion for cloture. We should not proceed to this bill. This bill should proceed to a committee. It should go to a committee for a long period of study of compromise, of amendment, of a good-faith effort on both sides involving the medical profession, and the insurance industry which gets a windfall from this bill, as they do virtually every bill that comes through here, as well as the legal profession; and a bill that will end up in a resolution of the problems facing our doctors and medical providers whom we value very much, but I don't believe they would stand behind such a product that is so fundamentally unfair.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. 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. BROWNBACK. 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.

ADDITIONAL STATEMENTS

A TRIBUTE TO ROZ WYMAN

• Mrs. FEINSTEIN. Mr. President, 50 years ago today a young and dynamic woman was elected as a member of the Los Angeles City Council. She was just 22 years old, making her the youngest council member in the city's history.

The fact that such a record has been held for so long is in itself remarkable. But then again, we are talking about a truly remarkable woman, Rosalind Wyman.

For many years now, Roz has worked tirelessly, for her family and friends, for the city she loves, for the State of California, for the Democratic Party, and for women everywhere.

There is a wonderful photo of Roz when she was only 2 years old, smiling up at a portrait of Franklin Roosevelt. Her mother, Sarah, was a precinct captain for FDR's first Presidential campaign, running the operation out of the family's drugstore on 9th Street and Western Avenue in Los Angeles.

Roz's father, Oscar, worried that such a partisan stance would cost them customers, but Sarah believed that electing Roosevelt was much more important.

Small wonder, then, that Roz developed a deep and abiding passion for political activism and the Democratic Party. Her first campaign was working on behalf of Congresswoman Helen Gahagan Douglas, in her ill-fated 1950 Senate race against Richard Nixon, when he unfairly portrayed her as ''the Pink Lady.''

Then, 2 years later, Roz made history by becoming the youngest person ever elected to the L.A. City Council, and only its second woman member. She went on to serve in that body for the next 12 years, on the finance and budget committees, and eventually becoming president pro-tempore.

As another woman who entered California politics in the 1950s, I can assure you that it was quite a different world back then. It was still very much a male club. In both Los Angeles and San Francisco, one was hard-pressed to find a women's bathroom anywhere near the chambers.

Something else Roz inherited from her mother was a love for baseball. In fact, there is nowhere that Roz Wyman would rather be than at Dodger Stadium, at the home plate corner of the Dodger dugout, where she has had her seats for over 40 years now.

It is no exaggeration to say that the Dodgers would not have come to Los Angeles without the vision, fortitude, and sheer determination of Roz Wyman. Just ask Tommy Lasorda, who said: ''What this lady did for baseball in this city, they should erect a monument to her.''

Today, it is hard to believe how polarizing the effort was to bring the Dodgers from Brooklyn in the late 1950s. Yet Roz, believing that a professional sports team was just what L.A.

needed to cement its image as a major American city, braved death threats and earned many political enemies in order to see this come about.

One year after coming to L.A., however, the Dodgers went on to win the World Series, as they did again in 1963, 1965, 1981, and 1988, along with three National League Championships in the 1970s. No one today could imagine the city without one of baseball's greatest franchises.

One of the other defining moments in the modern history of Los Angeles, which placed the city firmly on the map as one of America's premier cities, was when it hosted the Democratic Convention in 1960.

And here, too, Roz Wyman played a vital, even pivotal role. She was an ardent Kennedy supporter, having supported him in 1956, in his unsuccessful bid for the Vice Presidential nomination.

She understood the natural connection between Hollywood and Washington, and before many others recognized Kennedy's enormous charisma and appeal, along with the growing importance of television to electoral politics.

And with her late husband, Eugene, who served as chairman of the California Democratic Party, they proved to be extraordinarily effective fundraisers and campaigners. They were responsible for enlisting the likes of Frank Sinatra to sing by the swimming pool, as Kennedy worked his political magic with the delegates.

It is easy to forget that back then, party conventions were not the largely scripted events that they are today. There was real drama—nothing was inevitable—and delegates could change their vote at the last minute.

Such was Roz's influence with the Kennedy campaign, that she was able to convince Robert Kennedy to change the venue for JFK's fabled ''New Frontier'' speech from the Sports Arena to the grander Memorial Coliseum next door.

She went on, 8 years later, to work closely on Robert Kennedy's bid for the White House, which ended so tragically in Los Angeles.

During the 1970s, both with her husband Gene and after his unexpected passing, Roz was a highly effective advocate for the Democratic Party, raising awareness on a wide array of issues.

I first met Roz when I was mayor of San Francisco and she served as convention chair and chief executive officer of the 1984 Democratic National Convention, the first woman—Democrat or Republican—ever selected to run a Presidential Convention. In that position she oversaw the entire planning and management of the convention and its $13 million budget.

We soon became close friends, forming a bond that has grown ever stronger over the years. She was already a living legend, already a star of our party, and she did an absolutely stellar job, not just for the Democratic Party but for the city of San Francisco.

President Clinton recognized Roz's contribution, back in 2000, when he said: ''She reminds me of my ties to my roots. Her loyalty to our party and our candidates is something I hope I can emulate for the rest of my life.''

I share President Clinton's sentiments—and I, too, hope that I can emulate Roz Wyman. A pioneering force in American politics, she is my Field Marshall, my trusted adviser, and most importantly to me, my very dear friend.●

LOCAL LAW ENFORCEMENT ACT OF 2003

● Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Tulsa, OK. On September 11, 2001, a 29-year-old Pakistani was hospitalized after he was badly beaten and kicked by three men. The racially motivated attack happened outside of a service station as the victim was visiting a friend who worked there. The victim suffered a broken jaw and lost several teeth during the attack. He was hospitalized for several days in a Tulsa hospital.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.●

HONORING STUDENT RECIPIENTS OF GATES MILLENNIUM SCHOLARSHIP

● Mr. NELSON of Nebraska. Mr. President, today it is my great honor to recognize three outstanding Nebraska students who recently were named Gates Millennium Scholars by the Bill and Melinda Gates Scholarship Foundation.

David Sanchez-Aparicio, from Oaxaca, Mexico, is the son of Benito and Juana Sanchez. Since he was a child, David's scholastic interest has been in computer technology. While a student at Lincoln High School in Lincoln, NE, David took part in the Information Technology Focus Program, specializing in computer programming, networking, and multimedia production. David played tennis and ran track, focusing on the 800-meter race. David also spent his time working at BryanLGH Medical Center in the cafeteria. In addition to rigorous coursework and extracurricular activities, David, whose mother passed away 2 years ago, has spent much of his high school career helping his father care for his younger siblings. David's teachers note that he is a quiet, yet diligent student who is dedicated to his studies and his family. David will attend the University of Nebraska-Lincoln in the fall where he plans to major in computer engineering.

Codah Gatewood, 18, is the youngest of three children and a member of the Navaho, Omaha, and Santee Sioux tribes. His parents are Edison Gatewood and Belva Gatewood. Since he was a young boy, Codah's primary academic interest has been architecture. As a child, he would create intricate buildings with Legos; at Lincoln High School, he learned to use computer-aided-design, CAD, in technical design and architecture classes before tackling advanced architecture and engineering. Codah won an academic letter during his senior year of study for his mastery in pre-calculus, differentiated physics, advanced architecture, and applied economics. In his free time, Codah volunteers at the Indian Center of Lincoln, assisting in powwows and dinners. He also likes to experiment with mobile electronics on his car, frequently updating his own website with his success in modifications. Codah's teachers describe him as a self-reliant and high-ranking scholar. For his commitment to academic excellence, Codah has also earned a University of Nebraska Davis Scholarship, awarded to the most academically talented racial minority students. He will attend the university this fall.

Huong Le, 18, came to Lincoln from Long An, Vietnam, 11 years ago with her parents, Vinh Le and Luong Nguyen, and sisters and brother. Long An is a small province in the Mekong Delta of South Vietnam. Huong spoke very little English when she arrived in Lincoln, but began to master the language while a student at Everett Elementary School. Huong was nominated for the Gates scholarship by her Lincoln High School chemistry teacher, who taught her a rigorous advanced chemistry course and saw promise in her passion for science. The following summer, Huong participated in a sophisticated research project, coordinated by the University of Nebraska, involving organic and biochemical processes of insects. While at Lincoln High School, she also played tennis for 4 years and was a member of the Asian Caucus, Upward Bound, and Youth Leadership Lincoln. Huong has also volunteered at the Lincoln Buddhist Temple, Lincoln Action Program and United Way. Huong plans to take English composition and calculus classes as part of the Summer of Promising Scholars Program. Huong will pursue a degree in pharmacy from the University of Nebraska.

The Gates Millennium Scholarships aim to reduce the financial barriers for African-American, Hispanic, Native and Asian-Pacific students with high academic and leadership promise. They also increase representation of minority students in the targeted disciplines.

The Gates Foundation will pay for the students to attend any college with any undergraduate major, and for a graduate education in mathematics, science, engineering, education, or library science.

I am proud to represent these promising young students who are dedicated to excellence in the classroom and in the community. I am confident that these talented leaders will excel at the University of Nebraska and beyond. The city of Lincoln and the State of Nebraska are fortunate to have these three students as part of their community.●

HONORING THE LIGHT OF THE WORLD CHRISTIAN CHURCH

● Mr. BAYH. Mr. President, it is with great pride that I rise today to honor the Light of the World Christian Church of Indianapolis. This congregation, under the leadership of Bishop T. Garrott Benjamin Jr., is opening a new worship facility this weekend. The 3,000-member congregation has come together to raise the funds necessary for a truly impressive church. The new facility will feature a congregation hall capable of seating 1,200, a chapel for weddings and funerals, and amply space for classrooms and offices. But what I would most like to recognize is the persistence and dedication demonstrated in achieving this goal by Bishop Benjamin and the benefit he has provided our community as a result.

In addition to providing spiritual guidance, the church provides numerous family services including the well-known Respect Academy that emphasizes teaching children self-respect as well as respect for others. The church's programs and services affect nearly 2,000 young people each year. The influence the church has on the lives of the children at such an important time in their lives is invaluable.

Bishop Benjamin, now in his 34th year as pastor, has made his struggles in life the mission and driving force behind many of the youth programs offered at the Light of the World Christian Church. At the age of 5 Bishop Benjamin was abandoned by his parents and was raised entirely by his grandmother. He says it was his own experience that made him so distinctly aware of the value of a nurturing spirit in a young child's life and that has made him so proud of the youth programs sponsored by his church.

I would like to take this opportunity to commend the Light of the World Christian Church for nearly 140 years of service to the Indianapolis community. I know that my colleagues will join with me in congratulating the congregation, and especially Bishop Benjamin, for their accomplishments and in wishing them continued success as they enter a new and promising future.●

HONORING THE LIFE OF E.W. KELLEY

● Mr. BAYH. Mr. President, it is with great sadness that I rise today to honor the life of my friend, E.W. Kelley, who passed away on July 4, 2003, after a long-fought battle with prostate cancer. Mr. Kelley was known around the world for his philanthropy and generosity, yet remained a modest man who never sought the fame that came with his great gifts.

Among his many projects, Mr. Kelley helped found the Jerusalem YMCA to help foster peaceful coexistence and even friendship among the city's residents. He was also a past-president of the Boy Scouts of America Council and was involved with the United Way. In 1997, he donated more than $23 million to Indiana University's School of Business, where he had graduated nearly 60 years before.

Born in 1917, Estel Wood Kelley grew up near Sharpsville, IN, before attending Indiana University's School of Business. Mr. Kelley made a name for himself in business marketing, creatively introducing America to countless products that have become integral parts of domestic life today. In 1961, he became the youngest vice president ever at General Foods, and in 1967 was named ''Marketer of the Year'' by Advertising Age magazine. However, it is his philanthropic work and the numerous lives he touched through it, for which he will be remembered best.

E.W. Kelley served as a shining example for business executives everywhere, humbly giving back to hometown institutions and international organizations alike in order to improve the lives of those around him and those he would never meet. His legacy of giving will continue through his many scholarship awards, including the Kelley Scholarship Program at Indiana University, which provides full tuition to 15 business undergraduate students each year. Mr. Kelley eschewed any special attention connected with his gifts, saying that the reason he donated to causes like Indiana University was simply ''to give back to society what society helped me get.''

The sense of loss to all those who knew E.W. Kelley and were affected by his generosity in Indiana, the Nation, and throughout the world is tremendous. He is survived by his wife, Wilma Lippert Kelley, and their children, E.W. Kelley II, Wayne L. Kelley and K. Kelley Germaine.

It is my sad duty to enter the name of my friend Estel Wood Kelley into the CONGRESSIONAL RECORD.●

TRIBUTE TO CAROL COTTRILL, TINA SLUSHER, AND ROBERT SALLEY

● Mr. BUNNING. Mr. President, I rise today to pay tribute to three of Kentucky's finest physicians. Drs. Carol Cottrill, Tina Slusher, and Robert Salley are exemplars in the field of medicine because they spend several months of each year providing medical care to children in developing and underprivileged countries.

Drs. Cottrill, Slusher, and Salley performed an implantation of a new mechanical heart valve for a young girl from the village of Eku, Nigeria. Dr. Slusher first examined Sussana Olesenekwu in a 168-bed Baptist hospital near her village in Nigeria. Upon realizing the gravity of Olesenekwu's heart condition, Dr. Slusher worked with urgency to find a U.S. hospital and surgeon willing to do the surgery quickly and for free. Dr. Cottrill, a children's heart specialist, and Dr. Salley, a heart surgeon, joined Dr. Slusher in donating their time and skill to perform a surgery largely unavailable in Nigeria. Dr. Cottrill is even allowing Olesenekwu to recover in her home. Aided by Medtronic, which contributed the mechanical heart valve, and St. Joseph's Hospital, which incurred the remaining costs, these exceptional doctors saved Olesenekwu's life.

Open-heart surgery is almost nonexistent in Nigeria. Though the country has a population of approximately 130 million, it has just one facility that performs only a few surgeries each year. In Nigeria the surgery would cost $3,000 to $4,000, and most families earn less than $10.00 a week. Drs. Cottrill, Slusher, and Salley's altruistic and selfless donations of time and skill are unparalleled.

Drs. Cottrill and Salley both live and practice in Lexington, KY, and Dr. Slusher is a native of Bell County, KY. Their commitment to improving the lives of those less fortunate are an inspiration to many. Their contributions have truly made the world a better place. Drs. Cottrill, Slusher, and Salley are tributes to Kentucky. They are Kentucky at its finest. I thank the Senate for allowing me to recognize Dr. Carol Cottrill, Dr. Tina Slusher, and Dr. Robert Salley and voice their praises.●

CELEBRATION OF THE 100TH ANNIVERSARY OF THE GEORGETOWN FIRE COMPANY

● Mr. CARPER. Mr. President, I rise today to celebrate the 100th anniversary of the Georgetown Fire Company. Founded in 1903, the Georgetown Fire Company is only one of fifteen Delaware fire companies to achieve a century or more of service a testament of the hard work and dedication of those who have been part of this venerable organization.

Several fire companies in Delaware, particularly around rural communities, were formed in the wake of disasters. That was the case for nearby Milton, which founded its fire company in 1901. But residents and town leaders in Georgetown formed their own fire company before a major fire broke out.

On April 11, 1903, the commissioners of the Town of Georgetown advised the

town's people by posting in the local newspaper, The Sussex Journal, that there would be a meeting that evening for the purpose of creating a fire company. In this posting, they stated that the formation of a fire company would decrease the cost of fire insurance within the town. There were fourteen charter members of the Georgetown Fire Company. Until that day, the community had relied solely on so-called bucket brigades and a hand-drawn ladder wagon.

Today, the fire company owns the most modern of technology and fire-fighting equipment, and what started off as a small squad of locals with minimal training has evolved into a company that today has almost 100 members, 50 of whom are active. The remaining members are life members, limited service members or honorary members, all of whom continue to help protect Georgetown. Originally located in the old fire hall building on The Circle in 1930, they moved to their new building on South Bedford Street in 1966. There, the doors are opened one evening each February for an annual fundraiser for the fire company, the legendary ''Oyster Eat,'' which attracts people from throughout the Delmarva peninsula and beyond.

I rise today to recognize all the members of the Georgetown Fire Company, past and present, and their contributions to their beloved community. This is a historic event, especially for a non-profit organization based solely on volunteerism. I congratulate you all and thank you for your service to the people of Georgetown and to all of Southern Delaware.●

TRIBUTE TO MAJOR ROBERTA KEARNEY CHANG

● Mrs. MURRAY. Mr. President, I rise today to recognize a great American and a true military heroine who has honorably served our country for over 20 years in the Army Medical Service Corps: MAJ Roberta Kearney Chang. As a resident of Bellevue, WA, MAJ Chang began her career at Fort Benning, GA, home of the Army's infantry, as a medical platoon leader. There, she earned the coveted Parachutist Wings and Expert Field Medical Badge. Following in her father's footsteps, the late First Lieutenant Robert M. Kearney, United States Army, Retired, she quickly rose through the ranks and served at Army bases throughout the world.

MAJ Chang had two overseas tours, one in Honduras, Central America, and one in the Republic of Korea. In Honduras, she participated in humanitarian missions to provide aid and medical care to the people of this country. In Korea, she successfully completed two consecutive company commands for the 121st Evacuation Hospital and Headquarters, 18th Medical Command. MAJ Chang was handpicked to become an instructor at the U.S. Army Academy of Health Sciences, Fort Sam Houston, TX. In this capacity she taught health care administration subjects to over 5,000 officers annually. MAJ Chang also served as the senior patient administrator for the Command Surgeon, United States Army Reserve Personnel Command. She counseled and assisted hundreds of reservists that were injured as a result of service in Operation Desert Storm. Her knowledge of the intricacies of the physical disability system for both the active duty and reserve component soldiers is unsurpassed, and she is considered an expert trainer in these areas. She served as a health care operations officer and the head of communications and customer service at the TRICARE Mid-Atlantic, Lead Agent Office Norfolk, VA for final assignment TRICARE Mid-Atlantic serves over 1 million military beneficiaries.

In each assignment, MAJ Chang excelled and met every challenge, and was rewarded with greater responsibilities and opportunities. Her talent for teaching and mentoring personnel, as well as her creativity and skill in management, were instrumental in providing army medicine the fine cadre of hospital administrators serving today. Above all, she is a stellar officer and leader who always put the welfare of her staff and patients first. MAJ Chang is a committed health care professional, and is an active member of the American College of Healthcare Executives and the American Health Information Management Association. MAJ Chang always went the extra mile to serve her country and her fellow man. Her performance reflects greatly on herself, the United States Army, the Department of Defense, and the United States of America. I extend my deepest appreciation to MAJ Roberta Kearney Chang on behalf a grateful Nation for her over 20 years of dedicated military service. Congratulations, MAJ Chang, and let me be the one of the first to welcome you home to Washington State.●

DICK KNIPFING's 40TH ANNIVERSARY IN NEW MEXICO BROADCASTING

● Mr. DOMENICI. Mr. President, I rise to pay tribute to a friend and public servant of New Mexico, Dick Knipfing of Albuquerque.

A few years ago, a New Mexico research company conducted a statewide poll on the popularity of certain well-known people. My name was one of the most recognized, but I wasn't No. 1. The person best known and best liked by New Mexicans was Dick Knipfing.

He is not a politician. He has never been Governor, Senator, mayor, or on any city council. Dick is something more special to everyday citizens—he has been a nightly guest in their living rooms for 40 years.

In July 1963, Dick started as a reporter for the CBS affiliate in Albuquerque. He did it all. He shot and edited his own film, wrote his own scripts, and got to know some of the most influential people in New Mexico. Eventually, Dick became an anchor. Over the course of his career, he moved to the ABC affiliate, then to the NBC station, and back to ABC. This month, he celebrates his 40th anniversary in broadcast journalism at channel 13, the CBS station where it all started.

Since Dick returned to Channel 13, a station whose news had been in the ratings cellar, the station rapidly shot into head-to-head competition with other New Mexico news channels. There is one big reason—Dick Knipfing.

New Mexicans trust Dick as a veteran newsman. He is respected by his colleagues. He has been inducted into the Silver Circle Society by the National Academy of Television Arts and Sciences, one of the organization's highest honors for a television journalist.

Dick Knipfing is revered by viewers because they easily discern that he is devoted to bringing them a comprehensive and accurate look at the day's major news events. Viewers have welcomed him into their homes, either as a reporter or anchor, because he has shown them that he cares very deeply for New Mexico and its people. Dick, and his wonderful wife, Charlene, have made Albuquerque and New Mexico their home, and integrated themselves into activities to make it a better place to live.

Like tens of thousands of New Mexicans, my wife Nancy and I have grown accustomed to Dick's face and his voice. As he marks his 40th anniversary in broadcast journalism, we hope there will be 40 more years of Dick Knipfing to represent the best in broadcasting.●

GREATER MIDWEST AFFILIATE OF THE AMERICAN HEART ASSOCIATION

● Mr. LEVIN. Mr. President, I am pleased to recognize the creation of the Greater Midwest Affiliate of the American Heart Association. This new affiliate which was founded on July 1, 2003, covers seven States, including my State of Michigan.

Heart disease is still the No. 1 killer in America. The American Heart Association is the second largest funding source for research and prevention of heart disease behind only the Federal Government. Its mission is to reduce disability and death from cardiovascular diseases and stroke. To this end, they work within local communities to educate people on prevention and identification of heart disease.

The merger which creates the Greater Midwest Affiliate strengthens the potential for positively influencing the health and welfare of Americans by advancing groundbreaking medical research and spreading lifesaving education on heart disease to people of all ages. I am sure my colleagues join me in applauding the Greater Midwest Affiliate of the American Heart Association as they renew a commitment to

create healthier communities and make stronger, longer lives possible for more Americans.●

IN RECOGNITION OF THE 21ST ANNUAL METRO DETROIT YOUTH DAY

● Mr. LEVIN. Mr. President, I would like to recognize an important event that will soon be held in my home State of Michigan. On July 9, 2003, community residents, business owners, and area youth will gather at Belle Isle to celebrate the 21st Annual Metro Detroit Youth Day.

Metro Detroit Youth Day was founded to improve relations between youth and other community members in the metropolitan Detroit area. Before its creation 20 years ago, a series of altercations had occurred between Detroit area youth and several grocery store owners. Since that time, Youth Day has provided an opportunity for all community members to work and play together and has drastically reduced the level of violence in the area. Youth Day includes games, meetings with celebrities, motivational speakers, sports events, and a wide variety of other activities designed to promote unity within the Detroit community.

I am pleased to recognize Metro Detroit Youth Day as an example of a proactive community effort that has promoted positive change. I am sure that my Senate colleagues will join me in saluting this event and in wishing Metro Detroit Youth Day continued success in the future.●

IN RECOGNITION OF MARQUETTE COUNTY

● Mr. LEVIN. Mr. President, I am pleased to recognize an outstanding county in my home State of Michigan for receiving a prestigious community recognition award. Marquette County, which is located in the beautiful upper peninsula of Michigan, was recently named an All-America City by the National Civic League.

The National Civic League has presented the All-America City Award annually for the last 54 years. The award recognizes outstanding communities such as Marquette for their excellence in combining grassroots efforts with local government and businesses' community programs to address critical local issues. This year Marquette County was selected in recognition of its efforts to increase access to health care, create a countywide nonmotorized trail system, and build support for at-risk youth in the community.

Marquette County was one of only 10 communities nationwide to be awarded the distinction of All-America City. The selection was made out of a pool of more than 700 applicants and 30 finalists. A 10-person jury comprised of nationally recognized public and civic affairs experts evaluated Marquette County based on a 10 category model developed by the National Civic League. Criteria include significant evidence of results which have improved the community within the last 3 years, extent of public participation, evidence of collaboration between multiple jurisdictions, and creative usage of available resources.

In addition to being an active and caring community, Marquette County includes some of the nation's most beautiful beaches, waterfalls, and wildlife. Thousands of tourists each year are attracted by the breathtaking scenery and numerous outdoor leisure activities such as golf, skiing, canoeing, hiking, and fishing.

I take great pride in congratulating Marquette County for the award of All-America City. This award is well deserved and is a source of pride for everyone in my home State of Michigan. I know my Senate colleagues will join me in saluting Marquette County and wishing its citizens continued success in the years to come.●

NEBRASKA'S TOM ALLAN

● Mr. NELSON of Nebraska. Mr. President, Tom Allan wasn't born in Nebraska, but that didn't stop him from falling in love with my State or from making the entire State feel like part of his family. Tom traveled the highways and byways for over 40 years, seeing the beauty of Nebraska, making friends, and sharing his experiences through his often humorous and always insightful news articles. When he passed away recently there were Nebraskans in every city, town, and village that mourned him and fondly remembered their favorite Tom Allan stories.

Tom Allan was born in Scotland and moved to Nebraska when he was only 9 years old. After graduating from high school and Ottawa College he served his Nation honorably in World War II with tours in the Philippines and Alaska. He retired as a major in the Nebraska National Guard.

He began working for the Omaha World Herald in 1947 and became the paper's roving reporter in 1959. He traveled more than a million miles and wore out 20 cars while filing stories from every community in the State. He covered the occasional big news story, but Tom Allan specialized in simple stories that touched the heart. For readers in Omaha, Tom brought to life the unique people and small towns that can't be found on a map.

Tom Allan outran tornados, trekked through the Amazon jungle, and even stood in for a U.S. Ambassador in Finland. He covered the State fair with such regularity that he was honored with ''Tom Allan Day'' at the Nebraska State Fair in 1997. His humor and humility were clear when he wrote, ''I'd rather they'd just given me a fat-hog blue ribbon and let it go at that.''

In that same column Tom described his job as the privilege of discovering what is over the next hill and who is around the next bend in the road along the byways of Nebraska. On behalf of all Nebraskans, I would like to thank Tom Allan for the privilege of his company and for the wonderful stories he shared with all Nebraskans for over 50 years. We will always remember his love for the State of Nebraska, and we are grateful that through his stories he taught us about Nebraska and helped us understand ourselves.

Tom Allan passed away on June 27, 2003.●

RECOGNITION OF THE MAGDALENA RIDGE OBSERVATORY

● Mr. DOMENICI. Mr. President, I rise to congratulate the Office of Naval Research for the successful design review to begin development of the next great astronomical telescope. The Navy is the preeminent authority in the areas of Precise Time and Astrometry, and distributes Earth Orientation parameters and other Astronomical Data required for accurate navigation and fundamental astronomy. Now they are managing an international team to build the Magdalena Ridge Observatory, MRO, on a 10,000 foot mountain in central New Mexico. The Navy, along with the Air Force, Army, and a consortium of universities from the United States and the United Kingdom, will break ground on October 20 this year.

This month, the prestigious scientific journal, Physics Today, published a superbly written article that explains the MRO. The project will create a unique array of mirrors that can take pictures of bright celestial objects with a resolution equivalent to a huge telescope measuring 400 meters in diameter.

I ask that a copy of the article be printed in the RECORD.

The article follows.

NEW MEXICO PLANS OPTICAL INTERFEROMETER AND FAST-SLEWING TELESCOPE

How does a minor university land a major observatory? In New Mexico Tech's case, it helped that the university has access to a high, dark site, that the Magdalena Ridge Observatory (MRO) will have national security applications, and that the project has allies in Congress.

''We had a coalition of universities looking for an observatory,'' says Van Romero, vice president for research at New Mexico Tech (officially the New Mexico Institute of Mining and Technology), which has around 1800 students and 110 faculty members. New Mexico Tech and its partners—New Mexico State University, New Mexico Highlands University, and the University of Puerto Rico—learned that the US Army's neighboring White Sands Missile Range wanted better missile tracking capability and the Air Force Research Laboratory in Albuquerque was interested in developing adaptive optics. ''We seemed to have a critical mass—universities, along with more than one military user,'' says Romero. Representative Joe Skeen and Senator Pete Domenici, both New Mexico Republicans, supported creating the MRO because the potential for education outreach, adaptive optics research, and world-class astronomy ''all came together in a happy confluence of ideas,'' says Stephen Traver, a legislative fellow in Domenici's office who used to work for the now retired

Skeen. Domenici led the way in winning a congressional markup for the $48 million observatory.

The observatory's future home is on a ridge in the Magdalena mountains near Socorro, about 130 kilometers south of Albuquerque. Besides the clear skies and roughly 3200–meter-high perch, the site's advantages include that it is near both White Sands and New Mexico Tech, it has room for the observatory to expand, and it has a road and other infrastructure already serving ecological and atmospheric studies and the university's lightning lab (see box).

The MRO will consist of an optical-infrared interferometer with eight to ten 1.4-meter telescopes in a reconfigurable Y-shaped array up to 400 meters long plus a single 2.4-meter telescope. Groundbreaking is scheduled for 20 October.

STARS AND SCUDS

The MRO array will have a large number of bigger elements distributed over a wider range of baselines than any other optical interferometer in the works, says Chris Haniff, whose University of Cambridge group is involved in the project. MRO's angular resolution, he adds, ''will be a factor of a hundred higher than the Hubble Space Telescope. That means that for any class of astronomical object, you can see more detail.''

''One of the exciting things we think we will be able to do is to look at the central engines of active galactic nuclei,'' says David Westpfahl, project scientist for the MRO interferometer. ''All the models have a massive object at the center, such as a black hole, and an accretion disk and polar outflow, but the detailed shape and arrangement of these things are still being worked on. We hope to be able to resolve several of these objects and decide among the models.'' The MRO interferometer will also be used to deduce the relative rotational axes of stars in clusters, which could shed light on the importance of turbulence in star formation, and to study other aspects of star birth, as well as star aging and planet formation.

Fast slewing is the special feature of MRO's single telescope. It will be able to zip to a particular part of the sky at 10° per second. The slewing was initially incorporated to accommodate the US Army. The MRO offers a good look at target missiles fired from Fort Wingate in western New Mexico, says Tomas C. Chavez, chief of test technology at White Sands. ''We could collect phenomenology data during the target's boost and coast phases to help home in on the target with an interceptor.'' Adds Romero, ''This is a match made in heaven. The army wants to use [the telescope] during the day and early morning, we want to use it at night.'' The 2.4-meter mirror was donated by the air force. Originally intended for classified space-based research, it has hardware added to keep it from sagging in Earth's gravitational field.

Astronomers will take advantage of the fast slewing, too. ''One big use of the telescope will be 'alert response to transient astrophysical phenomema,' '' says project scientist Eileen Ryan. ''An example would be to find the optical counterpart of gamma-ray bursts.'' For that, the telescope would automatically interrupt other observations when it receives signals from Swift, a satellite NASA is supposed to launch in December. The MRO telescope, Ryan adds, will be bigger and will slew faster than other ground-based telescopes currently hunting for GRBs (see Physics Today, July 2002, pages 24 and 25). Mostly, though, the 2.4-meter telescope will be devoted to studying ''small Solar system bodies—asteriods, comets, and Kuiper Belt objects,'' says Ryan. ''We want to use the telescope to ask how fast asteroids are spinning. How big are they? What are their shapes?

POSSIBLE WITH PORK

What with the MRO being funded directly by Congress, the project often gets labeled as pork. Says Romero, ''Without this type of funding, we would not be able to build it. But we think this is a facility that funding agencies like NASA and NSF will take the opportunity to fund research at.'' And, unusual for a federally funded project, New Mexico Tech and its partners will foot the running costs, estimated at $2 million a year. If all goes as planned, the single telescope would see first light in 2005, and the interferometer could be up and running a couple years laters.●

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.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3008. A communication from the President of the United States, transmitting, pursuant to law, a report that provides the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent U.S. military personnel and U.S. individual civilians retained as contractors involved in the antinarcotics campaign in Colombia, relative to Plan Colombia; to the Committee on Appropriations.

EC–3009. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–3010. A communication from the Staff Director, Office of Regulatory and Management Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Land Uses; Revenue Producing Visitor Services in Alaska'' (RIN0596-AB57) received on June 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3011. A communication from Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program'' (WV-097-FOR) received on June 24, 2003; to the Committee on Energy and Natural Resources.

EC–3012. A communication from the Staff Director, Office of Regulatory and Management Services, Department of Agriculture, transmitting, pursuant to law, a rule entitled ''Forest Land Enhancement Program'' (RIN0596-AB95) received on June 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3013. A communication from Staff Director, Office of Regulatory and Management Services, Department of Agriculture, transmitting, pursuant to law, a rule entitled ''Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities'' (RIN0596-AB89) received on June 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3014. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Rev. Proc. 96-30'' (Rev. Proc. 2003-48) received on June 24, 2003; to the Committee on Finance.

EC–3015. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Business Purpose Under Section 355—Fit & Focus—Capital Allocation Purpose'' (Rev. Rul. 2003-75) received on June 24, 2003; to the Committee on Finance.

EC–3016. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Assumption of Partner Liabilities'' (RIN1545-BB83) received on June 24, 2003; to the Committee on Finance.

EC–3017. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2003 Section 43 Inflation Adjustment'' (Notice 2003-43) received on June 24, 2003; to the Committee on Finance.

EC–3018. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2003 Marginal Production Rates'' (Notice 2003-44) received on June 24, 2003; to the Committee on Finance.

EC–3019. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—July 2003'' (Rev. Rul. 2003-71) received on June 24, 2003; to the Committee on Finance.

EC–3020. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Regarding Election Under Section 953(d)'' (Rev. Proc. 2003-47) received on June 24, 2003; to the Committee on Finance.

EC–3021. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''CRP Cost-Share Payments'' (Rev. Rul. 2003-59) received on June 24, 2003; to the Committee on Finance.

EC–3022. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Compliance Initiative for Nonresident Aliens and Foreign Corporations'' (Notice 2003-38) received on June 24, 2003; to the Committee on Finance.

EC–3023. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling: Mass Obsolete Ruling'' (Rev. Rul. 2003-67) received on June 24, 2003; to the Committee on Finance.

EC–3024. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual Report Concerning the Pre-Filing Agreement of the Large and Mid-Size Business Division for the Calendar Year 2002'' (Ann. 2003-43, 2003-26) received on June 24, 2003; to the Committee on Finance.

EC–3025. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Correction to Rev. Rul. 2003-50 — BLS Department Store Indexes for March 2003'' (Ann. 2003-44) received on June 24, 2003; to the Committee on Finance.

EC–3026. A communication from the Regulations Coordinator, Department of Health and Human Services, Administration for Children and Families, transmitting, pursuant to law, the report of a rule entitled ''Child Support Enforcement Program Federal Tax Offset'' (45 CFR Part 303) received June 25, 2003; to the Committee on Finance.

EC–3027. A communication from the Chief, Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, a rule entitled ''Confidentiality of Commercial Information'' (RIN1515-AD29) received on June 24, 2003; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 1370. A bill to amend the Fair Credit Reporting Act to provide for disclosure of credit-scoring information by creditors and consumer reporting agencies; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BUNNING (for himself and Mr. BREAUX):

S. 1371. A bill to permit a special amortization deduction for intangible assets acquired from eligible small businesses to take account of the actual economic useful life of such assets and to encourage growth in industries for which intangible assets are an important source of revenue; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mr. ENSIGN):

S. 1372. A bill to amend the Elementary and Secondary Education Act of 1965 to specify the purposes for which funds provided under subpart 1 of part A of title I may be used; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HOLLINGS:

S. 1373. A bill to authorize and direct the Secretary of Commerce, through an independent commission within the Department of Commerce, to protect consumers by regulating the interstate sale of insurance, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself and Mr. GRAHAM of South Carolina):

S. 1374. A bill to provide health care professionals with immediate relief from increased medical malpractice insurance costs and to deal with the root causes of the current medical malpractice insurance crisis; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 1375. A bill to provide for the reauthorization of programs administered by the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. REID (for himself and Mr. ENSIGN):

S. 1376. A bill to include the Department of Energy and the Nuclear Regulatory Commission as employers for the purposes of whistleblower protection; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1377. A bill to authorize a Native American language demonstration program at the University of New Mexico at Albuquerque, in consortium with the Linguistic Institute for Native Americans; to the Committee on Indian Affairs.

By Mr. DORGAN:

S. 1378. A bill to transfer to the Secretary of the Interior authority to revise the Missouri River Master Water Control Manual; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. ENSIGN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 11, a bill to protect patients' access to quality and affordable health care by reducing the effects of excessive liability costs.

S. 184

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 184, a bill to amend section 401(b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 296

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) 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.

S. 333

At the request of Mr. BREAUX, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 346

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 346, a bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements.

S. 518

At the request of Ms. COLLINS, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 560

At the request of Mr. CRAIG, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 569

At the request of Mr. ENSIGN, the name of the Senator from Arkansas (Mr. PRYOR) 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.

S. 661

At the request of Mr. SCHUMER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 736

At the request of Mr. ENSIGN, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from North Dakota (Mr. CONRAD) 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.

S. 764

At the request of Mr. CAMPBELL, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 764, a bill to extend the authorization of the Bulletproof Vest Partnership Grant Program.

S. 847

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low income individuals infected with HIV.

S. 894

At the request of Mr. WARNER, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Michigan (Mr. LEVIN), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 982

At the request of Mrs. BOXER, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Delaware (Mr. CARPER), the Senator from Ohio (Mr. DEWINE), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of

Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1001

At the request of Mr. BIDEN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1001, a bill to make the protection of women and children who are affected by a complex humanitarian emergency a priority of the United States Government, and for other purposes.

S. 1120

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1120, a bill to establish an Office of Trade Adjustment Assistance, and for other purposes.

S. 1172

At the request of Mr. FRIST, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1172, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1177

At the request of Mr. HATCH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1177, a bill to ensure the collection of all cigarette taxes, and for other purposes.

S. 1196

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1196, a bill to eliminate the marriage penalty permanently in 2003.

S. 1245

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1303

At the request of Mr. BROWNBACK, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1303, a bill to amend title XVIII of the Social Security Act and otherwise revise the Medicare Program to reform the method of paying for covered drugs, drug administration services, and chemotherapy support services.

S. 1316

At the request of Mr. BROWNBACK, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1316, a bill to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 1317

At the request of Mr. SMITH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1317, a bill to amend the American Servicemember's Protection Act of 2002 to provide clarification with respect to the eligibility of certain countries for United States military assistance.

S. 1345

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1345, a bill to extend the authorization for the ferry boat discretionary program, and for other purposes.

S. 1368

At the request of Mr. LEVIN, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Iowa (Mr. HARKIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Washington (Ms. CANTWELL), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. CON. RES. 40

At the request of Mrs. CLINTON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as ''National Purple Heart Recognition Day''.

S. RES. 140

At the request of Mr. CAMPBELL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 140, a resolution designating the week of August 10, 2003, as ''National Health Center Week''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. ENSIGN):

S. 1372. A bill to amend the Elementary and Secondary Education Act of 1965 to specify the purposes for which funds provided under subpart 1 of part A of title I may be used; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a bill with Senator ENSIGN to ensure that Title I funds are directed towards instructional services to teach low-income students.

Title I provides assistance to virtually every school district in the country to serve children attending schools with high concentrations of low-income students, from preschool through high school.

It has been the ''anchor'' of Federal assistance to schools, since its origin in 1965. And while it has always been Congresses intent for Title I funds to be used for instruction and instructional services, the Federal Government has never provided a clear definition of what instructional services should entail.

This lack of Federal guidance has become especially clear now, as States scramble to comply with the new and expanded Title I accountability standards established in ''No Child Left Behind.''

While State Administrators of Title I are directed by law to meet these specific requirements, they have been given little guidance as to how to ensure that they are in compliance with the law.

I believe that the Federal Government is responsible for making this process as clear to States, as possible. In my own view, as it relates to Title I, we haven't lived up to our end of the bargain.

During consideration of ''No Child Left Behind,'' I worked hard to get my bill defining appropriate Title I uses included in the Senate version of the bill.

Unfortunately, during conference consideration, my bill was stripped out and in its place language directing the General Accounting Office, GAO, to report on how States use their Title I funds was inserted.

In April, GAO released the report that Congress directed them to submit on Title I Administrative Expenditures.

What GAO found is that while districts spent a relatively small amount—no more than 13 percent—of Title I funds on administration that ''because there is no common definition on what constitutes administrative, or indirect, expenditures'' the accounting office couldn't precisely measure how much of their Title I funds were used for administration.

Because Title I funds are not defined consistently throughout the States, the accounting office created their own definition by compiling aspects of State priorities to complete the report.

You see, the very reason I worked to define how Title I funds should be used—to create consistency and distribution priority nationwide—became the definitive aspect preventing GAO from effectively drawing conclusions in their report.

My bill takes some strong steps by balancing the needs for States to retain Title I flexibility and providing them with the guidance needed to administer the program uniformly throughout the country.

My bill does two things: It defines Title I direct and indirect instructional services and sets a standard for the amount of Title I funds that can be used to achieve the academic and administrative objectives of this program.

It ensures that the majority of Title I funds are used to improve academic achievement by stipulating that ''a local educational agency may not use more than 10 percent of [Title I] funds received. . . . for indirect instructional services .''

By limiting the amount of funds that schools can spend on administrative or indirect services, school districts are restricted from shuffling the majority of Title I to pay for non-academic services, but it also gives the districts flexibility to use the remaining funds for the indirect costs of administering Title I distribution.

The second component of my bill defines direct and indirect services so that all States apply the same standards for Title I use nationwide.

Examples of permissible Direct Services are: Employing teachers and other instructional personnel (including employee benefits); intervening and taking corrective actions to improve student achievement; extending academic instruction beyond the normal school day and year, including summer school; providing instructional services to pre-kindergarten children for the transition to kindergarten; purchasing instructional resources such as books, materials, computers, and other instructional equipment and wiring to support instructional equipment; professional development; developing and administering curriculum, educational materials and assessments; transporting students to assist them in improving academic achievement.

Examples of indirect services limited to no more than 10 percent of Title I expenditures are: business services relating to administering the program; purchasing or providing facilities maintenance, janitorial, gardening, or landscaping services or the payment of utility costs; and paying for travel to and attendance at conferences or meetings, except for travel and attendance necessary for professional development.

Current law on Title I is much too vague.

It says, ''A State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.''

Basically, it says that Title I funds are to be used for the ''education of pupils.'' That is just too nebulous.

The U.S. Department of Education has given States a guidance document that explains how Title I funds can be used.

Under this guidance document, only two uses are specifically prohibited: 1. Construction or acquisition of real property; and 2. payment to parents to attend a meeting or training session or to reimburse a parent for salary lost due to attendance at ''parental involvement'' meeting.

I believe we should give the Department, States and districts clearer guidance in law.

My reasons for introducing this bill are two-fold: First, I believe that States must use their limited Federal dollars for the fundamental purpose of providing academic instruction to help students learn.

Secondly, I believe that it is nearly impossible to do so without providing a clear definition of what is considered an instructional service.

I am not suggesting that it is the fault of the school districts for not focusing their Title I funds on academic instruction. They are simply exercising the flexibility that Congress has given them.

What I am saying is that if Congress also intended for those funds to educate our neediest children, Federal guidance must be given to ensure that it happens.

It is my view that Title I cannot do everything. Federal funding accounts for a small percentage of total funding for elementary and secondary education and Title I is even a smaller percentage of total support for public schools.

That is why I am trying to better focus Title I funds on academic instruction, teaching the fundamentals and helping disadvantaged children achieve success.

Schools must focus their general education budget to pay for expenses that fall outside of the realm of direct educational services and retain the majority of Federal funds to improve academic achievement for poor children.

It is time to better direct Title I funds to the true goal of education: to help students learn. This is one step toward that goal.

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. 1372

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 ''Title I Integrity Act of 2003''.

SEC. 2. DIRECT AND INDIRECT INSTRUCTIONAL SERVICES.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

''SEC. 1120C. DIRECT AND INDIRECT INSTRUCTIONAL SERVICES.

''(a) IN GENERAL.—

''(1) USE OF FUNDS.—Notwithstanding any other provision of this Act, a local educational agency shall use funds received under this subpart only for direct instructional services and indirect instructional services.

''(2) LIMITATION ON INDIRECT INSTRUCTIONAL SERVICES.—A local educational agency may not use more than 10 percent of funds received under this subpart for indirect instructional services.

''(b) INSTRUCTIONAL SERVICES.—

''(1) DIRECT INSTRUCTIONAL SERVICES.—In this section, the term 'direct instructional services' means—

''(A) the implementation of instructional interventions and corrective actions to improve student achievement;

''(B) the extension of academic instruction beyond the normal school day and year, including during summer school;

''(C) the employment of teachers and other instructional personnel, including providing teachers and instructional personnel with employee benefits;

''(D) the provision of instructional services to prekindergarten children to prepare such children for the transition to kindergarten;

''(E) the purchase of instructional resources, such as books, materials, computers, other instructional equipment, and wiring to support instructional equipment;

''(F) the development and administration of curricula, educational materials, and assessments;

''(G) the transportation of students to assist the students in improving academic achievement;

''(H) the employment of title I coordinators, including providing title I coordinators with employee benefits; and

''(I) the provision of professional development for teachers and other instructional personnel.

''(2) INDIRECT INSTRUCTIONAL SERVICES.—In this section, the term 'indirect instructional services' includes—

''(A) the purchase or provision of facilities maintenance, gardening, landscaping, or janitorial services, or the payment of utility costs;

''(B) the payment of travel and attendance costs at conferences or other meetings;

''(C) the payment of legal services;

''(D) the payment of business services, including payroll, purchasing, accounting, and data processing costs; and

''(E) any other services determined appropriate by the Secretary that indirectly improve student achievement.''.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 1375. A bill to provide for the reauthorization of programs administered by the Small Business Administration, and for other purposes; to the Committee on Small business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce the ''Small Business Administration 50th Anniversary Reauthorization Act of 2003,'' a bill to reauthorize the U.S. Small Business Administration, SBA, and its programs for the next three years. While reauthorization legislation is a significant event, this year it is particularly auspicious since we are celebrating the 50th anniversary of the agency—a full half century of helping to create, assist, and guide small businesses.

As the Chair of the Committee on Small Business and Entrepreneurship, I began developing this legislation just after assuming the leadership of the Committee in January. The bill I introduce today is the product of considerable effort and vetting, and I am very pleased to be joined by the Committee's Ranking Member, Senator KERRY, in this process. Through his contributions and those of other Members of my Committee, this is truly bipartisan bill.

Over the past several months, we have held a series of hearings and roundtables to examine virtually every aspect of the SBA and the wide array of programs and services it provides to the country's small enterprises. As we started that process, we looked back on the SBA's history to learn from its past in order to set a path for its future.

More than 50 years ago, congressional efforts began to focus on the specific needs of small businesses—to create a ''level playing field''—and to develop Federal small business assistance programs. One of the objectives was to

ensure that small businesses could develop management and marketing skills to compete with big business for their share of government contracts.

In May of 1953, the Small Business Act was introduced, and it became law on July 30 of that year with President Eisenhower's signature. Since 1953, Congress and the various administrations have responded to the needs of small businesses by creating a fair but competitive environment for those who choose entrepreneurship. The SBA has evolved from a direct lender and provider of management assistance to a nationwide delivery system of resources offering a complete menu of small business tools, professional counseling assistance, business education and training programs, Federal procurement opportunities, and loan guaranty programs.

Today, the agency faces enormous challenges. Each year, there are 3 to 4 million new businesses start-ups—one in 25 adult Americans is taking steps to start a business. One quarter of existing small business owners intend to form another business. And, small businesses account for approximately two-thirds of the net new jobs in our country. So while the SBA has had a tremendous impact on the success of small businesses over the past 50 years, it is critical that we ensure the agency is well positioned to produce even better results in the next 50 years.

My goal in developing this bill has been to ascertain what works among SBA programs, why it works, and apply that approach to other programs so there is more consistent success within the SBA portfolio of products and services. In the end, I hope this bill will lead to a renewed SBA, rededicated to improving the environment or leveling the playing field for small business ownership in America.

While the particulars of this bill are extensive, I want to highlight three of its most critical, key areas—

In terms of financing programs for small businesses, during this reauthorization process, I have focused extensively on improving the credit and venture capital resources that the SBA provides for small enterprises. These programs—including the 7(a), 504, and Microloan programs as well as the SBIC, New Markets Venture Capital, and Surety Bond programs provide vital capital for America's small businesses. In addition, looking just at the lending programs, they alone are responsible for helping small businesses create and retain more than 1.3 million jobs in just the past 3 years!

That is why I held two Committee roundtables on these financing programs so I could hear firsthand from small business, lenders, and the SBA about ways these programs can increase access to capital for small businesses. To start, we are proposing to continue the growth of the financing programs through reasonable increases in their authorization levels. The bill also increases the amount that small businesses can borrow subject to the SBA's guarantee, so that the SBA's loan sizes will keep pace with what it actually costs to start and operate a small business in today's economy. And we make improvements to the SBA's loan programs that will benefit fast-growing contributors and vital elements of our economy including women-owned and veteran-owned businesses and small business exporters.

Moreover, the bill addresses access to capital by helping SBA's lending partners. A new initiative that holds great promise will allow for the pooling of small business loans not guaranteed by the SBA. This pilot program was recommended by participants at our roundtable on April 30, 2003, and has been under consideration by the SBA. By pooling these non-guaranteed loans together and offering them as securities on the secondary market with a partial SBA guarantee on the pool, banks will be able to free-up capital for additional small business lending. As a result, they will be able to provide even greater resources for small businesses struggling to secure the necessary capital to start up, operate, and grow.

Similarly, the new National Preferred Lenders Pilot Program will allow qualified SBA lenders to be licensed on a nationwide basis. Currently, Preferred Lenders must qualify in every region where they do business, which is both cumbersome and costly. This initiative will streamline that process for the premier lenders who qualify for a nationwide license and enable them to provide capital more efficiently and effectively to small businesses across the nation.

In addition, the bill includes a proposal by Senator KERRY to permit nonprofit child-care centers to qualify for 504 loans. I believe the growing need for child care in this country warrants testing this idea as a pilot program, even as I continue to have reservations about this initiative's effect on the availability of loans under the 504 program for other for-profit borrowers and the expansion of this loan program to non-profit entities. Accordingly, we have limited the loan volume under the pilot to 7 percent of the overall 504 loans to ensure that this initiative does not bar qualifying for-profit businesses from obtaining necessary financing.

Finally in the area of financing programs, we have also focused on improving the SBA's procedures for overseeing lenders participating in the credit programs. By improving this oversight, we can protect against improper lending practices, produce a more consistent system for lenders, and provide taxpayers with better protection of their tax dollars.

In the area of entrepreneurial development, we set out to ensure that the SBA's programs continue to provide the products and services essential to small businesses, which in turn create a return on our investment in these programs through successful business ownership and job creation. Recognizing the tremendous accomplishments by women entrepreneurs, I introduced the Women's Small Business Improvement Act of 2003 (S. 1154) earlier this year to improve the SBA's Office of Women's Business Ownership, the Women's Business Centers Program, the National Women's Business Council, and the Interagency Committee on Women's Business Enterprise. I have incorporated those provisions into the bill before us in order to provide a universal approach to all of SBA's sponsored programs and services for women.

A cornerstone of this effort involves making the Women's Business Center Program a permanent program that will offer opportunities for new centers and renewal grants for existing centers on a competitive basis. By replacing the pilot Sustainability Program, which expires at the end of the current fiscal year, with a fair and balanced grant program, the bill will correct the funding constraints that have plagued the program in 2003. The bill will also provide for the creation of new centers and the continuation of current operating centers through renewal grants. This structure will reward successful centers with continuation funding and weed out failing centers to make room for new ones with greater potential for serving the needs of women-owned businesses.

The National Women's Business Council will also be given greater control of its mission, and I am proposing the full funding of $1 million for each Fiscal Year for this program. The Interagency Committee on Women's Business Enterprise will be reenergized by providing interim leadership and a shared focus with the National Women's Business Council, the Women's Business Centers, and the Office of Women's Business Ownership. These programs hold great potential for women-owned businesses, but they must be coordinated so that their limited resources are dedicated to a focused goal.

In addition, the SBA's entrepreneurial development partners—the Small Business Development Centers and the Service Corps of Retired Executives—continue to provide quality training and free counseling through almost 2,000 locations and are limited only by funding and their geographic locations. Therefore, in addition to minor technical changes in these programs, I propose that we increase the authorization level for these programs to support the increased demand for their services.

And we have included the Native American Small Business Development Program in the bill. This initiative will provide entrepreneurial assistance to Tribal Governments and Colleges, Small Business Development Centers in Native American communities, and small businesses located on or near Tribal Lands. Complementing the SBA's Office of Native American Affairs, this initiative will strengthen the

SBA's efforts to help Native Americans start, operate and grow small businesses.

Finally, one of the most serious problems facing small business is their inability to participate fully in Federal contracts, on either a prime or subcontract basis. In the last 10 years, contract bundling has forced more than 50 percent of small businesses out of the Federal marketplace. Steps clearly must be taken to ensure that small businesses have the opportunity to compete for the business of the nation's largest consumer—the Federal government.

President Bush recognizes the inequity that contract bundling represents. He also understands the damage it does to both small businesses and the Federal procurement process by denying the government the benefits of more robust competition, small business efficiencies, and small business innovations. He has spoken out against this practice, and I applaud his commitment to addressing this problem.

To achieve that objective, the SBA reauthorization bill addresses the practice of Federal contract bundling by limiting its use and giving small businesses access to Federal contracts and a fair opportunity to compete for them. By requiring studies to be done for all consolidations worth more than $5 million for the Department of Defense and $2 million for all other agencies, the bill also holds agencies to a higher level of accountability than exists under current law.

Those who support the practice of bundling allege that denying small businesses access to prime contracts can be offset by ensuring that such firms receive more subcontracts from the large firms that are awarded prime contracts. However, small businesses continue to experience difficulties at the subcontract level as well. This bill contains strong language that strengthens oversight and enforcement of small business subcontracting plans to ensure small business subcontractors are not neglected.

Furthermore, we have included provisions to encourage contracting opportunities for women-owned businesses—one of the fastest growing segments of the small business sector of our economy. Despite their success, women-owned small businesses have testified before the Small Business Committee about how difficult it is to do business with the Federal Government. Three years ago Congress created a Procurement Program for Women-Owned Small Business Concerns. That legislation required the promulgation of regulations to help implement new small business procurement set-asides for women-owned businesses.

The legislation, however, conditioned the regulations by first requiring a study to be conducted to justify the disparate treatment of women in various procurement instances. At the Small Business Committee's roundtable on April 9, 2003, women-owned small businesses expressed their frustration that it has taken so long to conduct the study and implement the program. This bill directs the GAO to complete that study by December 31, 2003 to ensure that the women's procurement program is finally implemented.

Finally, the bill contains improvements to the HUBZone program, which are intended, in part, to address the serious consequences that military base closings pose for our local communities. Closing a military base adversely affects the towns and communities surrounding the installation due to loss of tax revenue, defense income, base transition costs and clean-up costs.

Successful recovery from a base closing has been tied to public and private reinvestment in these communities. While Congress has taken action in the past to ease the transition for individuals and spur reinvestment, this bill supports faster redevelopment by expanding the HUBZone Program to include communities affected by base closures. It provides an incentive, through Federal government contracts, for small businesses to operate in these communities and to provide employment to these military and civilian personnel.

This year's SBA reauthorization bill paves the way to a stronger SBA able to meet the needs and concerns of the country's entrepreneurs. The future of our country is inextricably tied to the future of small business—and by enhancing the conditions that support small business, we will ensure a more prosperous future for all. I urge all my colleagues to support this important legislation on behalf of the nation's small businesses and entrepreneurs.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, today, as Ranking Democrat on the Committee on Small Business and Entrepreneurship, I join the Committee's Chair, Senator OLYMPIA SNOWE in introducing a three-year reauthorization bill for the Small Business Administration's programs. These programs help small businesses, often called the engine of the American economy, with access to capital, business advice and training and Federal procurement opportunities. But before I speak more specifically about the provisions of the bill, I would like to thank Chair SNOWE for working hand-in-hand with me on this, my third, reauthorization of the Small Business Administration. Having worked closely on two previous reauthorizations, and as a member of the Small Business and Entrepreneurship Committee for over 18 years, I can tell you that the SBA reauthorization process takes diligence and a strong attention to detail. I want to commend Senator SNOWE for taking the initiative to draft legislation that makes such important and necessary changes to the SBA during this reauthorization process and for showing great leadership in her first seven months as Chair of the Committee on Small Business and Entrepreneurship.

Our bill will strengthen the SBA and dramatically improve the agency's ability to deliver services to small businesses in every state. It is based on a sound Committee record. In addition to holding two hearings and three roundtables to specifically address SBA's programs and related reauthorization issues, our Committee met and spoke with numerous constituents, program directors and small business advocates. It is through this correspondence, research and input that our Committee has been able to prepare a comprehensive piece of legislation that will likely serve the Small Business Administration and the entire small-business community well past even the next reauthorization period.

Over the past three years, as Chairman and Ranking Member of this Committee, I have seen this administration reduce government funding and transfer that money to the wealthy with tax cut after tax cut, resulting in a significant loss of revenue for essential programs aimed at fostering small businesses and the economic activity they bring about. While many of us like to note that small businesses are the engine of economic growth and should be bolstered by our government, this administration has given small businesses more words than action.

The need for small business programs—for access to capital, for training and counseling, for assistance in gaining access to the Federal marketplace—runs counter cyclical to the economy. When the economy is slumping, as it now is, small businesses and entrepreneurs need the SBA even more. Our Committee has heard from the small-business community that demand for training and assistance and access to capital is up, yet this administration has proposed freezing funding for virtually all SBA programs for six years. Their proposal includes no adjustment for inflation or demand, despite SBA's own numbers that show demand is up for its programs.

It is carrying out our legislative and oversight responsibilities that Chair SNOWE and I raised a number of concerns regarding the SBA's reauthorization proposal and the overall management and direction of many of the agency's programs through hearings, and roundtables and in letters and phone calls to the administration. And after hearing from the community and working with small business experts in the field, Senator SNOWE and I came to the conclusion that many of the proposals put forth by the Small Business Administration would not help the agency's programs but ultimately hinder them.

This administration and small businesses across this Nation will find, however, that our prescription for small businesses in a flailing economy

is quite different. Our reauthorization legislation embraces the programs that have worked for years, redirects those that have struggled and sets the SBA and up for continued success.

Although banks have plenty of cash to lend, small businesses are still having a problem getting access to credit. For the past few years as the economy has fizzled, the Federal Reserve has reported that banks have cut back on lending to small businesses, making it harder and more expensive to get loans. And who has been there to pick up the slack? The Small Business Administration and its lending partners.

Lending is up in SBA's largest lending program for working capital. Lending is up in SBA's microloan program, which serves those with the least access to capital through the private sector. And SBA's venture capital programs account for a significant role—more than 50 percent—in this country's investment in our fastest-growing small businesses. Last year these loans pumped about $20 billion into the economy, leveraged millions more from the private sector, fed the local tax base as the Federal government cut back, and created at least 400,000 jobs.

As the Committee reviewed SBA's programs for reauthorization, these facts figured largely into establishing the program levels. I thank our Chair, Senator SNOWE, for working with me to set the levels for SBA's lending and venture capital programs at increasing levels for the next three years. I am particularly pleased with the increased funding levels for the microloan programs.

I disagree with the administration's proposals over the past few years to cut back its investment in microloans and training assistance to micro-entrepreneurs. And I disagree with the Adminstration's contention that these borrowers are being served through the 7(a) loan program. The small borrower in the microloan program is different than the small borrower being served through the 7(a) loan program. Both are important, but they are different, and one is not a substitute for the other.

And who are these borrowers being served through the microloan program? Thirty percent are African American. Eleven percent are Hispanic. Thirty-seven percent are women. And anywhere from 30 to 40 percent go to small businesses in rural areas. Banks turn these borrowers away, and yet the administration proposed cutting the microloan program by 36 percent in its most recent budget. SBA needs to fully fund these programs and put more resources into the office that manages the program. Four people is not enough to manage 1,400 loans and 180 grants.

Aside from setting the levels for each small business financial assistance program, we made important program changes and started new initiatives. In the 7(a) loan program, SBA's largest loan program, which provides working capital to small businesses with long terms of up to 25 years, we made permanent the reduction in the fees borrowers and lenders pay. We are testing a proposal that allows the most proficient 7(a) lenders in good standing to lend in every state. Lenders have complained that applying for lending autonomy in each of the 70 district office and branches is administratively burdensome, both for them and for the Agency staff, and that some district offices have taken advantage of the power to approve or disapprove lenders when they apply for this special lending status.

I want to make clear while I want to avoid unnecessary paperwork and eliminate reported abuses, I do not want the lenders to take this as authority to quit working with the district directors. It is important to have a local connection and for the SBA and the lenders to work together to maximize service to the small businesses. For this purpose I have included a provision which directs the SBA to consider the recommendations and comments of any district directors and regional administrators when reviewing a lender for national lending authority.

To increase the value of 7(a) loans sold in the secondary market, the Committee has included a provision to allow SBA to pool and sell the guaranteed portion of loans with varied rates. Currently SBA has the authority to only sell those loans with identical rates. This should create efficiencies in market and bring down borrowing costs for the small business borrower. At Senator SNOWE's request, in order to reach more under-served small businesses, we have enhanced the Low-Doc program, allowing lenders to use the simplified application form for loans up to $250,000 from $100,000, making it the same as the SBA Express program. We have also expanded the incentives for lenders to provide financing to export small businesses, and proposed letting 7(a) borrowers use a simplified size standard when determining if an applicant is a small business.

To improve the 504 loan program, which makes long-term loans of up to 20 years to small, growing businesses to buy equipment and buildings, we have also raised the debenture size to keep pace with the rising cost of commercial real estate and equipment. We have brought the job requirement standard up from $35,000 to $50,000 after ten or twelve years. We have directed SBA to simplify the application and documentation process of applying for and closing 504 loans, long a goal of this Committee and made a priority based on the testimony of one of our witnesses during the reauthorization process. We have created two alternatives for 504 lenders to use when establishing a loan loss reserve to cover potential losses.

I am particularly pleased that we have included S. 822, the Child Care Lending Pilot Act in the reauthorization bill. It allows small, non-profit childcare businesses access to 504 loans. I thank Senator SNOWE and my colleagues for agreeing to try this for three years, similar to what we have done with the microloan program. And I thank the trade association of 504 lenders, the National Association of Certified Development Companies, and other 504 lenders for their endorsement of an input on the pilot.

The more research I've done, the more I've come to realize how vitally important it is that we give non-profit day care providers the same opportunities as for-profits to expand their businesses. Non-profit day care centers are often the only child care suppliers available in needy areas, from the most urban to the most rural. Giving these businesses access to 504 loans for three years will allow us to gauge whether this valuable loan program is the best way to aid these valuable providers of care to our Nation's children. I have taken note of states like Oregon, where 79 percent of day care providers are non-profit, Michigan, where that number jumps to 86 percent, Iowa with 77 percent, my own State of Massachusetts with 90 percent, Ohio with 62 percent, and the list goes on and on. I've learned that in State after State families are waiting for affordable day care; from more than one thousand families on the waiting list in Nevada and Maine to more than thirty thousand on the list in Texas. These parents are waiting for quality day care they can afford, and making available affordable loans to all licensed child care providers may increase access to care and cut down those waiting lists.

I understand the concerns of those who are concerned about the precedent of SBA lending to non-profits. And I agree it should not be expanded to all industries. However, this is a very unique industry that in many States is delivered mostly through non-profits, and the only way to penetrate the market is to reach both for-profit and non-profit. Further, non-profits are usually the providers that care for the neediest kids. I have added provisions to ensure the underwriting standards are just as tough, if not more so, as those applied to for-profit centers. The loans must be personally guaranteed, the collateral must be owned outright by the child care provider, and it must be able to make its loan payments and cover normal operating expenses from the revenue generated from its clients. With these protections, the loans to non-profits should perform just as well as those made to for-profits, and if there is a problem, the loans should be collateralized sufficiently to cover the losses.

The bill defines a small, non-profit child care business to mean an entity organized as a 501(c)(3), but not just any organization. It must be a licensed child care provider; it must meet the size standard for a small business; and it must provide care to infants, toddlers and pre-kindergarten and older children after school. At Senator SNOWE's request, the pilot is limited to

7 percent allowed for pilots under SBA's 7(a) guaranteed business loan program. I feel that the agreed upon cap should allow for sufficient lending under the pilot to adequately test whether lending to non-profit childcare providers is effective in increasing access to affordable childcare, and whether it protects the general 504 program, which is vital to the financing of small businesses in this country.

The bill also includes a comprehensive study by the GAO to track and monitor the impact of this program both on the industry and the program. Last, I want to remind my colleagues that the 504 program is funded entirely through fees and does not require appropriations.

Also included in this bill is S. 318, the Small Business Drought Relief Act. This simply reinforces in legislation something which SBA should already be doing. You see, the SBA doesn't treat all drought victims the same. The Agency only helps those small businesses whose income is tied to farming and agriculture. However, farmers and ranchers are not the only small business owners whose livelihoods are at risk when drought hits their communities. The impact can be just as devastating to the owners of rafting businesses, marinas, and bait and tackle shops. Sadly, at present these small businesses cannot get help through the SBA's disaster loan program because of something taxpayers hate about government—bureaucracy.

The SBA denies these businesses access to disaster loans because its lawyers say drought is not a sudden event and therefore it is not a disaster by definition. However, contrary to the Agency's position that drought is not a disaster, as of July 16, 2002, the day this legislation was introduced last year, the SBA had in effect drought disaster declarations in 36 states. That number had grown to 48 the beginning of this year, demonstrating that problem had gotten worse and even more small businesses were in need.

As I have said time and again, the SBA has the authority to help all small businesses hurt by drought in declared disaster areas, but the Agency won't do it. For years the Agency has been applying the law unfairly, helping some and not others, and it is out of compliance with the law. The Small Business Drought Relief Act of 2003 would force SBA to comply with existing law, restoring fairness to an unfair system, and get help to small business drought victims that need it. I thank Senator BOND for working with me on this when he was the Ranking Member of the Committee on Small Business & Entrepreneurship, and I thank Senator SNOWE and her staff for all their help and support. While we might have had a lot of rain recently in the Northeast, there are areas like Lake Mead in Arizona where it is so dry that the water level is down and small businesses are losing business and making expensive changes to extend docks to reach the water.

In this bill are also provisions to shore up SBA's venture capital programs—the Small Business Investment Company Debenture and Participating Securities programs, and the New Markets Venture Capital Program. We have balanced investment incentives with soundness issues and allowed small businesses to receive more SBIC financing than currently permissible if they also have a 504 or 7(a) loan. We have improved the arrangement for distributing payments from successful SBICs so that SBA and the investors are treated more fairly and the taxpayers has more protection for realizing repayment on the investments. We have put in place conforming amendments to make the New Markets Venture Capital program work with the New Markets Tax Credit, as Congress intended. We have clarified that new markets venture capital companies have two years to raise their matching capital, as Congress intended. The Committee has been troubled by the Agency's interpretation of the NMVC statute which they viewed as permitting SBA to choose how much time it can give conditionally approved NMVCs to raise the private-sector matching money. The chosen time frames were unreasonable and not what Congress intended.

We have also included many measures to strengthen SBA's oversight of lenders, responding to findings by the General Accounting Office and the Office of Inspector General. And we have reauthorized and clarified the law for surety bond guarantees to help small businesses get government contracts.

While no one would deny the importance access to capital plays in the success of small businesses, as SBA Administration Hector Barreto and past SBA Administrators have acknowledged time and again, debt is not always the answer. In the SBA's FY 2004 budget request, there is reference to information from the Ewing Marion Kauffman Foundation and Dun & Bradstreet that indicates ''80 percent of new businesses discontinue operation within five years because of lack of 'knowledge' of key business skills.'' Despite the recognized importance of such assistance, the SBA's funding request for FY 2004 and its legislative proposal to implement that request would freeze funding levels for virtually all Agency programs, without even accounting for inflation, for a six-year period. If enacted, that would severely hamstring this nation's small businesses and their ability to effectively compete and prosper in the national economy.

Cuts to or inadequate funding of the SBA's entrepreneurial development programs are often attributed to vague and unfounded claims of duplication. Such claims mistake a common mission of training and counseling for duplication, ignoring the reality that small businesses vary greatly, are often at very different stages of development, and have many different needs. Just as it would be ineffective to only have one type of loan or venture capital financing structure for the 25 million small businesses in this country, it would be futile to water down specialized management and training programs to impose a one-size-fits-all approach.

I want to commend Chair SNOWE for giving women entrepreneurs such a prominent place in the reauthoziation process. Rarely do women entrepreneurs get the recognition and attention they deserve for their contributions to our economy: 18 million Americans would be without jobs today if it weren't for these entrepreneurs who had the courage and the vision to strike out of their own. During my tenure as a member, Chair, and lead Democrat of the Senate Committee on Small Business and Entrepreneurship, I have worked to increase and improve the opportunities for enterprising entrepreneurial women in a variety of ways, leading to greater earning power, financial independence and asset accumulation—and I am glad that Senator SNOWE is joining me in this endeavor.

As Chair SNOWE expressed when she introduced the Women's Small Business Programs Improvement Act—and when Senator SNOWE and I passed the Women's Business Center's Preservation Act—protecting the extremely effective and well-established Women's Business Center network was a high priority in this reauthorization. For that reason, we make permanent the Women's Business Center Sustainability Pilot Program by creating three-year ''renewal'' grants for those centers with sustainability grants and four-year ''initial'' grants for new centers; increase the program's authorization levels; and direct the Office of Women's Business Ownership, OWBO, to make all Women's Business Center grants at $150K and to consult with the associations of Women's Business Centers when making improvements to the program. Other changes to the Women's Business Center Program include streamlining the data collection and the grant application and selection criteria, protecting the privacy of Women's Business Council, WBC, clients, and providing for a smooth transition from sustainability to the newly established WBC program. Our legislation will not only secure the future of the Women's Business Center Program, but it will connect all SBA-related women's initiatives with a unified mission, similar guidance and training. These changes were coupled with minor, yet significant, changes to the National Women's Business Council, NWBC, and the Interagency Committee on Women's Business Enterprise. Senator SNOWE and I included provisions to give the NWBC cosponsorship authority, to allow more flexibility in the way the Council uses funds, and to direct the Council to serve as a clearinghouse for historical data. Each of these things will enable the Council to become a better resource for the Administration, Congress and the entire small-business

community. To bolster the representation of women business owners in the federal government, our bill re-establishes the Interagency Committee on Women's Business Enterprise, directs the Deputy Administrator of the SBA to serve as acting chairperson of the Interagency Committee until a chairperson is appointed, establishes a Policy Advisory Group to assist the Committee's chairperson in developing policies and programs under this Act and creates three subcommittees similar to those created under the National Women Business Council.

This bill also supports and protects the Small Business Development Center network, which has served 9 million small-business owners since its inception more than 20 years ago. It should also be noted that in 2001, SBDCs helped small businesses create or retain over 80,000 jobs, generate $3.9 billion in sales and obtain $2.7 billion in financing. For every dollar spent on an SBDC, $2.09 in tax revenue was returned to the Federal Government. Numbers aside, the nationwide network of SBDCs provide important counseling services to small-business owners that are unable to afford private consulting, many of whom are women and minority clients. The SBDC program has grown to serve 1.25 million small-business owners and entrepreneurs each year, and there are nearly 1,000 centers serving every State in Nation.

While this bill rejects the potentially detrimental changes proposed by the SBA to the SBDC network, it does address concerns expressed by the centers and small businesses. Included in our bill are increased authorization levels to keep up with increased demand and a provision to protect the privacy of the program's clients and a provision to help SBDCs that have been adversely affected by poor economic conditions or government downsizing.

Also, included in the entrepreneurial development section of our bill is a provision to increase to $7 million annually the authorization level for the Service Corps of Retired Executives, SCORE, which has nearly 11,000 volunteers, and a technical change to allow SCORE to keep its modest staff of fourteen employees.

I want to thank Senator SNOWE for working with me to include, as introduced, the Native American Small Business Development Act, which I reintroduced earlier this year together with Senator JOHNSON and Senator SMITH to address the SBA's growing lack of commitment to the Native American community. According to a report released by the U.S. Census Bureau, the ''three year average poverty rate for American Indians and Alaska Natives [from 1998–2000] was 25.9 percent; higher than for any other race groups.'' With an unemployment rate well above the national average and household income at just three-quarters of the national average, Native American communities need a commitment from the Federal government that we will help them, particularly during these difficult economic times. To reaffirm this commitment, the Johnson-Kerry-Smith bill provides Native Americans the resources they need to take advantage of the opportunities of entrepreneurship.

The Native American Small Business Development Act, as included in our reauthorization bill, will ensure that the SBA's programs to assist Native American communities cannot be dissolved by making the SBA's Office of Native American Affairs, ONAA, and its Assistant Administrator permanent. Our legislation would also create a statutory grant program, known as the Native American Development grant program, to assist Native Americans. It would also establish two pilot programs to try new means of assisting Native American communities and require Native American communities to be consulted regarding the future of SBA programs designed to assist them. In short, this legislation will ensure that our Native American communities receive the adequate assistance they need to help start and grow small businesses.

To address the growing business development needs of veterans, Senator SNOWE and I reauthorized the Advisory Committee on Veterans Affairs, expanded veterans outreach grants from just service-disable veterans, to veterans, reservists and service-disable veterans. Further, we increase the funding for the Office of Veterans Business Development to enable that office to better deal with the demand by veterans for outreach and development services.

We continue to receive reports of the detrimental effects of the Administration's policy of reduced staffing and resources for essential programs aimed at allowing small businesses to thrive. Week after week, the Federal Times reports on the decline in contracts being allocated to small businesses, small businesses losing ground in the federal marketplace, and most recently, on the awarding of more big contracts with less oversight from Federal agencies. With agencies awarding larger, more complex and more costly contracts with less staff performing oversight, this nation's small businesses and its tax payers are the ones shouldering the burden when small business goals continue to be unmet. In addition to helping small businesses obtain access to procurement opportunities, these goals are meant to help the government benefit from the cost-savings and innovations small business contractors can often provide.

Significant improvements to the ongoing problem of contract bundling, also called contract consolidation, are included in this bill. The first provision creates a two-tiered approach to preventing unnecessary contract consolidation. Civilian agencies will be required to meet specific standards if they attempt to consolidate contracts above $2 million and additional requirements for those contracts above $5 million. The Department of Defense is required to meet two types of similar requirements for contracts above $5 million and $7 million. The bill also eliminates the use of the term ''contract bundling'' and expands the definition of ''contract consolidation,'' closing a loophole that has been widely used and has detrimentally affected small businesses.

The second provision increases in the number of Procurement Center Representatives (PCRs) stationed throughout the country. These representatives advocate on behalf of small businesses in cases directly affecting contracting, such as the bundling or consolidation of contracts. In the bill, we have increased the number of PCRs to ensure that every state and every major procurement center is allocated at least one PCR. Meanwhile, we have also ensured that these PCRs are not burdened with responsibilities that were previously the duties of Breakout PCRs and Commercial Marketing Representatives. These two improvements will dramatically increase the efficacy and efficiency of all three positions and allow proper review of the approximately 40 percent of Federal contracts, nearly $90 billion, that are currently not being reviewed by PCRs. This should increase small business's access to Federal contract opportunities.

The bill would also create a reporting requirement for the BusinessLINC program, which has been showing promise in creating real teaming opportunities for small businesses in the private sector. Although the Administration recommended elimination of the program, the reports this Committee received regarding the overwhelming success of the existing nine programs made it clear that the SBA did not have sufficient information about BusinessLINC to make an informed decision on its effectiveness. The Committee's bill would ensure that the SBA offers the proper level of oversight and would foster the continued success of the program. I would like to thank Senator SNOWE for working with me to find a compromise to preserve this successful program.

At each of this Committee's three Roundtables on Reauthorization and the hearing on contract bundling, the small business community reiterated the need for accountability for small business contracting at the agency level. I applaud Senator SNOWE on her efforts to ensure that Federal agencies be held accountable for fully utilizing small businesses and to allow a greater amount of Congressional oversight of the implementation of agency procurement strategies. Provisions within this bill will ensure that the heads of Federal agencies identify a specific portion of their budget request that will be awarded to small businesses in their strategic plan and their annual budget

submission to Congress; will hold senior executives and senior program managers accountable in their annual performance evaluations for small business utilization in Federal contract awards.

In addition to increasing opportunities for prime contracts, this bill addresses another serious problem: small businesses have been severely hamstrung by dishonest practices by some businesses that have prime contracts with the Federal Government and receive preference over other prime contractors due to their superior subcontracting plans. Senator SNOWE and I have worked closely to address the concerns of small businesses regarding delays in payment, false reporting and the use of ''bait and switch'' tactics by prime contractors.

This bill holds prime contractors responsible for the validity of subcontracting data, requiring the CEO to certify to the accuracy of the subcontracting report under penalty of law. It also expands the penalties for falsifying data included in subcontracting reports to match the $500,000 penalty for businesses that falsify their status as a small and disadvantaged business. If one intentionally falsifies data as a part of a subcontracting report to a Federal agency, he is defrauding the United States government and will be punished to the full extent of the law. I commend Senator SNOWE for her diligence in creating these strict penalties and her efforts to create a bipartisan response to protect small businesses.

I want to thank Chairwoman SNOWE and her able staff for all of their hard work over the past several months. I also want to express my gratitude to all members of the Committee and urge them and my other Senate colleagues to support the Small Business Administration 50th Anniversary Reauthorization Act of 2003.●

By Mr. REID (for himself and Mr. ENSIGN):

S. 1376. A bill to include the Department of Energy and the Nuclear Regulatory Commission as employers for the purposes of whistleblower protection; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce legislation providing greater protection for workers dealing with nuclear materials and nuclear power. I am pleased to introduce this legislation today with my colleague from Nevada, Senator ENSIGN.

Several weeks ago, I chaired a hearing of the Energy and Water Development Subcommittee on problems facing the Yucca Mountain project. I was extremely disappointed that two of the witnesses—both current employees of the Department of Energy and one of its contractors—failed to testify at the hearing.

It was clear to me that these people failed to appear before the committee because they were concerned that their appearance could have negative repercussions on their jobs. That is completely unacceptable.

So today, Senator ENSIGN and I are introducing legislation to expand the whistleblower protections. The bill we are introducing does two things.

First, the bill would expand whistleblower protection to all Department of Energy and Nuclear Regulatory Commission employees and their contractors' and subcontractors' employees.

Second, the bill would provide a process for whistleblowers to utilize Federal courts if their cases are not addressed quickly by the Department of Labor.

Our Democracy depends on the ability of citizens and their elected representatives to make informed decisions. That means we need to know the truth about the issues.

These changes are simple fixes that help ensure that Federal employees and other people working for the Federal Government never have to fear they will lose their jobs for simply telling the truth.

I hope the Senate will act quickly on this important legislation.

By Mr. DORGAN:

S. 1378. A bill to transfer to the Secretary of the Interior authority to revise the Missouri River Master Water Control Manual; to the Committee on Environment and Public Works.

Mr. DORGAN. Mr. President, thirteen years ago the Corps of Engineers was given 6 months to revise the Missouri River Master Manual. The Master Manual provides a framework for managing the flows on the Missouri River.

But here we are, thirteen years later, and nothing has happened. So today I am introducing legislation to take management away from the Corps of Engineers and give it to the Bureau of Reclamation.

In my judgment, the Corps has failed miserably in its efforts to revise the Master Manual. In the interim, the Corps has managed the River in a way that benefits the downstream States at the expense of the upstream States, despite the fact that the upstream States generate ten times more economic activity from recreational use than the downstream states generate from barge traffic.

And this mismanagement has cost North Dakota a lot. Enough is enough. It's time to take this responsibility away from the Corps and give it to the Bureau of Reclamation. The Bureau manages other rivers, like the Colorado River, so let's give them a chance to manage the Missouri and to revise the Master Manual. Perhaps this will give the upstream States a chance to be treated fairly for a change.

I have written a letter to the head of the Corps of Engineers, General Robert Flowers, expressing my concern about this issue and I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 1, 2003.

LTG ROBERT B. FLOWERS,
Chief of Engineers, U.S. Army Corps of Engineers, Washington, DC.

DEAR GENERAL FLOWERS: More than a decade ago, the Corps of Engineers was tasked with revising the Missouri River Master Manual, which governs the management of the Missouri River. As you well know, I have been very frustrated with the long history of missed deadlines and continual delays. It certainly appears that the Corps has no intention of moving forward with a new Master Manual any time in the near future. In addition, as I have learned more about the unfairness of the current management plan, I am concerned that the Corps is either unwilling or unable to implement equitable management of the River.

Lake Sakakawea in North Dakota has suffered lake level decreases of over 16 feet. This has had a devastating effect on the recreational uses of the lake. It is unacceptable for the Corps to continue to shortchange the upstream states by sending water downstream for a barge industry that generates less than a tenth of the economic activity as the upstream recreational interests. Fort Peck in Montana has seen lake level declines of 21.2 feet and Lake Oahe in South Dakota has suffered lake level reductions of more than 22 feet.

And the downstream lakes? These lakes have seen virtually no change in their lake levels. Harry S. Truman Lake in Missouri has lost less than half a foot of elevation. Lake Rathbun in Iowa is down just 2.4 feet.

This is truly a case of double jeopardy for the upstream states. The water from their lakes gets drained off for a nearly non-existent barge industry at a time when the downstream states are not asked to make any contributions from their own lakes. The table below shows the inequity of this situation.

DOWNSTREAM LAKES

Lake	Change in elevation (feet)
Harry S Truman Lake (MO)	−0.4
Stockton Lake (MO)	−4.8
Pomme De Terre (MO)	−1.9
Lake Rathbun (IA)	−2.4

UPSTREAM LAKES

Lake	Change in elevation (feet)
Fort Peck (MT)	−21.2
Lake Sakakawea (ND)	−16.2
Lake Oahe (SD)	−22.1

The Corps has developed a deplorable track record of managing the Missouri River to the detriment of the upstream states and the millions of people who live in that region. This is just the latest in the Corps' string of poor decisions.

It is clear the Corps is simply incapable to managing the Missouri River in a fair and equitable fashion.

For this reason, I plan to introduce legislation when the Congress returns from its July work period, that would transfer authority for the revision of the Master Manual and the responsibility for the management of the dams along the Missouri River, to the Bureau of Reclamation. The Corps has failed in its mission to manage the River in an effective way and has neglected to revise the Master Manual despite 13 years of work on the project. My patience has run out, and I believe it is time to make a dramatic change in the stewardship of and the responsibility

for the River so that the upstream states can have some hope of fairness and equity.

Sincerely,

BYRON L. DORGAN,
U.S. Senator.

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. 1378

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

SECTION 1. MISSOURI RIVER MASTER WATER CONTROL MANUAL.

(a) FINDINGS.—Congress finds that—

(1) the original study for the revision of the operating plan under the Missouri River Master Water Control Manual was begun in November 1989 and was scheduled to be completed 6 months later;

(2) the Corps of Engineers has missed that deadline by more than 13 years and has consistently missed every other deadline set in the interim;

(3) the Corps of Engineers is unable or unwilling to move the process forward to revise the Manual, despite legal requirements, direction from Congress, scientific evidence, and various lawsuits from affected parties;

(4) in report number RCED–92–4 in January 1992, the Comptroller General of the United States concluded that there is no statutory or regulatory basis for any contention by the Corps of Engineers that the Corps is bound to give higher priority to navigation interests than to recreation interests affected by the operation of dams on the Missouri River;

(5) the Missouri River yields more than 10 times the economic benefit for recreation and tourism in upstream States than it does for shipping interests in the downstream States; and

(6) it appears that the Corps of Engineers is unable to provide the leadership necessary to finalize revisions to the Manual.

(b) DEFINITIONS.—In this section:

(1) SECRETARY OF THE ARMY.—The term ''Secretary of the Army'' means the Secretary of the Army, acting through the Chief of Engineers.

(2) SECRETARY OF THE INTERIOR.—The term ''Secretary of the Interior'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(3) MANUAL.—The term ''Manual'' means the Missouri River Master Water Control Manual.

(c) TRANSFER OF AUTHORITY.—There is transferred from the Secretary of the Army to the Secretary of the Interior all authority of the Secretary of the Army to—

(1) revise the Manual; and

(2) operate the dams the operation of which is governed by the Manual.

(d) COMPLETION OF CURRENT REVISION.—The Secretary of the Interior shall, to the maximum extent practicable, complete the revision of the Manual begun by the Secretary of the Army before the date of enactment of this Act not later than the date set for completion by the Secretary of the Army.

(e) MANAGEMENT OF WATER RESOURCE PROJECTS.—After the Secretary of the Interior revises the Manual, the Secretary of the Interior shall manage water resource projects formerly operated by the Corps of Engineers in accordance with the revised Manual.

AMENDMENTS SUBMITTED & PROPOSED

SA 1135. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1135. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

SEC. ____. JUSTICE FOR UNITED STATES MARINES ACT.

(a) SHORT TITLE.—This section may be cited as the ''Justice for United States Marines Act''.

(b) AMENDMENT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking ''December 21, 1988, with respect to which an investigation or'' and inserting ''October 23, 1983, with respect to which an investigation or civil or criminal''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, July 15, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony regarding the Compact of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150.

For further information, please contact Meghan Beal at 202.224.7556 or Meghan_Beal@energy.senate.gov.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, July 17, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

This is the second in a series of hearings devoted to the improved understanding of the governance of the Department of Energy laboratories and approaches to optimize the capability of those laboratories to respond to national needs.

The purpose of this second hearing is to contrast the management of science and technology resources by the Department of Energy with management of such resources in other agencies and in the private sector towards the goal of suggesting approaches for optimizing the DOE's management and use of its science and technology resources.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 8, 2003, at 2:15 p.m., in closed session, to receive a classified briefing on the situation in Africa, with a focus on Liberia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 8, 2003, at 9:30 a.m., on the nomination of Nicole Nason, DOT, and Pamela Harbour, FTC, and immediately following a hearing on ''Radio Ownership'' in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, July 8, 2003, at 10 a.m., to hear testimony on An Examination of U.S. Tax Policy and Its Effect on the Domestic and International Competitiveness of U.S.-Based Operation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Executive Nominations'' on Tuesday, July 8, 2003, at 2:30 p.m., in the Dirksen Senate Office Building Room 226.

Agenda

Panel I: Senators.

Panel II: Michael J. Garcia to be Assistant Secretary, U.S. Department of Homeland Security; and Jack Landman Goldsmith III to be Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. ENZI. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to meet on Tuesday, July 8, at 9:30 a.m., to examine agricultural sequestration of carbon.

The hearing will take place in SD 406 (Hearing Room).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. ENZI. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 8, 2003, at 10 a.m.

The purpose of the hearing is to conduct oversight of the maintenance backlog, land acquisition backlog, and deficit in personnel within the National Park System, including the impact of new park unit designations on resolving each of these concerns.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF THURMOND TRIBUTES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that tributes to Senator Strom Thurmond be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 9, 2003

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, July 9. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on the motion to proceed to the consideration of S. 11, the Patients First Act, provided that the time until 11:30 a.m. be equally divided between the two leaders or their designees, and provided further that the time from 11:10 a.m. to 11:20 a.m. be under the control of the Democratic leader or his designee and the remaining time until 11:30 a.m. be under the control of the Republican leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. For the information of all Senators, tomorrow the Senate will resume debate on the motion to proceed to the consideration of S. 11, the Patients First Act. Under the previous order, at 11:30 a.m. the Senate will vote on the motion to invoke cloture on the motion to proceed. Immediately following that vote, the Senate will proceed to executive session and vote on the nomination of Victor Wolski to be a judge on the U.S. Federal Claims Court. Therefore, the first vote of tomorrow's session will occur at 11:30 a.m. and that vote will be the first of two back-to-back votes.

Following the two votes at 11:30 a.m., the Senate will begin consideration of S. 925, the State Department reauthorization bill. Amendments are expected to be offered to the bill, but it is the majority leader's hope that we can complete action on this measure in short order. Therefore, Members should expect rollcall votes throughout the afternoon tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:57 p.m., adjourned until Wednesday, July 9, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 8, 2003:

DEPARTMENT OF JUSTICE

DANIEL J. BRYANT, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE VIET D. DINH, RESIGNED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. CHARLES S. RODEHEAVER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RODNEY P. REMPT, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

PATRICE L. PYE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

*REBEKAH F. FRIDAY, 0000

CONFIRMATION

Executive nomination confirmed by the Senate July 8, 2003:

THE JUDICIARY

DAVID G. CAMPBELL, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

EXTENSIONS OF REMARKS

IN HONOR AND REMEMBRANCE OF AIR FORCE COMMANDER MICHAEL JOSEPH AKOS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of United States Air Force Commander Michael Joseph Akos, who bravely and selflessly answered the call to duty and made the ultimate sacrifice on behalf of our country.

Commander Akos' young life was characterized by his dream of one day flying above the clouds, a dream that would be fulfilled in the form of service to his country. Michael's gregarious and mischievous spirit made him a pleasure to be around, a quality that followed him into adulthood. Devoted and diligent, Commander Akos had the strength and discipline to do anything he set his mind to, and an intense devotion to those he loved.

Commander Akos loved his family, and lived his life with passion. He served as a model husband, son, brother, and friend, always happy to be around his loved ones, and poignantly aware of the gift of family.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Commander Michael J. Akos, whose courage and commitment will forever be remembered as a testament to our great Nation. I offer my deepest condolences to the family of Commander Akos—his beloved parents, Dennis Joseph Akos and Nona Ann Akos; his devoted wife Karlynne Akos; his beloved brothers, Dennis Matthew Akos and Patrick Thomas Akos; and his extended family and many friends.

The significant sacrifice, service, and bravery that characterized the life of Commander Michael Joseph Akos will forever be honored and remembered by the Cleveland community, and the entire Nation. And within the hearts of his family and friends—the bonds of love and memories created in life by Commander Akos will never be broken, the joy he brought to this world will never be forgotten, and his sacrifice will serve as a living symbol of the human spirit.

INCLUSION OF GUAM IN PUBLIC LAW 101–426

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Ms. BORDALLO. Mr. Speaker, I rise today to place in the RECORD a resolution passed by the Guam Legislature which petitions the United States Congress to amend the Radiation Exposure Compensation Act of 1990 to include Guam in the jurisdictions covered by the Act.

The aforementioned Act, Public Law 101–426, calls for the compensation to be paid to the people of areas where they may have been exposed to hazardous materials as a result of the detonation of nuclear weapons. While those areas that were most obviously affected by nuclear testing have been compensated, recent evidence shows that the effects of these nuclear tests were more widespread than originally thought. Most specifically, the people of my island, Guam, were affected by these events, and it is of paramount importance that this problem be addressed. As the resolution states, Guam was affected by wind borne radiation and by the scrubbing of radiated vessels in Guam's harbors.

In the coming days, I will work towards the introduction of legislation that will extend Public Law 101–426 to include the people of Guam. Such legislation is a much needed action to compensate for allowing nuclear waste to contaminate areas in the Western Pacific. I look to my colleagues for their assistance and understanding in rectifying the impact of nuclear testing in the region.

RESOLUTION NO. 30 (LS)

Whereas, the United States conducted testing of atomic nuclear weapons on Enewetak and Bikini Atolls in the Marshall Islands, from 1946 to 1958. A total of sixty-seven (67) atomic and thermonuclear bombs were detonated which resulted in fallout across a wide area of the Pacific. Continental United States residents exposed to radiation resulting from the nuclear weapons testing subsequently developed serious diseases, including various types of cancer. On October 1990, in order to establish a procedure to make partial restitution to radiation exposure victims for their suffering, President George H. Bush signed into law the Radiation Exposure Compensation Act (RECA). RECA established the Radiation Exposure Compensation Program (RECP) within the Civil Division of the Department of justice to administer its responsibilities under the Act. In April 1992, RECP began processing claims. RECA was amended several times, most recently on July 10, 2000, when President William Jefferson Clinton signed into law the Radiation Exposure Compensation Act Amendments of 2000. The 2000 amendments further broaden the scope of eligibility for benefits coverage to include new victim categories and modify the criteria for determining eligibility for compensation; and

Whereas, RECA establishes a procedure to make partial restitution to individuals who contracted serious diseases, such as certain types of cancers, presumably resulting from their exposure to radiation from aboveground nuclear tests or as a result of their employment in uranium mines. The law established five (5) claimant categories—uranium miners, uranium millers, ore transporters, ''downwinders'' (those who were located downwind from aboveground nuclear weapons tests conducted at the Nevada test sites) and onsite participants (those who actually participated onsite); and

Whereas, as enacted, the law broadens the population covered by the Radiation Exposure Compensation Act, which authorizes monetary compensation to individuals who were present, or nearby when nuclear weapons tests were conducted at the Nevada Test Site or who worked in uranium mines, and later developed certain diseases; adds more qualifying occupations relating to uranium production; increases the number of states covered and extends the time period considered for radiation exposure; adds more diseases which may qualify individuals for compensation; decreases the level of radiation exposure that is necessary to qualify; makes certain that the medical criteria is less stringent for potential claimants; and

Whereas, nuclear tests that the United States Government conducted in the Marshall Islands from 1946 until 1968 have led to increased levels of radiation in some of the islands of Micronesia; and

Whereas, such increased levels of radiation may have led to serious health and other environmental problems for life in such areas; and

Whereas, Guam is approximately one thousand two-hundred (1200) miles directly west of the test sites; and

Whereas, the Atomic Energy Commission detonated sixty-seven (67) nuclear devices with a total yield of one hundred eight thousand four hundred ninety-two point two (108,492.2) kilotons in or around the Marshall Islands; and

Whereas, there were ten (10) detonations that had the yield necessary (one (1) megaton) to project material from the center of the explosion to the height of between twelve (12) to fifty-five (55) miles, and into the jet-stream; and

Whereas, the jet-stream travels generally westward from the Marshall Islands carrying the radioactive material as fine as dust particles; these particles collected ice crystals at high altitudes and descended as cloud condensation. This process is known as the scavenging effect; and

Whereas, the material drops to land surfaces and enters the food and water supply consumed by the local population; and

Whereas, reports from the United States Navy indicated that they had full knowledge and did not warn or help the local population; and

Whereas, ships present during the nuclear testing were decontaminated in Guam harbors with acidic detergents and the runoff from these operations went directly in the local fishing and reef environments; and

Whereas, the United States Navy performed radio ecological studies on the surface water in and around the island of Guam and found a major peak of radioactive contamination in 1959; and

Whereas, the Lawrence Livermore National Laboratory, for the United States Department of Energy, performed radio ecological testing on Guam beginning in 1968 and ending in 1974, to study potential radiation effects on the local population; and

Whereas, numerous other radio ecological studies were performed by government agencies, the United States military, and various research institutions from 1946 until 1974 to study Guam's environment and actual and potential radiation effects on the local population; and

Whereas, according to requirements set forth by the Radiation Exposure Compensation Act, the island of Guam should qualify as a jurisdiction and its population should be recognized as victims of radiation exposure from nuclear weapons testing and associated clean-up activities (see Appendix I listing the declassified documents pertaining to and indicating Guam's exposure to radioactive

isotopes as a result of the Atomic Energy Commission nuclear weapon tests in the Marshall Islands); now therefore, be it

Resolved, That I Mina'Bente Siete Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, petition the United States Congress to amend the ''Radiation Exposure Compensation Act of 1990'', Public Law 101–426, as amended by Public Law 101–510, §3139 (42 U.S.C. 2210) and Public Law 106–245; to include Guam in the jurisdictions (downwinders/onsite participants) covered by the Act; and be it further

Resolved, That the affected population previously and currently on Guam (those residing who have been exposed to radiation resulting from the Atomic Energy Commission tests in the Marshall Islands) be recognized as being ''downwinders'' of such tests; and be it further

Resolved, That those persons involved in the actual testing and clean-up activities of such atomic weapons tests be recognized as ''on-site participants'' and/or ''downwinders'' depending on their exposure as defined by RECA; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Senator Orrin G. Hatch, Chairman, Committee on the Judiciary, United States Senate; to the Honorable Senator Patrick J. Leahy, Ranking Member, Committee on the Judiciary, United States Senate; to the Honorable Senator Judd Gregg, Chairman, Committee on Health, Education, Labor, and Pensions, United States Senate; to the Honorable Senator Edward M. Kennedy, Ranking Member, Committee on Health, Education, Labor, and Pensions, United States Senate; to the Honorable Senator Daniel K. Akaka, United States Senate; to the Honorable Congressman F. James Sensenbrenner, Jr., Chairman, Committee on the Judiciary, United States House of Representatives; to the Honorable Congressman John Conyers, Jr., Ranking Member, Committee on the Judiciary, United States House of Representatives; to the Honorable Congressman W.G. ''Billy'' Tauzin, Chairman, Committee on Energy and Commerce, United States House of Representatives; to the Honorable Congressman John D. Dingell, Ranking Member, Committee on Energy and Commerce, United States House of Representatives; to the Honorable Congressman Neil Abercrombie, United States House of Representatives; to Mr. William A. Harper, National Commander, National Association of Atomic Veterans; to Mr. Charlie Clark, Hawaii State Commander, National Association of Atomic Veterans; to all the State and Area Commanders of the National Association of Atomic Veterans; to Mr. Robert Celestial, Guam atomic veteran; to the Honorable Angel L.G. Santos, former Senator of I Mina'Bente Sais Na Liheslaturan Guåhan; to the Honorable George Herbert Walker Bush, former President of the United States of America; to the Honorable William Jefferson Clinton, former President of the United States of America; to the Honorable George W. Bush, President of the United States of America; to the Honorable Madeleine Z. Bordallo, Member of Congress, U.S. House of Representatives; and to the Honorable Felix P. Camacho, I Maga'lahen Guåhan.

REINTRODUCTION OF PHONE BANK LEGISLATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mrs. MALONEY. Mr. Speaker, today, I introduce legislation to subject operators of push polls or phone banks to the same disclosure requirements as other types of political communication. It will not ban push polls or phone banking—it will simply create a level playing field for all types of political communication. Under this bill, any person conducting these types of calls would be required to disclose to each recipient of a call the identity of the organization paying for the call. In addition, the bill would require that campaigns and other organizations that conduct advocacy phone calls report to the Federal Election Commission, FEC, the number of households they have contacted and the script they used in making the calls. The bill would not interfere with legitimate polling, conducted either by candidates or independent organizations, as it would only apply to phone banks in which more than 1,500 households are contacted within the 25 days preceding a Federal election.

IN HONOR OF BENEDICTINE HIGH SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the students, educators and administrators of Benedictine High School of Cleveland, Ohio, as they celebrate seventy-five years of spiritual service and education for the young men of our community.

Benedictine High School, a Catholic, college preparatory school, was founded in 1922 by the Benedictine Order. This historic order of Benedictine monks was borne into existence more than one thousand years ago in 480 A.D. Despite the centuries of time gone by, the rich and significant traditions of the Benedictine Monks of the Middle Ages have been carried through time, and remain living monuments in the form of Saint Andrew Abbey and Benedictine High School.

The clear and ageless vision of leaders at Benedictine are founded upon the ancient principals of scholarly achievement tempered with spiritual discipline and social awareness. In complement to the school's strong academic foundation, Benedictine's offers its 387 young men opportunities to excel in athletic endeavors and other extracurricular activities.

Mr. Speaker and Colleagues, please join me in honor and recognition of the students, spiritual guides and administrators of Benedictine High School, as they celebrate seventy five years of exceptional scholastic achievement and significant spiritual guidance within the classrooms and on the surrounding grounds of Benedictine High School. The commitment, kindness, instruction and guidance provided by the Benedictine monks and lay staff have served to lift the spirits and minds of countless young men—thereby uplifting our entire community.

CITATION FOR COLONEL EDGAR J. YANGER, U.S. ARMY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Ms. BORDALLO. Mr. Speaker, this citation is presented to Lieutenant Colonel Edgar J. Yanger of Mangilao for his promotion to the rank of Colonel in the United States Army.

Colonel Yanger is the son of Felizardo Galon Yanger and Cecilia Taitano Yanger of Mangilao. He is married to the former Doris San Nicholas Guerrero, daughter of Jesus Calvo Guerrero and Candelaria San Nicholas Guerrero of Sinajana. Edgar and Doris have two children, Melina and Edgar Jonathan.

Colonel Yanger has accomplished much over the past years. He is a graduate of Guam Vocational Technical High School and the University of Hawaii at Manoa where he earned a Bachelor's and Master's degree in architecture. He received his commission in the Army as an engineer through the Reserve Officer Training Corps. He went on to graduate from the Army Command and General Staff College at Fort Leavenworth, KS, and from the U.S. Army Engineer Officer Basic and Advance Courses at Fort Belvoir, VA.

Currently, Colonel Yanger is a program manager in the Army's Base Realignment and Closure Division at the Pentagon. He will soon be leaving for duty in Korea, where I am certain that he will continue to serve with the same dedication and commitment that has defined his career.

The people of Guam share the pride that the Yanger family has in the distinguished service and leadership of Colonel Yanger. He exemplifies the courage, strength and determination that defines the Chamorro people. He is a role model for the men and women who serve in the Armed Forces. We commend him for his leadership and look forward to his continued success.

On behalf of the people of Guam, I want to congratulate Colonel Edgar J. Yanger and his family on his many accomplishments, and extend our gratitude for his dedicated service to our island and our country.

IN HONOR OF THE LATE KATHARINE HEPBURN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to one of our nation's most beloved cultural treasures, the great actress Katharine Hepburn, whose death on June 29th has been an occasion for mourning around the globe. Appearing in forty-three films and countless plays and television productions, she received four Academy Awards for her acting abilities, a feat unmatched by any actor in cinematic history. The author of a best-selling memoir, she was one of the most recognized and cherished American women in all the world.

Katharine Hepburn was also beloved by her friends and neighbors on Manhattan's East Side, where she maintained a residence for many years in addition to her home in eastern

Connecticut. For over six decades she lived in a townhouse on East 49th Street in the Turtle Bay neighborhood near the United Nations headquarters. Even after she retired permanently to Connecticut, she remained a generous and loyal dues-paying member of the local community group, the Turtle Bay Association to the end of her life. Her efforts on behalf of the Turtle Bay community led local residents to name a garden in Dag Hammarskjöld Plaza on East 47th Street in her honor in 1997. Every year, on her birthday of May 12, the community continues to celebrate their pride in their illustrious neighbor's achievements and character with a display and a ceremony in her honor. Following the news of her death at the age of 96, the Turtle Bay Association and Friends of Dag Hammarskjöld Plaza immediately established a memorial in the Katharine Hepburn Garden in tribute to their illustrious and beloved neighbor, complete with photographs, candles and flowers.

Because of her notable achievements on stage and screen and her indomitable and distinctive presence, Katharine Hepburn's spirit and presence will live on forever. It is only fitting that we salute her remarkable life and career and recognize her as a great American.

IN HONOR OF THE CITY MISSION OF CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the City Mission for providing shelter, hope and faith to individuals and families within our Cleveland community.

The facilities, programs and services that were developed at the Mission in 1910 on Superior Avenue have evolved over the years, but the vision, assistance, compassion and faith have remained a constant source of comfort and hope for more than ninety years. Within the Mission walls, Reverend Peter Bliss, Reverend Robert Sandham, Executive Director Tim Campbell and the nearly forty dedicated staff members continue the Mission legacy of reaching out, empowering and uplifting the hearts, souls and lives of thousands of women, men and children every year.

The Mission's commitment to helping and healing every person that walks through the door is a true testimony to the power of faith, the reality of miracles, and the existence of angels and heroes that walk among us. The angels are those we call staff—the staff who've dedicated their lives to helping others get back in the game. The heroes are those who enter here—despite painful histories, despite illnesses and addictions, despite physical, emotional or financial devastation and despite fear. These heroes among us—the women, men and children of our community—reflect courage, dignity, wisdom, an unfaltering will to survive, a refusal to give up, and an unbreakable inner strength and faith as they rise up into the light of a brighter day.

Mr. Speaker and Colleagues, please join me in honor, recognition and gratitude of the City Mission of Cleveland—a sanctuary in our community. Faith and love abound within these walls, producing miracles everyday—healing the lives of all who enter here—and uplifting our entire community.

HAPPY BIRTHDAY, MRS. SKELTON

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mrs. MUSGRAVE. Mr. Speaker:

Dear Mrs. Skelton, Happy Birthday to You!

Juanita Skelton, nee Juanita Katherine Campbell, was born on July 8, 1913, near Panhandle, Texas. She graduated from White Deer (Texas) High School in 1930. That year she was Vice President, Girl Favorite, Editor of the Annual, General News Reporter for the Weekly Newspaper, President of the Library Society, President of the Dramatic Club, and Yell Leader for the Pep Squad, and a guard on the women's basketball team. Of course there were only 13 members of her graduating class. She was referred to as ''our seniors' most representative girl.''

She graduated from West Texas State with a Bachelor of Arts degree in 1934 and started teaching in Canadian, Texas. She married Hiram Bowmer Skelton on March 3, 1944, when she was 31 years old. They lived in Panhandle, Texas and she helped him run the movie theatre that the family owned. When her husband died, she moved with her son to Arlington, Texas in 1953. She resumed being a high school English teacher at that time. Mrs. Skelton went on to get her Master's in Speech Pathology from Denver University in 1956 and became the first speech therapist in the Arlington School District in 1956. She became the Coordinator of Speech Therapy in 1957 and the Coordinator of Special Education in 1965. She also became the first Director of Special Education in 1974. Mrs. Skelton retired in 1978 after 25 years with the Arlington School District.

During her years in special education, Juanita received the following recognition and awards: President of the Texas Association of Administrators in Special Education ''Administrator of the Year Award for Outstanding Leadership;'' Texas Council for Exceptional Children Award as the ''Outstanding Contributor to Special Education.''

In 1989, the Mayor of Arlington, Texas recognized Juanita as the ''outstanding senior citizen.''

She moved to Fort Collins, Colorado in 1997.

Again, congratulations on your 90th birthday!

MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

SPEECH OF

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I appreciate Chairman THOMAS' willingness to clarify that FEHBP plans will be able to take advantage of the subsidies in H.R. 1. However, I have another concern that Federal employees are often treated differently from current Federal employees in ways that are not always equitable. For example, current employees are allowed to pay their health insurance premiums from pre-tax dollars; retirees are not. I know this concern is shared by a number of my colleagues, but specifically JO ANN DAVIS, Chair of the Civil Service Subcommittee. I am pleased Mrs. DAVIS will soon be taking up that specific issue in her subcommittee.

FEHBP currently does not provide different benefits for retirees and current employees—one simply is a member of FEHBP. I believe it is important this dynamic remain, once a Medicare prescription drug benefit is put in place. As Chairman of the Government Reform Committee, I look at this from an employer's perspective. We do not want private employers to drop the prescription drug coverage they provide for their retirees. H.R. 1 includes incentives so they will not do so. However, we as the Federal Government must lead by example.

Along with Chairwoman DAVIS, FRANK WOLF, and JIM MORAN, I have introduced legislation that simply states that Federal retirees will remain on par with current employees when it comes to prescription drug benefits. I regret we were unable to include this language in H.R. 1, but am grateful to have the commitment of Speaker HASTERT and Leader DELAY to bring this bill to the floor as soon as we return from recess.

IN HONOR OF THE 20TH ANNIVERSARY OF THE GEORGE E. FEDOR MANOR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the founding members, current administrators and residents of the George E. Fedor Manor of Lakewood, Ohio, as they celebrate their 20th Anniversary.

In 1979, Father Richard Ondreyka, Pastor of SS. Cyril and Methodius Catholic Church, attorney George E. Fedor and local businessman Peter Shimrak brought together their personal and professional experience to form SS. C. & M. Haven, Inc., with the goal of constructing an apartment community for low-income senior citizens.

In May of 1983, Fedor Manor—a not-for-profit facility—opened its doors to welcome its first residents. For twenty years, the 145–unit structure has served as a place of comfort and care for our most treasured citizens—our elderly. Fedor Manor offers an array of social services focused on the emotional, social and physical well-being of every resident.

Mr. Speaker and Colleagues, please join me in honor and recognition of the Twentieth Anniversary of the George E. Fedor Manor. The founding members and their mission have created a structure well beyond mere bricks and steel—they've raised this building as a haven of comfort and peace—and a place where hundreds of seniors along Madison Avenue call 'home'. The collective commitment of staff and residents, woven with the mission of the founding members, has remained constant for two decades: To provide a secure and warm life setting for the seniors of our community. ''Where, after all, do universal human rights begin? In small places, close to home.''—Eleanor Roosevelt.

TRIBUTE TO BRIGADIER GENERAL BRUCE ANTHONY CASELLA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. BACA. Mr. Speaker, I rise to pay tribute to Bruce Anthony Casella, who will be appointed as Brigadier General in the Army Reserve and is an individual of great distinction, and we join with family and friends in honoring his remarkable achievements and expressing pride in this recognition that has been afforded to him;

Whereas, Bruce is a remarkable individual who has devoted his life to serve his country and to proudly protect the citizens of the United States and his unyielding energy and passionate spirit render him a key member of his community and a vital resource to our country;

Whereas, since his graduation from Colfax High School, where he graduated second in his class and lettered in Football and Track, Bruce has worked in varying capacities, providing crucial support to the military community and from his appointment to West Point by Congressman Harold Johnson, where he graduated with honors and received a B.S. degree in engineering and the rank of First Lieutenant, to his tours in Germany and Korea as a regular Army Captain, he has fought tirelessly for our country and its people through his contributions to the management and administration of the U.S. Army;

Whereas, in addition to these contributions, Bruce has received Master of Science degrees in Electrical Engineering and Systems Management and currently works for Agile Communications, Inc. as the Principal Systems Architect and his specific efforts are focused on providing information to the Army on system engineering, communications, networking, and modeling and simulations;

Whereas, I join today with his wife, Catherine, his daughter, Heather, and his sister, Paula, in their joy at this wonderful honor he will receive, knowing he is an inspiration to our country and a patriot in every sense of the word: Now, therefore be it

Resolved, Mr. Speaker, that we salute Bruce Anthony Casella and express admiration he will receive this wonderful and well-deserved honor and hope that others may recognize the immense service he has provided for the people of the United States.

HONORING LEROY RADTKE, JR.

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. BILIRAKIS. Mr. Speaker, I am honored to rise today to bring to the attention of our colleagues a true American hero who was honored in my congressional district recently.

Private First Class LeRoy Radtke, Jr. served our country with honor and dignity. He enlisted in the Marine Corps when he was 20 years old. He did so because he loved his country and he loved the Corps. He was proud to be a Marine and lived his life by a code that only Marines truly understand. He died saving a member of his unit during a firefight in Vietnam. He was, in the proudest tradition of the Marines, ever faithful to his country and the Corps.

PFC Radtke left America as a young man with many hopes, dreams, and plans for the future. And although most of those plans went unfulfilled, he died being a soldier and fighting for the country he loved. PFC Radtke also left behind a family who loved him and who still grieves his loss. His mother, Dorothy, his sister, Peggy, and his brother, Karl, attended a ceremony this past weekend to add PFC Radtke's name to a memorial of veterans who died defending our country. This memorial, located in New Port Richey in my congressional district, stands as a lasting tribute to the brave men from Pasco County who gave their lives to guard our freedom.

People often forget that the families of our men and women in uniform make many sacrifices while their loved ones are worlds away fighting for us. This is especially true for families of Vietnam veterans. Many veterans of the Vietnam War returned home not to the admiration and reverence they deserved, but to scorn and ridicule from those who opposed the policies of our nation's leaders. They deserved much better. So did the families of those soldiers who did not return safely.

I am humbled to show my gratitude, and that of the House of Representatives, to PFC Radtke and his family. I hope these words will remind them that our country endures only because of people like PFC LeRoy Radtke. America is forever indebted to him. I hope that this small gesture will comfort them when they think of his loss that summer thirty-six years ago.

May God bless his family and may He continue to watch over the United States of America.

REMARKS AT TRUMAN PRESIDENTIAL MUSEUM AND LIBRARY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. SKELTON. Mr. Speaker, I had the privilege to deliver a few remarks at the opening ceremony of the new Korean War exhibit at the Truman Presidential Museum and Library in Independence, Missouri. My remarks are set forth as follows:

CONFLICT AND CONSEQUENCE: THE KOREAN WAR AND ITS UNSETTLED LEGACY

Thank you for inviting me to be with you today for the opening ceremonies of this important new exhibit at the Truman Library. I am humbled to be here, particularly as we honor those who served our country so nobly during the Korean conflict.

This library is a monument to the legacy and achievements of Harry S. Truman and we are blessed to have this renowned resource here in Independence. The Truman Library, and all of our Presidential libraries, are dedicated to the preservation of our nation's historical heritage, as repositories of Presidential papers and memorabilia. As far as I'm concerned, the mission of this Library—particularly its educational function—has never been more important, and the exhibit the Library opens to the public today is especially timely.

I have to admit, and I'm sure this will come as no surprise to anyone, that I am very sentimental about one of the artifacts on display in this exhibition. You see, my father, Ike Skelton III, was an attorney in Lafayette County and became a friend of Truman's when they met on September 17, 1928. The occasion was the dedication of the Pioneer Mother Statue—the Madonna of the Trail—located in my hometown of Lexington, Missouri.

They kept up this acquaintance, corresponding periodically, so it seems right in character that my father, a fellow veteran of World War One who served on the USS *Missouri,* sent a telegram to President Truman after the President decided to fire General Douglas MacArthur, letting him know that he agreed with the decision and pledging his continued support and that of Truman's friends in Lafayette County.

This momentous decision—reaffirming the supremacy of civilian control of the military—is full of the drama that makes our history fascinating. And I hope that for others who see this document, this personal note to the President from one of his Missouri friends, it will be meaningful as well.

I know that with the library professionals and historians in the audience I am preaching to the choir, but I am a big believer in the power of history, as was Harry Truman. Truman was an avid reader and student of history. My friend, the late Congressman Fred Schwengel, told me about meeting Senator Truman in 1935 while Schwengel was a college student in Missouri. Truman advised him that to be a good American, ''...you should know your history.''

That story is consistent with my experience. I well remember taking a group of grade school students to visit the Truman Library in 1963, and though President Truman was of advanced age, he spoke to them in the library auditorium about American history and the Constitution. He wanted young people to learn as much as they could about America.

I do my best to encourage people, particularly young people, to study history. I have embarked on a school visit program I call ''History Matters'', which gives me the chance to talk about the importance of history whenever I visit schools. I also recently issued a 50–book national security reading list, which is heavy on biographies and histories, including the books I recommend to Members of Congress, military officers, and anyone interested in learning about character, leadership, and military art.

Why do I believe it is so important to keep up our efforts to promote a broad knowledge of history? Let me share this with you for a little perspective. The college student interns who are working in my office this summer were only about 8 years old in 1989 when we witnessed the end of the Cold War with the fall of the Berlin Wall. This major event, as well as the many other significant events and crisis points of the Cold War, are far-removed from them. By no fault of their own, they did not experience these events the way many of us did.

It took 50 years of national commitment to see the collapse of communism in the Soviet Union and the Eastern Bloc. But in spite of the cessation of hostilities in Korea in 1953, U.S. troops still deploy to South Korea to deter invasion from the North. The totalitarian regime of North Korea continues to rattle sabers and threaten not only the future of peace on the peninsula but peace in the region and the world.

Today's college students have lived long enough to experience missile threats from North Korea, including nuclear threats. In spite of the prosperity of the South, and in spite of the passage of more than 50 years, many of the issues splitting the Korean Peninsula are still with us. This exhibit, which

opens today, will be of invaluable help to all of us, but particularly our young people, to understand where we have been and where we are today.

For the last several years, we have recognized and commemorated many of the significant events and milestones of the 20th century. Sometimes when we look back on the past, we tend to remember ''the good old days'' and think that day-to-day life in America is much more difficult now than it was before. Without a doubt, our country today, in the infancy of the 21st Century, faces significant challenges. But it does us good to remember that the circumstances and state of the world presented to Truman during his Presidency were extraordinarily daunting.

Like the Presidents who came before and after him, Truman was burdened with the loneliness that goes along with being the Chief Executive. But President Truman's character ensured that he did not shy away from difficult, often politically unpopular, decisions. He once said, ''Do your duty and history will do you justice.''

America had endured the Great Depression. Along with our allies, America fought a long and costly war against fascism. Although there was an understandable euphoria following victory in World War II, the state of the world prompted Truman to move away from America's established pattern of peacetime isolationism in order to assist European economic recovery through the Marshall Plan and to protect Western Europe under the umbrella of the North Atlantic Treaty Organization. Almost immediately, Harry Truman was forced to confront the reality of the Cold War, and the struggle of the U.S. and other western democracies was on to stop the spread of communism.

Truman had the courage to stand up to the communist aggression that marked the beginning of the Cold War. The Truman Doctrine made clear that the United States would not stand idly by in the face of communist aggression in Greece, Turkey, and elsewhere. Truman's commitment to the democratic rights of free people was clear as the U.S. provided essential supplies to the people of Berlin during the Soviet blockade.

And fifty-three years ago, President Harry S. Truman made the agonizing decision to use American troops to lead the United Nation's resistance to the communist invasion of South Korea. Over the next three years, more than 54,000 Americans paid the ultimate price, with over 33,000 killed in action. Over 110,000 Americans were wounded or missing in action. In addition, over 228,000 South Korean soldiers and untold numbers of civilians gave their lives.

These stark statistics serve as a reminder to all of us that the slogan ''freedom is not free'' is more than just a few words. The sacrifices of thousands of American service members purchased the freedom that South Koreans enjoy to this day, a freedom that our military continues to protect.

In many respects, our participation in the Korean conflict has served as model for the way our military operates today. Korea was the first multilateral United Nations operation, and it has become the longest standing peacekeeping operation in modern times. The unfortunate experience of Task Force Smith has taught us the paramount importance of sending forces into battle only when they are adequately trained and equipped. We have also learned that units cannot be thrown piecemeal into battle but must be engaged in a coordinated fashion with air and sea power and with overwhelming force. The lessons of the Korean War, taught at such great cost, have served us well in the conflicts in which we have participated since then, from Viet Nam to the Persian Gulf War to Bosnia, Kosovo, and the War on Terrorism.

As much as we may be inclined to remember the leaders who ultimately brought us victory in the Korean War—Truman, MacArthur, Acheson, Walker, and Ridgway—it is really the men and women who served so bravely to whom we pay tribute. Without their selfless dedication, valor, and perseverance, the people of South Korea would not be living in a free and prosperous society.

To the veterans of the Korean conflict—those who are with us today, those who never returned home, and those who we have lost in the years since—we say thank you. Each of you who lost friends or family members who died during this conflict understand that their loss creates a void that can never be filled. Three of my close friends—a high school classmate, a Boy Scout buddy, and a friend from Wentworth Military Academy Junior College—were killed in Korea. You were the ones who carried out the orders of the Commander-In-Chief, President Truman, who drew a line in the sand. This line was held by your blood, sweat, and tears. You gave of your youth to stop the spread of communism. I maintain that these fledgling efforts, these supreme sacrifices, were the foundation of our victory in the Cold War, some 50 years later.

I know that you must feel a special kinship with our men and women who today are serving in Operation Enduring Freedom and Operation Iraqi Freedom. You, perhaps as much as anyone, understand the hardship of fighting a war, a continent away from home, a war to ensure the survival of a nation and a way of life. What they are doing today will set the stage for the next 50 years, and I suspect that, like the Cold War, it may well be 50 years before we know for sure whether we have won the War Against Terrorism and brought peace and stability to the Middle East in the wake of the Iraq War.

We would all do well to live by Truman's advice, ''Do your duty, and history will do you justice.'' The tough decisions made by Truman earned the praise of British Prime Minister Winston Churchill who said to Truman, ''You, more than any other man, have saved Western civilization.'' History has indeed done justice and given evidence to Truman's wisdom, strength, and vision. May what we learn from the past enable us to do our duty today as well.

God bless.

IN HONOR OF THE CLEVELAND-MARSHALL LAW ALUMNI ASSOCIATION AS THEY RECOGNIZE THE HONORABLE DIANE J. KARPINSKI AND HOWARD D. MISHKIND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Cleveland-Marshall Law Alumni Association as they recognize alumni Judge Diane Karpinski and Attorney Howard D. Mishkind—distinguished alumni of the Cleveland-Marshall College of Law, Class of 1980.

The mission of the Cleveland-Marshall Law Alumni Association (CMLAA) is to promote, support and serve the Cleveland-Marshall College of Law, its alumni, faculty and students by offering quality education, professional programs, and professional opportunities to assist in career and educational advancement of every alumnus. Additionally, CMLAA life membership dues fund a vital Student Scholarship Program.

Cleveland-Marshall College of Law Alumni—Judge Diane J. Karpinski and Attorney Howard D. Mishkind, have evolved from law school graduates in 1980, to leaders in the legal profession. Both have raised the bar of excellence in their prospective areas of law and reflect outstanding professional profiles that encompass integrity, expertise, and service to others. While ascending throughout their legal endeavors, Judge Diane Karpinski and Attorney Howard Mishkind have remained committed to supporting the Cleveland College of Law and their community, and have become superior role models for the youth of our community.

Mr. Speaker and colleagues, please join me in honoring Judge Diane Karpinski and Attorney Howard D. Mishkind, as they are duly recognized by the Cleveland-Marshall Law Alumni Association for their significant professional achievements and, more importantly, for their service to the College and to our community. I also stand in honor of the Cleveland-Marshall Law Alumni Association, for their continued support of educational excellence; for their promotion and support of Cleveland-Marshall College of Law graduates and alumni; and for providing countless students an opportunity to attain a superior law education through the organization of scholarship funds. Cleveland-Marshall College of Law, its faculty, students and alumni have demonstrated academic and professional excellence within all areas of law, earning the highest respect and admiration of our entire community and beyond.

RECOGNIZING LOCAL 375 FOR ITS CONTRIBUTIONS IN THE AFTERMATH OF THE SEPTEMBER 11, 2001, ATTACK ON NEW YORK CITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. RANGEL. Mr. Speaker, I rise to recognize the Civil Service Technical Guild, Local 375, for its work on behalf of the people of New York. In particular, I applaud the members for their continuing efforts to rebuild the City's infrastructure after the destruction caused by the September 11, 2001, terrorist attack on New York City.

The 6,800 member local, headed by President Claude Fort, has been a New York City mainstay for decades, building and maintaining vital components of the city's infrastructure. Since its inception in 1937, the local's engineers, architects, scientists, chemists, planners and other technical specialists have designed, constructed, and maintained the City's infrastructure of bridges, highways, subways, sewer and water systems, schools and libraries; they also enforce air, water, fire, and building codes.

Hundreds of members are currently at work on a massive project to add a third water tunnel in the New York City area. The ''Third Water Tunnel Project'' is a system of sixty miles of underground aqueducts running through Westchester, Bronx, Manhattan, Queens, and Brooklyn. When completed, the tunnel will increase water delivery for the

City's eastern and southern areas, allow drainage and treatment of the two existing tunnels, and provide an alternate delivery water system in the event service is disrupted in either of the two existing tunnels.

Since the September 11 attack, Local 375 members have worked on every aspect of restoring the City's vital systems to full service. They helped restore the Cortlandt Street Subway Station and lines that had been buried by debris and flooded by broken water mains after the collapse of the Twin Towers. Hundreds of tons of debris were removed from the tunnels while engineers ensured that the rescue and recovery work could proceed safely.

Local 375 members worked arduously from the time they were dispatched to Ground Zero immediately following the September 11, 2001, attack. Dedicated professional and technical workers performed flawlessly in cleaning up the site in dangerous demolition operations. In addition to strategic planning for the job, they monitored air quality and tested for anthrax. They even assisted in recovery and rescue efforts, and conducted DNA testing for victim identification. Members inspected adjacent buildings to ensure that all fire protection systems were working.

Few people outside of New York City know who is responsible for the life sustaining work that they do, but the fact is that without Local 375, New York could not exist as a City. I commend the union's leaders and the entire membership, many of whom reside in my Congressional District, for their contributions to our City and for performing their difficult jobs in a manner above and beyond the call of duty.

IN HONOR OF POLICE OFFICER CHARLES J. BRONSTON, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Police Officer Charles J. Bronston Jr., on the occasion of his retirement from the Bay Village Police Division that spans thirty-five years of dedication to the Force and honor to the Badge—Badge No 1. On April 8, 1968, Officer Bronston pledged his life to protecting the safety of others and was sworn in as Patrol Officer.

Growing up on the North Coast solidified Officer Bronston's love for the great outdoors and crystallized his deep commitment to his community on the Bay. His outstanding work and personal dedication to helping others was clearly reflected throughout his tenure of service. Officer Bronston's great enthusiasm for life, his kind and friendly nature, and his immediate willingness to help others elevated him to the highest level and best example of what a police officer should be.

Officer Bronston is so highly regarded within the Bay Village Police Division that its leaders informally judge all recruits against the stellar performance of Officer Bronston. Officer Bronston consistently went above and beyond the call of duty to protect and assist those who live and work in Bay Village. A true mentor, guide and friend, Officer Bronston's professionalism, expertise, sense of fairness, superior sense of humor, integrity and genuine concern for others have served to assist and improve numerous life situations for many people. In addition, his interest in protecting his community extends beyond Bay Village into neighboring suburbs, as is reflected in his ongoing membership of the first SWAT Team for the Westshore Enforcement Bureau.

Mr. Speaker and Colleagues, please join me in honor, gratitude and recognition of Officer Charles J. Bronston upon his retirement as full-time Police Officer with the Bay Village Police Division. His exceptional and courageous service on behalf of the citizens of Bay Village and beyond have served to lift the spirits and the lives of countless individuals, families within Bay Village and all along our western shores. We wish Officer Bronston, his wife Martha, children Charles III and Michael Scott and grandchildren Felicia and Cory many blessings of peace, health and happiness throughout his retirement. We also wish him many clear summer days of great fishing along the rolling waves, bays and shores of Lake Erie.

COMMEMORATING THE CAREER OF MRS. JANE LAKIN UPON HER RETIREMENT FROM TEACHING FOLLOWING A 40 YEAR CAREER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. DUNCAN. Mr. Speaker, I rise today to honor one of the true heroes of Tennessee's Second Congressional District. For forty years Mrs. Jane Lakin has changed the lives of thousands in the Knoxville community through her dedicated service as an elementary school teacher at both the Alice Bell and Spring Hill schools. Having seriously considered a career in teaching myself and having taught briefly at T.C. Williams School in Northern Virginia, I can say without hesitation that this career is one of the most challenging and rewarding any person can undertake.

Each Member of this body understands the vital role teachers play in shaping the lives of our youth and I believe every teacher is to be commended. However, to dedicate forty years of one's life to improving and enhancing the education of children is truly exceptional.

During Mrs. Lakin's career America has experienced tremendous change. While the Nation grieved the tragedy of President Kennedy's assassination and witnessed the triumphant raising of our Flag on the Moon, Mrs. Lakin walked each morning into a classroom and changed a student's life. As America grew through the turmoil of Viet Nam and later hailed our victory of the Cold War, Mrs. Lakin taught our children, one class at a time, the value and joy of learning. The world has changed and our Country has grown during the past 40 years, but Mrs. Lakin's love of educating the young men and women of Knoxville has never wavered.

On behalf of the entire Second Congressional District, I want to thank Mrs. Lakin for her tireless work and her consistent encouragement of her students. Whether or not these students ever have the opportunity to tell her, she has changed their lives for the better and we are all in her debt.

The Knoxville News Sentinel recently published an article on Mrs. Lakin and her retirement. I would like to include this article in its entirety in the CONGRESSIONAL RECORD. I hope that women and men teaching today will look to Mrs. Lakin's example as an inspiration and a confirmation of the tremendous value they bring to our Country.

[From the Knoxville News Sentinel, June 9, 2003]

SPRING HILL TEACHER RETIRES AFTER 40 YEARS

(By Ed Marcum)

There's an odd thing about working with your former fourth-grade teacher, said Jackie Pena, who teaches kindergartners at Spring Hill Elementary School. Even after you have grown up, it's hard to forget that you once sat at a little desk in her classroom. Pena said that's why it was hard for her to think of Jane Lakin as just another one of the teachers at Spring Hill.

''The hardest thing was to get used to not calling her Mrs. Lakin,'' Pena said. Lee Ann Parker, who was a classmate of Pena's in the fourth grade, agreed. Parker, the music teacher at Spring Hill, said it felt funny to call Lakin by her first name. ''You just don't say that to your teacher,'' she said.

Lakin has retired after 40 years' teaching in the Alice Bell/Spring Hill community. ''Forty years and six months,'' Lakin said to be precise.

Irene Patterson, guidance counselor at Spring Hill, got to work closely with Lakin over the years.

''A lot of seasoned teachers get set in their ways, but she was always willing to try something new,'' Patterson said. ''And she did a lot of things for children that no one knew about.''

''She would come into my office and say, 'Irene, I noticed that such-and-such student is wearing her big sister's worn-out shoes, so I've bought her a pair.' ''

The student would get a new pair of shoes anonymously. Patterson said Lakin brought in such gifts a number of times.

Pena remembers that Lakin was always eager to help new teachers.

''She has always made people feel welcome and has been a mentor to new teachers,'' Pena said.

Lakin, who lives in Ritta, moved to Knoxville in 1962 from Chattanooga, where she had taught for a year. She found a position at Alice Bell Elementary and taught there until 1991, when that school was consolidated into Spring Hill Elementary.

Lakin said when you spend your whole career teaching in the same general neighborhood, you end up teaching the children of the children you have taught, and you run into former students most every time you go to the grocery store.

''I never really meant to stay here 40 years, but it just worked out that way,'' she said. Teaching has changed since 1962, Lakin said. Teachers had more flexibility then.

''In those days, the things you taught were mostly by your own design. Now someone tells you what to teach,'' she said.

Lakin said she and other teachers stayed on the lookout for ideas to try out in the classroom. She said she became a ''pack rat,'' always scrounging thrift stores or yard sales for craft items, plastic boxes or any materials that might come in handy in class. She said plastic boxes are essential for storing supplies.

''Teachers ought to buy stock in plastic boxes,'' Lakin said.

There are so many classroom requirements now that a teacher's time in the classroom is much more regimented, Lakin said.

''You just feel like you can't do something unless it will be on a test. There's no time for fun things,'' she said.

Pena and Parker said some of their fondest memories were of Lakin bringing in books and reading them to the class. She is a good dramatic reader, they said.

Lakin and her husband, Nelson Lakin, own a farm in Ritta, and Patterson said she will always remember the roses that Lakin grew there and brought to the school office. Lakin said some of her favorite memories are of the years her students made trees for the Fantasy of Trees holiday celebration.

''Of course, they hated to give up the tree, once we finished,'' Lakin said. ''We would usually have to make two of everything so the students would have ornaments to take home with them.''

Then there were the occasional bizarre moments, like the time a boy brought a skunk to school for show-and-tell.

''It got loose and ran all over the school,'' she said. ''Luckily, its scent gland had been removed.'' Eventually the skunk was apprehended.

Lakin remembers when Pena and Parker were in her class. They were both good students, Lakin said, although Pena sometimes talked when she wasn't supposed to. Lakin said that on at least one occasion she had to have a word with Parker.

''I think Lee Ann was the more mischievous,'' Lakin said. ''She had a club, and she was charging everyone on the playground to belong to it.''

Both women chuckled, and Parker rolled her eyes.

''It only cost a nickel,'' she said.

''It had to be disbanded,'' Lakin said.

Lakin said she will miss the classroom, but she looks forward to having more time for gardening and maybe doing a little traveling.

''I might do some volunteer work, too,'' she said.

TRIBUTE TO LAFAYETTE HIGH SCHOOL BOYS' LACROSSE TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. WALSH. Mr. Speaker, I rise today in recognition of the high achievements of the boys' lacrosse team from Lafayette High School. After a disappointing loss 3 years ago, the Lancers finally got another shot at the state title, and came home crowned the New York State Section III Champions.

The Lafayette lacrosse program has taken home many Sectional titles in the past, but according to Athletic Director Jerry Kelly, this year's team is one of the best he's seen in ten years. After an outstanding spring season with a final record of 23–1, it seemed only fitting that this well-trained group of young men should win this final game.

On behalf of the people of the entire 25th District of New York State, I would like to congratulate the following champions on their remarkable achievement: Haiwha Nanticoke, Brendan Storrier, Pat Shannahan, Lee Nanticoke, Josh Groth, James Pierce, Blake Gale, Andrew Spack, Andrew Thurston, Jeremy Thompson, Jerome Thompson, Tyler Gale, Wes Adam, Kevin Wilkerson, Brian Gormley, Nick Lavdas, Kevin Bucktooth Jr., Matt Noble, Jaimee Loughtin, Andy Gaffield, John Paige, Brion Salitino, Randy Hadzor, Ross Bucktooth, Spencer Lyons, Pat Dwyer, Head Coach Greg Scott, and Assistant Coaches Kevin Gale, Mike Riese, and Jerome Thompson.

MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

SPEECH OF

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2003

Mr. GREENWOOD. Mr. Speaker, I support this new, innovative Medicare prescription drug benefit, and commend Energy and Commerce Committee Chairman TAUZIN and Health Subcommittee Chairman BILIRAKIS for developing a proposal that is fiscally responsible, modernizes the Medicare program, and delivers a sound prescription drug benefit.

A prescription drug benefit in Medicare is the most important social policy that Congress can deliver this Congress. Period.

My home state of Pennsylvania has the second highest number of seniors in the country, and these seniors are living longer, healthier lives, thanks in part to modern medications. Death rates from heart disease, cancer and stroke are going down, and hundreds of new medications are now being developed to combat diseases of aging, including Alzheimer's, Parkinson's, and arthritis.

Unfortunately, along with these new drug therapies comes a higher price to those that need them. Seniors without adequate access to these drugs will not be able to benefit from the stunning advances in health care resulting from the newest pharmaceutical products. Society will spend more money on their health care, because many new drugs actually serve as preventive measures and often prevent costly hospitalizations.

Medicare in its current form does not cover most prescription drugs. When it was created in 1965, it was a good program for its time. President Johnson, on signing Medicare into law on July 30, 1965, said, ''No longer will older Americans be denied the healing miracle of modern medicine. No longer will illness crush and destroy the savings they have so carefully put away over a lifetime so that they might enjoy dignity in their later years.''

But with advancements in drug treatment, modern medicine has grown increasingly expensive, as Medicare does not pay for these wonderful outpatient drugs. We need to modernize Medicare. As long as Medicare does not cover outpatient drug benefits, seniors will not be as healthy as they could be, and they will pay more out-of-pocket costs for preventive medications.

Nearly two-thirds of seniors have some insurance coverage that helps pay for prescription drugs through private employer plans or supplemental (Medigap) coverage; however, the remaining third has absolutely no coverage for prescription drugs.

This is not good enough. Seniors, living on limited income, should not be the last payers of retail prices for drugs in our great country. But we should not impose price controls so that seniors can afford their prescriptions. Instead, we need to use the tools that the private sector does, using leverage and bargaining for discounts. Medicare needs to take advantage of reduced prices that we can achieve using the tools that are used by private entities, operating in the employer-provided health care market.

We need to be careful about how we reform Medicare. Those two-thirds of seniors who have drug coverage are pleased with what coverage they have and don't want a big government solution that could increase their costs. Congress passed the Medicare Catastrophic Coverage Act in 1988 with the intention of easing the cost of catastrophic events for Medicare recipients. However, instead of helping, it made things much worse for seniors who already had catastrophic coverage. They ended up paying more out-of-pocket for fewer health benefits. It was so devastating that Congress was forced to repeal the legislation the very next year.

Mr. Speaker, this bill finds the right mix. It establishes a generous prescription drug benefit, using the private sector tools that provide significant savings for seniors when they purchase prescription drugs. And, it reforms and strengthens the Medicare program in the right way.

This bill also provides significant relief to seniors in Pennsylvania by strengthening the Medicare+Choice program. Over the past few years, seniors who have enrolled in Medicare+Choice have seen programs increase their premiums, decrease their benefits, or leave the program altogether. For example, in the largest plan in my district, seniors have seen their premiums rise from $0 to $94 per month.

This bill stabilizes the Medicare+Choice program. And, it fundamentally reforms the program by creating the ''MedicareAdvantage'' program. This program provides for significantly more stability by allowing for competitive bidding by the plans. The MedicareAdvantage program will help these plans so that they remain a viable option for millions of seniors, and continue to provide a variety of health services, such as vision, hearing, and preventative care that are not offered through the traditional Fee for Service program.

Mr. Speaker, let me talk for a minute about the reforms in the bill. It provides for the creation of a new enhanced fee-for-service program that gives beneficiaries new options and choices for services. Finally, the Medicare program will incorporate the most popular option in private health insurance (and the health insurance offered in the federal employees health benefits program), preferred provider organizations (PPO). These new PPOs will create significant new options for services for seniors.

Furthermore, this bill will not only include improving access to prescription drugs, but will modernize the Medicare program by increasing the availability of wellness programs and streamlining the often cumbersome paperwork that seniors face in getting Medicare benefits.

Finally, I am pleased that H.R. 1 has included provisions to reform the payments for the drugs that Medicare does cover in part B. These reforms represent the culmination of a multi-year investigation by the Energy and Commerce Committee.

Presently, providers are reimbursed for the cost of these drugs at 95 percent of the average wholesale price (AWP). Congress and Medicare officials have wrestled for years with the difficult issue of how to set a fair and appropriate Medicare reimbursement rate for prescription drugs covered by Medicare part B. The reimbursement benchmark we have used since the early 1990s has been the AWP, which is reported by drug companies and price reporting services. prior to that, providers were reimbursed on a cost basis, which is cumbersome and inflationary.

Over the past decade, what we have learned is that the AWP is a fictitious number that must be changed. Rather than an accurate barometer of the price at which physicians purchase the drugs used in their practice, the AWP benchmark is more like a car's ''sticker price,'' which is usually much higher than the actual acquisition cost. Under competitive pressure, manufacturers and wholesalers will routinely discount drug prices to physicians, lower their cost, while maintaining a higher AWP. In a competitive spiral, these discounts grow, increasing the net profits on the drugs, while the Medicare program continues to pay the higher AWP.

Unfortunately, due to the 20 percent copay that all beneficiaries pay for part B services, Medicare beneficiaries presently pay $200 million more than they should in inflated co-pays. What's more, the Medicare program itself pays over $1 billion more than we should.

The new system, based on competitive bidding and choice, pays appropriately for drugs and reimburses physicians appropriately for services. Under this new model, we provide physicians a choice—either continue to do business as they have or enter a new program that provides drugs to physicians for administration on a replacement basis. These reforms are fair, sound and must be enacted.

Earlier this year, Congress set aside $400 billion for the development of a prescription drug benefit in Medicare. This is a significant and meaningful commitment by Congress for our Nation's seniors. Some may quibble about the size of the benefit. However, I am convinced that we can pass legislation so that every senior has access to the latest prescription drug products and has catastrophic coverage for very serious, very costly medical conditions. We owe it to our seniors to pass and have the President sign into law, a prescription drug benefit this year.

HONORING PASTOR G.L. JOHNSON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Pastor G.L. Johnson for his 40 years of ministry with Peoples Church in Fresno, California. He will be honored at a special dinner for civic and community leaders to be held Saturday, June 28th.

Pastor Johnson came to Fresno as the Associate Director of the Latin American Orphanage. In 1963, he accepted the position of Senior Pastor at Peoples Church, having had over ten years of pastoral experience. Under his leadership, People's Church has grown to become the largest Protestant Church in Central California, with an average Sunday attendance of 4,500. The Johnson Scholarship Fund has also been established in his honor to assist young people with the cost of education prior to entering full-time ministry.

Pastor Johnson has poured his life into Fresno for the sake of the Kingdom of God. He derives great joy in knowing that God has used his ministry to bring thousands to know Jesus Christ. The mission of Peoples Church seems to coincide with that of Pastor Johnson's personal mission, to ''Reach . . . Win . . . Train . . . Send.'' It has been said that Pastor Johnson was to Peoples Church ''. . . what Babe Ruth was to baseball, George Washington to the United States, and the Apostle Paul to the Gentiles.''

Pastor Johnson's respect and admiration go beyond the walls of Peoples Church. In 1997, he was listed by the Fresno Bee as one of 75 people who made a positive contribution to life in the Central Valley. He and the late Pastor Bufe Karraker gathered church and local leaders to tackle the issue of crime in Fresno, forming the NoName Fellowship, and reached beyond the church family to touch lives of the citizens in the city. Pastor Johnson has been the recipient of numerous awards such as the Distinguished Service Award of the City of Fresno, ''Mayor of Fresno, For the Day'' in 1973 and 1987, and listed in ''Who's Who'' for Fresno and American Religion. He also sits on several boards, including the Sequoia Council of Boy Scouts of America, Fresno Leadership Foundation, Police Activities League, and Northern California National Association of Evangelicals.

Pastor Johnson has spoken at numerous Christian Universities and conferences across the country. In addition to his ministry in the United States, he has ministered to large crowds in Seoul, Korea; to Russian leaders following the fall of Communism; and to Christians in Romania and China. Pastor Johnson is also the author of several booklets and articles including How to Conduct a Stewardship Campaign in the Local Church.

Mr. Speaker, I rise today to recognize Pastor G.L. Johnson for his years of ministry and outstanding personal contributions to the community of Fresno. I invite my colleagues to join me in wishing Pastor Johnson many years of continued success.

HONORING DR. MICHAEL REYNOLDS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Ms. LEE. Mr. Speaker, I rise to recognize the contributions of Dr. Michael Reynolds, PhD, to the advancement of science education, to the creation and development of the Chabot Space and Science Center in Oakland, California, and to the science education of young students in Oakland, the East Bay and Northern California.

Dr. Reynolds was hired as Executive Director of the historic Chabot Observatory and Science Center in 1991, after being named Florida Science Educator of the Year and being a finalist in the NASA Teacher in Space Program.

Dr. Reynolds led the team, which conceived, financed and built the new Chabot Space and Science Center, with energy, enthusiasm and skill. The center is a jewel of Northern California.

Dr. Reynolds has built programs with the United States Air Force, NASA, the National Science Foundation (NSF) and the Department of Education to further Science Education and the public understanding of the frontiers of space science.

Under Dr. Reynolds leadership, the new Chabot Space and Science Center has become internationally renown for its science education programs.

Dr. Reynolds has secured, with NSF funding, a major new traveling exhibit from the People's Republic of China, consisting of artifacts and instruments used in ancient Chinese astronomy, that will tour the United States under the title of ''Dragon Skies''.

On behalf of the children, parents, educators of Oakland, of California and of the nation, I want to gratefully acknowledge the contributions of Dr. Michael Reynolds, PhD, to the advancement of science education and understanding, and for the building of the new Chabot Space and Science Center, which will serve as a place of inspiration and learning for generations to come.

On behalf of my constituents and myself I wish to recognize the accomplishments of an educator, scientist, astronomer, dreamer, and an eternal optimist whose watchword is ''Keep Looking Up.''

MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2003

Mr. BLUMENAUER. Mr. Speaker, I was disappointed that the Rules Committee did not make in order an opportunity for an alternative proposal from my colleagues Ellen Tauscher and Cal Dooley, in the form of H.R. 1568. Looking carefully at the arguments from both sides of the aisle on the proposals before us today, I am inclined to think that they are both right. There are egregious problems in the proposal by the Republicans. It is going to have serious dislocative effects; it doesn't adequately meet the needs of low-income people; it could actually deteriorate prescription drug coverage for others; and, it extends services to many who do not need it.

The Democratic alternative is well-intentioned and more generous, but there are questions about whether this will be affordable over time. We may be biting off more than we can sustain as Medicare goes into a time of severe strain with regard to cost and the capacity to meet the needs of an exploding retirement population.

I continue to be troubled that low income senior citizens without drug coverage pay the highest prices in the world for their medicines. This is intolerable. There is real potential to harness the vast purchasing power of the United States to negotiate better prices, the same way private employers, local governments and hospitals do. The power of the free market and negotiation should not be denied to the sector that would benefit from it the most. There is no reason that the nation's Medicare recipients should pay a higher price for the same drugs that recipients who are part of our veterans program receive. We can craft a program that is not unduly coercive, and does not lead to a disruption of the drug industry. The pharmaceutical industry needs to be more accommodating of this approach, or I feel that they will inevitably end up with far more draconian solutions. They cannot continue to mine gold from low income senior citizens.

The alternative that I would rather have had on the floor today would expend the same

amount of money that we have determined is affordable, and target it to low-income seniors without coverage, and people with extraordinarily high prescription drug needs. That is where we should target our Medicare resources. It would permit us to keep promises made to help remedy this serious situation. It does not over commit, and leaves the way open for subsequent Medicare reform. It would appear that if either of the other two bills were adopted, it would make long term reform more difficult and would pose significant budget pressures at a time when our fiscal policies are in disarray.

I truly think this is one of those times when less actually is more, and being careful will pay long-term dividends. I am voting accordingly, against the two alternatives, and hope that Congress will reach the point where we can have a more targeted, sustainable, and effective approach that can provide a foundation for future reform.

HONORING MRS. ODELL KINNEY

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mrs. JONES of Ohio. Mr. Speaker, I rise today to recognize a citizen who exemplified the spirit of self-reliance and a concern for others that we can all learn from. Mrs. Odell Kinney was a pillar of society, particularly among her community in Cleveland, OH.

Mrs. Kinney gained a well-founded reputation for taking in children of the neighborhood and dedicating her time to the development of her community for over 30 years. She made a lifelong commitment to raising 18 children who loved and admired her dearly. She was also a daycare provider for over 20 years.

Her dedication to children has inspired the Odell Kinney Scholarship Fund. The goal of the Odell Kinney Scholarship Fund is to award an annual scholarship in the amount of $1000 to a deserving student.

Among her abundant contributions to society, Mrs. Kinney was a member of the PTA, a persistent entrepreneur, an active member of the Lee/Harvard Ward Club and served as President of her street club for 10 years. She provided food baskets to the needy on an ongoing basis, served as a church missionary and a Bible school teacher.

There are hundreds of individuals, if not thousands whose lives Mrs. Kinney touched in a beautiful way. They will never be the same again:

''They don't make 'em like Odell anymore,'' said Mr. Simmons, a childhood friend.

''She had a beautiful spirit,'' said business partner, Brenda McCants.

''She was at the top of her game, committed and dedicated to the community and came from a great generation of black women,'' said Cleveland Councilman Joe Jones.

The biggest commitment she made was the love of God and God's children. In essence, Mrs. Odell Kinney had a heart as big as Texas. The lingering effects of her good work will last forever.

AFGHANISTAN'S FUTURE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, an unfortunate pattern is developing with the Bush Administration—militarily, in Afghanistan and Iraq, American forces have been extremely successful. I voted for the military action in Afghanistan, and against that in Iraq, but it is obvious that in both cases the American military performed extremely well and the people of the United States can be confident of the ability of our armed forces to do whatever is necessary to protect us and to advance our legitimate security interests.

Unfortunately, this administration's record in the aftermath of these military victories has been much less reassuring. The situation in Iraq is of course a very distressing one, and is widely known. In part because of the attention that is understandably focused on Iraq, with the continuing toll on American military personnel and the chaos and political troubles in the country, Afghanistan has to some extent been, as the headline in The New York Times for July 1 says, ''Lost in the Shuffle.''

I recently met in my office here with representatives of Afghans for a Civil Society, and I was troubled by the grave defects they described in American policy there. In particular, we are clearly doing much too little to support President Karzai—who seems to be a man genuinely trying to promote democracy and economic development in a difficult situation.

Mr. Speaker, I supported America's military intervention into Afghanistan to deal with the terrorists who had unleashed mass murder on the United States. And I believe that overthrowing the brutal, bigoted Taliban regime was also a service to human rights. But having done that, we have an obligation to help put a coherent government in Afghanistan in its place, and I regret to say that I do not think this administration is showing sufficient will in this regard.

Subsequent to my meeting with people from Afghans for a Civil Society, I read last week in The New York Times a very thoughtful and disturbing article by Sarah Chayes, who had been in that meeting, in which she points to one of the central weaknesses of America's policy in Afghanistan. Because redeeming our obligation to the people of Afghanistan is so important both in moral and geopolitical terms, I ask that Sarah Chayes' important article be printed here.

[From the New York Times, July 1, 2003]

AFGHANISTAN'S FUTURE, LOST IN THE SHUFFLE

(By Sarah Chayes)

KANDAHAR, Afghanistan—en miles outside this dust-blown city, the historical capital of Afghanistan, gunmen belonging to the local warlord guard the airport, which American forces use as a base. The hefty fee the guards get from the United States has allowed them to build a marble-faced barracks nearby.

Kandaharis, baffled, keep asking me, ''Why are the Americans helping President Harold Karzai and helping his enemies, the warlords, too?'' To them the problem with this practice is clear: United States policy is in danger of failing because America won't stop hedging its bets. At stake is not just the future of Afghanistan, but a whole region's hopes of escaping a 30–year nightmare. And ultimately, what happens in Afghanistan will shape relations between the Muslim world and the West.

The hedging of bets has taken many forms since the fall of the Taliban a year and a half ago: a dizzying succession of officers at the United States Embassy for the first six months; the lack of any reconstruction projects outside Kabul until after the grand council chose Mr. Karzai as transitional president; and later, international donors' obsession with quick-impact projects, known as quips, that didn't cost much and wouldn't be much of a loss if they failed.

Afghans, meanwhile, have been waiting for major reconstruction that would make a real difference. The Kabul-Kandahar road, on which work has only just begun, has become a cause célèbre. What was once a six-hour trip to the capital to deliver, say, Kandahar grapes, and the exquisitely fragrant raisins they dry into, is now a three-day trek—and 72 hours on the road means grape mash. A good road to Kabul would make all the difference to Kandahar's merchants, and jump start a whole region's economy.

And what about other projects that would substantially improve Afghan lives? There's the road to Urozgan, an isolated town that is easy prey to Islamic extremists and is at minimum a nine-hour drive from Kandahar along a ribbon of iron-hard dirt. The Helmand Province irrigation system, built by American engineers in the late 1950s, now lies crippled after years of neglect and Soviet sabotage. Donors, however, are loath to commit their money to big projects like these.

But the most dangerous form of bet-hedging has been American support for local strongmen. Eager for Afghan forces to help fight the Taliban, the United States brought these warlords back from exile after 9/11. What began as a relationship of convenience was cemented in a brotherhood of arms, as United States troops fraternized with the exotic fighters they had bivouacked with. Because they had reaped weapons and cash in the bargain, the warlords were able to impose themselves as provincial governors, despite being reviled by the Afghan people, as every conversation I've had and study I've done demonstrates.

Their positions have been reinforced by international donors who, for convenience's sake, distribute much of their reconstruction assistance through the warlords. The donors' reasoning sounds plausible: ''So-and-so is the governor,'' numerous United States officials have told me. ''The day President Karzai removes him, we will support that decision. But until then, we have to work with him.'' It's a bit disingenuous, since this explanation ignores the way these men became governors.

It also begs the truth. In late May, President Karzai summoned to Kabul the 12 governors who control Afghanistan's strategic borders. For the previous fortnight, Afghan and international officials say, he had been preparing to dismiss the most egregious offenders: four or five governors who are running their provinces like personal fiefs, who withhold vast customs revenue from the central government, who truck with meddlesome foreign governments, who oppress their people, who turn a blind eye to extremist activities while trumpeting their anti-Taliban bona fides. United States officials, saying they were taken aback by the scope of the Afghan government's plan, discouraged him. The plan was scrapped, and the Afghan government made do with an agreement in which the recalcitrant governors promised to hand over customs revenue owed the central government.

Washington, in other words, wouldn't stop hedging its bets. The United States backs Mr. Karzai, but it can't relinquish its alliances with the enemies of all he stands for.

But President Karzai bears part of the blame. He, too, has been hedging his bets. His endlessly polite interactions with his predator governors are confusing his constituents. Although Washington thought firing half a dozen governors was too much, it would have supported the dismissal of one or two, and Mr. Karzai wasted a golden opportunity by refusing to do that.

The problem is, no matter what they say, these warlords aren't going to behave. They are not reformable, because it is not in their interest to reform. The warlords' livelihood depends on extremism and lawlessness. That's how they draw their pay; that's what allows them to rule by the gun in an unofficial martial law, looting villages under the pretext of mopping-up operations, extracting taxes and bribes, crushing opponents.

The American alliance with warlords also discourages ordinary Afghans from helping rebuild their country. And without the people, the process is doomed. Afghans I have met and worked with share a fierce desire to live in a normal country. They have demonstrated that desire. In the face of tremendous adversity, they have managed to open schools, clean irrigation ditches, plant trees and dig sewers. But seeing warlords regain power is making people waver. I have found in my work that more and more Afghans are withdrawing to the sidelines, subtracting their life force from the battle to reconstruct Afghanistan.

They are also increasingly wary about the elections next year. At a recent meeting here with representatives from the commission that's drafting a new constitution, a nursing student asked, ''How can we freely elect our representatives with warlords controlling the countryside?''

Despite American officials' misgivings, it would not be so difficult to remove the warlord-governors. Their lack of popular support means no one would fly to their defense were they dismissed. The mere display of American backing for a plan to oust them would be enough to cow their paid liegemen. In the interest of offering Afghanistan a chance at a future, and opening the door to a new kind of relationship with the Muslim world, the United States should back any future decision to remove the warlord-governors.

For despite the rocky start to reconstructing postwar Afghanistan, an ember of hope for the country's future is still burning. Several high caliber diplomats are now at the American embassy. American military commanders, who by training focus on battle plans, have begun to realize that their activities can have unintended political consequences if they do not have intimate knowledge of the people they are dealing with. These officers have grown more alert to the ways in which local warlords may be using them. In Kandahar, the base commander has begun meeting with tribal elders to forge links with the population. In other words, the United States is finally positioned to do a good job here.

When President Bush decided to invade Iraq, he promised that Afghanistan would not be forgotten. If that promise is to mean anything, America's accumulated experience in Afghanistan must be acted upon, unequivocally. It's time to stop hedging bets.

H.R. 1828, SYRIA ACCOUNTABILITY AND LEBANESE SOVEREIGNTY RESTORATION ACT OF 2003

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. NETHERCUTT. Mr. Speaker, today I joined a growing number of my colleagues in cosponsoring H.R. 1828, the Syria Accountability and Lebanese Sovereignty Restoration Act.

I sponsored this legislation because I believe that Syria presents a unique threat to the peace, security and stability in the Middle East. Syria is geographically central in the region, but it is also central to the peaceful evolution of the region.

Continued Syrian sponsorship of terrorism threatens to unravel renewed efforts at peace in the region. President Bush's Road Map is at risk because of this state-sponsored terrorism and we must indicate the serious consequences of Syria's destabilizing activity.

This legislation gives the President the leverage he needs to persuade the Syrian regime to reconsider its role in the region. The fall of Iraq represented only the first in a series of positive changes that will sweep through the Middle East in the coming years, and Syria has an opportunity to be on the right side of history. The possibility of this legislation becoming law should be understood as a clear warning about the position of the House of Representatives.

At the same time, I do not believe that H.R. 1828 is a perfect bill. It needs to be improved before it is sent to the President for his signature. I am cosponsoring the bill out of a desire to move this legislation forward, but believe a number of changes are necessary.

First, the legislation must specifically define the meaning of ''food and medicine'' in Section 5(a). Specifically, this section should be brought into conformity with the definitions of ''agricultural commodity,'' ''medicine'' and ''medical device'' included in the Trade Sanctions Reform and Export Enhancement Act of 2000 (P.L. 106–387). Enactment of this legislation three years ago signaled Congressional intent to prohibit unilateral sanctions on food and medicine. To ensure there is no confusion by implementing agencies that have historically demonstrated hostility to excepting categories of exports from unilateral sanctions, it is necessary to include very specific definitions.

Second, the legislation must incorporate sunset clauses for both the authorization of sanctions and for any sanctions that are imposed through Section 5(a)2. Congress should not impose sanctions in perpetuity, for while we are often quick to impose sanctions; we are not nearly as effective at repealing dated restrictions. Sanctions, fundamentally, should be an aberration to how the United States approaches other nations. Our bilateral relationship should stress engagement over restrictions, but in certain exceptional cases, sanctions may be necessary. These sanctions should be temporary in nature to encourage future Congressional scrutiny of the continued value of the restrictions. Should sanctions be perceived necessary in the future than future Congresses are likely to extend the prohibitions beyond the sunset period. Sunset periods also encourage rogue regimes to recognize that there is an opportunity to improve their relations with the United States. Should rogues wish to reengage with the United States, they need only to change their behavior. Regular Congressional review of sanctions ensures that this change in behavior will have a chance to be acknowledged. Conversely, permanent sanctions can backfire by signaling to the rogue state intent to isolate, irrespective of the nation's willingness to respond with reforms. The Trade Sanctions Reform and Export Enhancement Act outlines a two-year sunset for unilateral agricultural or medical sanctions. H.R. 1828 must incorporate a similar sunset provision.

Third, the legislation must provide greater flexibility to the Executive Branch in the imposition of sanctions. Section 5(b) provides a waiver from the imposition of sanctions if the President determines that it is in ''the vital national security interest of the United States to do so.'' Such a waiver sets the bar too high and is potentially restrictive of the exercise of foreign policy by the Executive Branch. The Libertad Act (P.L. 104–114), for example, sets for a ''national interest'' waiver for Title III sanctions.

Fourth, the legislation must place a greater priority on cooperation with our allies in the imposition of sanctions. Sanctions tend to be effective when they are imposed under a multilateral framework. Unilateral sanctions isolate the United States as much as they isolate the targeted nation. Diplomacy, as in nature, abhors a vacuum and will fill it. A loss of American influence will be replaced by other nations unless sanctions are imposed through a broad, multilateral coalition. The United States must persuade other countries to join us in sanctioning Syria if we are to have significant influence.

I offer these reservations and recommendations out of a desire to improve H.R. 1828. I recognize that peace in the Middle East depends on change in Syria. But I also believe Congress should adhere to the limitations outlined above in the imposition of unilateral sanctions. When unilateral sanctions are imposed, they should be limited in scope and limited in duration and provide significant flexibility to the Executive Branch. H.R. 1828 can be amended to incorporate these recommendations, which must be made before the legislation is sent to the President for signature.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2004

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes:

Mrs. PELOSI. Mr. Chairman, many of us will spend part of the Independence Day work period at ceremonies marking the heroism of our

service men and women, and the sacrifices of their families. If we were to ask any military commander present at those ceremonies, What is the most important aspect of leadership? The answer would be: First, take care of the troops.

This bill provides an opportunity for the House to exhibit that kind of leadership, the opportunity to take care of our troops. Instead, sadly, it is another missed opportunity.

If military quality of life issues were a priority, we would not be considering a Military Construction Appropriations Bill that is $1.5 billion below last year's funding level, but we would be passing Mr. OBEY's amendment, which would help nearly 8,000 service members and their families get the housing they deserve.

Instead, we pass resolutions that talk about supporting the military and then refuse to provide that support in the appropriations bills.

Active and retired military personnel and their families have been among the victims of the irresponsible and fiscally unsound budget and tax policies of the Republican majority. If putting the troops and their families first were a Republican priority, they would not have submitted a budget that continues the tax on disabled veterans, that cuts veterans benefits, and that impacts aid. And they would not have approved a tax cut that takes care of the children of the wealthy few while ignoring 250,000 children of active duty military personnel.

That is a regrettable message to send to the troops just days before the Fourth of July.

MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2003

Mr. ETHERIDGE. Mr. Speaker, I rise tonight to oppose H.R. 1, the Republican Medicare bill.

Tonight we have an opportunity to provide seniors with a Medicare prescription medicine benefit. But the Republican Majority has thrown aside bipartisanship and crafted a bill that will confuse and short-change seniors while slowly eroding the time-honored guarantee of Medicare. I cannot vote for this seriously flawed bill.

Seniors in North Carolina's Second District, like those across the country, deserve a real Medicare prescription medicine benefit. They want a plan that is simple, comprehensive, and a part of Medicare. I have consistently voted for such a plan throughout my career in Congress.

But H.R. 1 subjects seniors to a complex plan that features fluctuating premiums, a huge gap in coverage, uncertainty about who's going to provide them with medicines, and it will end Medicare as we know it.

First, nothing in this legislation requires the drug-only insurance groups that will administer this plan to fix premiums at $35 a month. That number is merely a suggestion. Our seniors do not want suggestions Mr. Speaker, they want certainty.

Second, the $400 billion the Majority set aside for Medicare related spending in their Fiscal Year 2004 is woefully inadequate. This plan will only cover a fifth of what seniors will spend over the next 10 years on prescription medicines. To fit inside their budget, the authors of this bill have developed a huge gap, or doughnut hole, that forces seniors who spend between $2,001 and $3,500 on medicines to pay all of their costs. This is unacceptable, Mr. Speaker.

Third, this plan relies on an untested mechanism to deliver medicines to seniors. H.R. 1 creates a drug-only insurance market that will not work, especially in rural areas. But what makes this bill worse is that it makes no effort to provide a fallback for rural seniors should private drug-only plans decide to stop offering them coverage.

Finally, in this plan we see the Republican Majority's true colors. H.R. 1 is simply a shell-game that will privatize Medicare. Under this legislation, in 2010 private plans will be allowed to compete against Medicare to cover hospital and physician benefits. As private plans seek to siphon off healthy seniors, the cost of remaining in traditional Medicare will rise and seniors will be forced to join an HMO, along with all of its restrictions, to get coverage.

When President Lyndon Johnson signed Medicare into law over 38 years ago, Medicare was designed to be a guarantee that our seniors would be able to get affordable health care services regardless of their age, ability to pay, or degree of sickness. In the spirit of that landmark law, I will vote for an alternative amendment to H.R. 1 that creates a simple, comprehensive, prescription medicine plan under Medicare. This plan also includes superior rural provider provisions in comparison to those contained in H.R. 1.

Mr. Speaker, for the third Congress in a row we have another Medicare bill pending before us. And once again, the bill is a sham. It provides no guaranteed benefit, contains a huge gap in coverage, and it will privatize Medicare.

America's seniors want bipartisan cooperation in this body. They want us to come together to strengthen Medicare, not dismantle it. I urge my colleagues to oppose H.R. 1 tonight.

CENTRALIA SESQUICENTENNIAL RECOGNITION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to pay special tribute to the City of Centralia, Illinois as she celebrates her sesquicentennial. Since 1853, the people of Centralia have lived and prospered and given so much to this great nation.

Centralia was founded as a result of the building of the Illinois Central Railroad, hence the name Centralia. It was also a coal-mining town almost from the first years of its existence. The town has experienced an oil boom in the mid 1900s and is home to much industry.

Over the years Centralia has produced many leaders who have been instrumental in our Nation's history. One reason is due to the quality education provided. It is also the home of the ''Winningest Basketball Team in America,'' the Centralia Carillon, and the Centralia Balloon Fest; just to name a few.

I am proud to represent the people of the great City of Centralia and to share in this special occasion. I thank them for all they give to our country and I wish them another successful 150 years. Congratulations and ''Go Orphans!''

JOHN L. GROVE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. SHUSTER. Mr. Speaker, I rise to recognize the life and loss of John L. Grove, whose accomplishments have made an everlasting impact to Pennsylvania and the Nation.

John Grove committed his life to the Franklin County community as a defining model for entrepreneurism and the American dream. Mr. Grove personally had a hand in the creation of numerous successful companies and contributed his expertise and advice to a whole host of other business ventures.

John Grove was noted for his brilliance and huge innovations in the world of hydraulics. He was most notably, the ''father'' of the hydraulic telescoping crane boom. In addition to his prowess for business and ingenuity, he was also extremely generous to his community. Today his philanthropic endeavors, including the John L. Grove College of Business at Shippensburg University and the John L. Grove Medical Center in Greencastle, stand as a reminder of his faith in those around him and his determination to provide a better life for others.

John Grove and his brother formed Grove Manufacturing Company by building farm wagons out of a two car suburban garage. But brilliance would not be constrained by just farm wagons. In just three short years, he and his brother developed and built the industry's first industrial yard crane. Quickly the wagons were superceded by the demand for the cranes and the small business in a garage became an industrial giant.

After a very successful run in this career, Mr. Grove and his brother sold the company in the 1960's and John Grove took a well-deserved vacation. But as most truly gifted people find out, the body may rest but the brain never pauses. It was in the course of his vacation travels across this great country of ours, that Mr. Grove realized the pitfalls of those who needed to work on platforms and scaffolding. To that end, he invented the self propelled work-basket vehicle and in an instant a second career was born.

In implementing his new vision, Mr. Grove and a partner bought a small factory in McConnellsburg and began with only 15 employees. Soon, JLG Industries would grow to a internationally recognized company that would employ thousands from around the community.

In 1993, Mr. Grove retired from a hugely successful career at JLG, but he continued to offer both his business experience and philanthropy to the area he so dearly loved.

Few people have had such a tremendous impact on south central Pennsylvania. With the passing of John L. Grove, Pennsylvania and America have lost one of their greatest citizens.

HONORING THE 35TH ANNIVERSARY OF EDEN HOUSING, INC.

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. STARK. Mr. Speaker, I rise today to honor Eden Housing, Inc. of Hayward, California on the occasion of its thirty-fifth anniversary. Eden Housing, Inc. was founded in 1968 by a group of dedicated individuals who were concerned about the lack of affordable housing in Alameda County. The original board members developed Eden's first affordable development, the 150-unit Josephine Lum Lodge for seniors in Hayward, California.

Since starting its first project nearly 35 years ago, Eden Housing has created 4,200 units of affordable housing for low income families, seniors and persons with disabilities, and has become one of the most active non-profit affordable housing developers in California. As it has grown, the organization has expanded its development activities into six Northern California counties. From its small but ambitious beginning, Eden, and its two major affiliates, Eden Housing Management, Inc. and nonprofit Eden Housing Resident Services, Inc. now employ a combined professional staff of 120 employees. The organization is guided by an eleven member volunteer board of directors from a wide spectrum of professional fields.

In addition to meeting the needs for affordable shelter, Eden Housing is committed to helping its residents improve their lives through free onsite supportive services and programs provided by Eden's nonprofit affiliate, Eden Housing Resident Services, Inc. These services include children's summer and after-school programs, scholarships for deserving adults, senior health and fitness programs, onsite service coordination, and computer learning programs where children learn skills to help them succeed in school, and adults acquire skills to help them compete for better employment opportunities.

Throughout its history, Eden Housing has made it a priority to mentor and partner with smaller non-profit organizations to build their capacity while providing housing to serve special populations or geographic communities. Included in Eden's collaborations are a 100-unit senior apartment complex, developed with East Bay Issei, a coalition of Japanese American groups concerned with creating housing for their senior constituents; multiple partnerships with Community Resources for Independent Living and the Mentally Handicapped Children's Organization to create developments for persons with disabilities; and a collaboration with East Bay Habitat for Humanity to build homes in Fremont for first-time buyers.

In its thirty-fifth year, Eden Housing is celebrating the future, as well as the past. Eden Housing, Inc. is breaking ground on new developments and opening others. The organization is conducting feasibility studies for additional units and continues to search out new opportunities, all of which support Eden Housing's commitment to provide affordable housing in Northern California well into the future.

Congratulations Eden Housing, Inc. I applaud your dedication and exemplary contributions.

RECOGNITION OF SSM HEALTH CARE AND ST. MARY's/GOOD SAMARITAN HOSPITAL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize SSM Health Care for receiving the Malcolm Baldridge National Quality Award. SSM Health Care sponsors St. Mary's/Good Samaritan Hospitals in Centralia and Mt. Vernon, both located in the 19th Congressional District of Illinois.

I am very proud of their accomplishment. SSM Health Care is the first health care organization to win the award. The award is given annually by the United States Department of Commerce and is the highest award a U.S. company can receive for management and quality achievement.

The leadership, medical staff, and all employees continually strive to meet the needs of their patients first. Their level of service is outstanding and very responsive. I thank them for their commitment to quality health care, but above all to the citizens of this great nation. Keep up the excellent work.

STEPHEN G. MCCAHAN, JR.

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. SHUSTER. Mr. Speaker, I rise today to honor Stephen G. ''Mack'' McCahan, Jr., an outstanding resident of Southcentral Pennsylvania who perfectly epitomizes the spirit of America. Mr. McCahan is a superb professional, an outstanding pharmacist, and a genuine expert in his field.

On August 22, 2003, Mr. McCahan will reach a true landmark, 50 years of service in the pharmacy profession. In the course of his career, Mr. McCahan has demonstrated high quality work and has exceeded all ethical standards. He has touched thousands of patients and positively impacted each community that he has served.

Mack McCahan started as a staff pharmacist in the United States Navy at Camp LeJuene, NC from 1953–1955. From there he moved to Bellfonte, PA to continue his pharmaceutical career and then to Waynesboro, PA where he worked at Minnick's Pharmacy. It was in 1963 that Mr. McCahan bought the Agnew Drug Store in Everett, PA and renamed it the Everett Pharmacy. In 1971, his brother Larry joined the business. In 1985, he further expanded his business by opening McCahan's pharmacy in Saxton, PA with his son Steve and his brother.

During his time in Everett, Mr. McCahan has become a leader in the community. His friendliness and goodwill have made him recognized by all. To that end, Mack and his wife Jean have been friends of the Shuster family for over 30 years. Having grown up with his sons, Steve and Matt, I know his goodwill personally, in fact growing up I was a member of the family.

It was only in 2001, that Mr. McCahan sold the business to his son and his brother. In that effort, he has helped to continue the legacy of a family pharmacy, to act in the best interest of the patient, and has passed that lesson to his son.

Today, Mack McCahan still continues to work in the pharmacy, by filling in for his brother and son on their days off. In his free time, he can be found with his lovely wife.

I salute Mack McCahan and congratulate him on 50 years of tremendous success in both his career and his leadership within the community.

HONORING THE LOGAN HIGH SCHOOL FORENSICS TEAM AND COACH TOMMIE LINDSEY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. STARK. Mr. Speaker, I rise today to honor the Logan High School forensics team, and their coach Tommie Lindsey.

Recently, thirteen students from Logan High competed in the National Forensic League tournament in Atlanta, where five team members went twelve out of the thirteen rounds. One team member completed all thirteen rounds, winning the championship, and a $6,000 scholarship. Logan is one of only five schools that received the School of Excellence Award—and the only one from California—from a field that included 1,000 schools.

Coach Tommie Lindsey's successful coaching style was the subject of a PBS Documentary last year called ''Accidental Hero: Room 408.'' Students are back in Room 408 at Logan, where Lindsey is preparing them for the coming year in a summer-school program that includes 156 of the 240 students who make up the forensics team. Room 408 is filled with dozens of certificates of merit and stacked high to the ceiling with trophies.

Four Logan students have won national forensics championships in the past 15 years, and 20 other students have reached the semi-final round of the competition. But those aren't the statistics Lindsey is most proud of.

This year, 27 or the 28 graduating seniors on the forensic team are going to four-year colleges and the other one is going to junior college, according to Lindsey. In a school where, Lindsey said, about 40 percent of the graduates go on to college, the numbers of the forensics team speaks volumes.

Lindsey has been coaching forensics for 27 years, and at Logan since 1989. He is the director of forensics and a teacher, but to his students, he is much more. According to them, they benefit from his coaching and beyond. He advises students on how to perform, how to maintain their concentration during a performance, how to dress and how to treat competitors, He also encourages them to volunteer in the community, such as their recent work with elementary school students.

It is with pride and honor that I commend the Logan High School Forensics Team and Tommie Lindsey for their community involvement, their passion to succeed, and continued commitment to excellence.

RECOGNITION OF MT. VERNON ELKS LODGE 819

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Mt. Vernon Elks Lodge 819. This year marks their 100th year of service to the people of Jefferson County. I am very proud of their milestone and that they are part of the 19th Congressional District, which I serve.

The Elks is a national fraternity involved in a variety of charitable work involving children and veterans. Members also uphold their longstanding tradition of patriotism and spirituality. Locally, they regularly disperse funds to help charitable causes and to provide scholarships. Several of their activities include assisting crippled children, volunteering at veteran's hospitals, organizing blood drives, providing learning opportunities for local students, and supporting the Jefferson County Sports Authority. The Mt. Vernon Elks have also been nationally recognized as the finest lodge in America.

I thank them for all the work they do and will continue to do in the future. Their commitment to their country and to their fellow citizens is very commendable. The selfless services they provide on a daily basis are an example for us all to follow. There is no question that their community, their state, and their country are better because of them. I wish the lodge the very best as they enter into their next 100 years of service.

HONORING CARL G. HARTMAN ON HIS RETIREMENT AS THE CLERMONT COUNTY ENGINEER

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. PORTMAN. Mr. Speaker, I rise today to honor Carl G. Hartman who has served as Clermont County Engineer for the past 11 years and who retired on May 31, 2003. In his tenure, Carl has excelled as the Clermont County Engineer, accomplishing much for the county's roadways and infrastructure.

When Carl was elected as the County Engineer in 1992, Clermont County was one of the fastest growing counties in Ohio presenting him with a variety of challenges. Carl faced those challenges and became the ''transportation engineer'' of Clermont County, expanding the role of county engineer beyond just the maintenance of the bridges and roadways. He had many accomplishments. He was able to secure funding and rebuild 75 bridges throughout the county. By working with local officials, he was able to pinpoint dangerous areas of the roadways and implement safety measures to secure the safety of travelers. In addition to his duties as county engineer, in 1996 Carl took on the role of Sanitary Engineer for the Clermont County Water and Sewer Department where he was responsible for handling over $5 million of capital improvement projects. His success is well known, and he has been honored by many of the industry's leaders for his outstanding work on the county's roadways and infrastructure.

Carl grew up in Anderson Township and graduated from Anderson High School in 1956. He continued his education at the University of Cincinnati's College of Engineering. After receiving his degree, Carl worked for various engineering companies including Sun Oil Company, and in 1970 started his own engineering and surveying firm that served the Greater Cincinnati area. Starting with only two employees, Carl's successful business grew to 25 employees before he was elected the Clermont County Engineer.

His service goes beyond his elected office. Carl is an active volunteer with the local 4–H Club, and helps the local Cub Scouts earn their Engineering Achievement Awards. He is devoted to his wife, Barbara, and they have three children and six grandchildren.

All of us in the Greater Cincinnati area congratulate Carl on his service. We appreciate his outstanding leadership and dedication to the betterment of Clermont County, and we wish him well in his retirement.

TRIBUTE TO MRS. CHRISTINE REED

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. PAYNE. Mr. Speaker, I rise today to recognize a magnificent individual and dedicated member of both her community and church, Mrs. Christine Reed, affectionately known as 'Grahams'. Born in Summit, New Jersey, Mrs. Reed has been an active member of the Saint Paul's Calvary United Church of God for over 35 years.

On July 13, 2003, the members of the Saint Paul's Calvary United Church of God's Usher board will proudly recognize Sister Christine Reed with the Lifetime Achievement Award.

Throughout her many years of membership, Mrs. Reed partook as a member of various choirs, the Missionary Department, Sunday School Teacher and the Usher Board. Mrs. Reed served as the President of the Usher Board for over 25 years. Also serving as the Vice President for a time, Mrs. Reed was a dedicated member, a hard and reliable worker, always willing to teach and lend a helping hand in any possible capacity.

Mr. Speaker, I know that my colleagues here in the U.S. House of Representatives join me today in saluting Mrs. Christine Reed for her many years of dedicated service to Saint Paul's Calvary United Church of God.

RECOGNITION OF RAYMOND FLOWERS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the late Mr. Raymond Flowers of Centralia, IL. Upon his death at the age of 100, Raymond held the status of oldest retired firefighter in the state of Illinois.

Towards the end of World War II, the Centralia Fire Department faced a significant shortage of firefighters. Many of Centralia's men had enlisted in the military and were serving our country in Europe and the Pacific. To help alleviate this shortage, Raymond decided to leave his job as a truck driver and in 1944 became one of many who filled in for the firefighters who were deployed overseas. He stayed with the Fire Department for another 20 years, until his retirement in 1964.

Raymond received little formal training or instruction in firefighting. Instead, he learned on the job, fighting fires with the members of the east side fire station in Centralia.

The Centralia Fire Department and many of the citizens of Centralia honored Raymond at his funeral.

Raymond's career as a firefighter is just one example of the thousands of contributions to our nation made by members of the ''Greatest Generation.'' It is my prayer that all Americans would learn to make the same selfless sacrifices made by those citizens.

TEMPORARY AUTHORITY FOR CONGRESSIONAL HUNGER CENTER TO AWARD BILL EMERSON AND MICKY LELAND HUNGER FELLOWSHIPS

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of H.R. 2474. Mickey Leland, our former colleague once said ''I cannot get used to hunger and desperate poverty in our plentiful land. There is no reason for it, there is no excuse for it, and it is time that we as a nation put an end to it.'' But, according to USDA statistics, there are 33 million children suffering from pangs of hunger and poverty and nearly 300 million in the world. Hunger is still rampant.

The Congressional Hunger Center founded in 1993, successfully educates leaders to fight hunger globally. It is through this entity that the Emerson-Leland Fellowships are administered, and I stand strongly in support of this legislation.

H.R. 2474 authorizes the use of funds already appropriated for the Emerson-Leland Hunger fellowships for fiscal year 2003 and 2004. However, these funds were appropriated in The Farm Security and Rural Investment Act of 2002, which created an independent agency in the legislative branch. The act established an endowment in the Department of Treasury and a board of trustees to supervise and direct the program that is not yet operational. This presents a barrier to the foot soldiers of compassion, who are primed and ready to fight hunger both here and abroad while fulfilling the vision of Mickey Leland and Bill Emerson.

Substantial progress has been made to feed the hungry in the United States and abroad, yet much is still needed, and I am in full support of equipping the willing in this fight with whatever means are necessary to do so. This bill allows those funds to be used by the Congressional Hunger Center for hunger fellowships.

MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2003

Mr. CAMP. Mr. Speaker, I rise in strong support of H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003.

We're hearing a lot about the year 1965 today. Let me remind my colleagues of some of the other things from that year. Herb Alpert and Tijuana Brass won a Grammy for 'Album of the Year' and Tom Jones earned one as 'Best New Artist'. Sonny and Cher had a hit song in 'I Got You Babe' and 'Bonanza' was the top show on television. A postage stamp cost a nickel and a gallon of regular gasoline was 31 cents. And the Dow Jones Industrial Average reached a high of 969 points.

We've come a long way since then.

Also in 1965 Medicare, which has provided health care security for millions of Americans for almost 40 years, was created. When it was launched, the program was designed to focus on a different set of needs, needs that did not include prescription drug coverage and preventive care. It was designed to fit the needs of 1965.

Well my friends this isn't the mid-sixties anymore. Just as a postage stamp is no longer a nickel, the Medicare program which doesn't provide a prescription drug benefit doesn't work in today's world.

My friends, times change.

In 2003, we must honor our commitment of health care to seniors by ensuring that seniors have access and when needed assistance to prescription drug coverage. Additionally, H.R. 1 allows for other modernizations by adding an entry physical, cholesterol screening and offers disease management.

I am pleased that this bill works to address the needs of our rural communities. Long overlooked, H.R. 1 provides a permanent fix to formulas that have discriminated against health care providers in mid-Michigan and other rural areas. This is a policy change that goes to the heart of the problem and its benefits will be multiplied for years to come.

This legislation will increase to every small urban and rural hospital, equalizing their base payment rates with that of large urban hospitals. Additionally, H.R. 1 adds a five percent bonus for primary and specialty care physicians working in areas where such care is scarce; creating a new category of hospitals that are the primary hospital in the community to receive payments covering costs plus two percent; allowing rural and small-town hospitals that provide graduate medical education to receive additional direct medical education and indirect teaching hospital funds by moving unused residency slots to these hospitals; and adding a five percent increase for all rural home health agencies for two years.

Put simply, it is past time to modernize and improve the Medicare system. H.R. 1 will be able to better serve the needs of seniors. I urge my colleagues to support the passage of H.R. 1.

RECOGNITION OF EDITH JAMES AND SARAH LOCKHART

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Edith James and Sarah Lockhart of Mt. Vernon, Illinois. Edith and Sarah recently led the Jefferson County African-American Heritage Committee's Research Committee in publishing the booklet, We The People—Past Present and Future, a look at local African-American history.

I thank and commend them for their tireless work in preserving and documenting history. Their work will lead to a better understanding of those who have come before us. It will also help to better educate us on one of the most divisive and shameful periods of American history; slavery and racial discrimination.

Edith and Sarah have spent much of their lives giving back to Jefferson County. I am honored to take this occasion to recognize them for their devotion and commitment to their community. We are grateful.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

SPEECH OF

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes:

Mr. SHAYS. Mr. Chairman, I rise in support of H.R. 2555, the FY 2004 Homeland Security Appropriations Act.

The National Security Subcommittee, which I chair, has examined port security and found the volume of containerized cargo and the openness of our massive, complex port areas represent inviting vulnerabilities that must be secured.

Our ports are key commercial entry points, serving as the gateway for 95 percent of international cargo. Each year, nearly 10,000 vessels make 68,000 port calls and unload more than six million containers in the United States.

But, according to a GAO report published in August 2002, ''Ports are inherently vulnerable to terrorist attacks because of their size, generally open accessibility by water and land, location in metropolitan areas, the amount of material being transported through ports, and the ready transportation links to many locations within our borders.''

H.R. 2555 includes $100 million for Transportation Safety Administration port security grants and $61.7 million for the Container Security Initiative, which will help DHS protect what could be one of our Nation's most vulnerable access points—our ports. It is imperative that we adequately fund efforts by the Department of Homeland Security to scale-up port and container security.

I also support the funding in this legislation for State and local first responders. H.R. 2555 will provide $4.4 billion for the Office of Domestic Preparedness, which includes $1.9 billion for domestic preparedness formula grants and $750 million for firefighter grants.

Before September 11, the firefighter grant program was funded at $200 million, but the changes our nation has undergone since that horrific day have made clear the need for a dramatic increase in funding. This bill provides that increase.

The bottom line for me is our ports are still vulnerable and our first responders need strong financial support to protect our Nation. This bill provides significant assistance in both areas and strengthens national security.

Mr. Chairman, I urge my colleagues to vote for this vital funding bill.

MR. JIM WITT

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. OTTER. Mr. Speaker, I rise today to acknowledge and praise Jim Witt of Meridian, Idaho, for his steadfast commitment to safety. Mr. Witt is a professional truck driver who recently celebrated a remarkable career achievement: driving 1 million miles without a preventable accident. That's the equivalent of driving safely around the world 40 times.

Fatal accidents involving large trucks occur most frequently in rural areas like those throughout Idaho. On U.S. Highway 95—the major north-south route through my district—the long and tragic history of traffic fatalities is a constant reminder of the need to make highway safety foremost among our public policy considerations.

The U.S. Department of Transportation cites the danger posed by trucks on our highways as a growing concern for citizens. Professional, safety-conscious drivers like Mr. Witt provide an important public service as they navigate our corridors of commerce by helping to alleviate those concerns and setting an example for everyone who gets behind the wheel. I hope my House colleagues will join me in congratulating Mr. Witt and encouraging others to follow his lead in helping to make our roads safer.

RECOGNITION OF MAJOR GENERAL DAVID HARRIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Major General David Harris, The Adjutant General of the Illinois National Guard. Major General Harris will be retiring from his position after more than thirty-three years of military service.

Maj. General Harris was appointed Adjutant General in 1999. During his service as leader of the Illinois National Guard, he oversaw its largest mobilization since World War II. The military operations in Iraq saw more than 2,600 soldiers and airmen mobilized or alerted

for duty. Mobilizations also took place in large numbers for Operation Enduring Freedom in Afghanistan as well.

New military construction projects were also a major part of Harris' tenure. Working with the Illinois congressional delegation along with state leaders, funding was secured for new armories and for the upgrade of existing armories throughout the state.

Major General Harris began his military career in 1970. In 1971 he successfully completed Infantry Officer Candidate School at Fort Benning, Georgia. He joined the Illinois Army National Guard in 1979 where he has held numerous positions. During the 1980's he served as a member of the Illinois House of Representatives representing his home in the northwest Chicago suburb of Arlington Heights.

I want to thank Major General Harris for his many years of service to his country and state. He is a man of great ability, but more importantly a man of integrity who has devoted his life to protecting the citizens of his country and state. I wish him the best as he enters retirement. He will be missed.

TRIBUTE TO MR. ALLAN R. JONES

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to a man who devoted his life in service to our nation. Mr. Allan R. Jones passed away on May 7th, and I am certain he will be missed by all who knew him.

A graduate of the College of William and Mary, Mr. Jones is a decorated Korean War veteran. Due to his service with the 45th Division of the United States Army during the war, he received the Purple Heart and Silver Star Medal.

Mr. Jones was not only a veteran of the Army, but he was also a noted journalist for several newspapers. He began his career with the Daily Times News in Mount Pleasant, Michigan. While there he served as sports editor, reporter and photographer. He also worked at the Richmond Times-Dispatch as a reporter who covered Henrico and Chesterfield counties. As a reporter he covered several important stories involving state politics and school desegregation.

After working as a journalist, Mr. Jones started a new career on Capitol Hill as a researcher for the Senate Commerce Subcommittee on Oceanography and Merchant Marine. After his time with the committee, he served as a legislative assistant with Senator William Spong. During his tenure with Senator Spong, Mr. Jones and a colleague earned a national award from the National Association of Independent Insurers for research they did on auto insurance in Virginia.

In 1973, he joined the American Trucking Association Legislative Affairs department. Through his efforts, he helped push legislation which created the commercial drivers' license, and helped craft the landmark Intermodal Surface Transportation Act of 1991.

Retiring after twenty years with the ATA, Mr. Jones moved to Florida and became immediately involved with his community. He served as Vice President of the Flagella County, Florida Education Foundation, and served on the Flagella County Chamber of Commerce Legislative Action Committee.

In honor of his service to the United States during the Korean War, Mr. Jones was buried at Arlington National Cemetery on June 10''. Mr. Speaker, I would like to commend Allan Jones for all that he has achieved during his life, both for his country and for the Commonwealth of Virginia.

TRIBUTE TO THE CHILDREN'S CREATIVE FESTIVAL

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute to the Children's Creative Festival of Orange County, California and support their efforts to educate and enlighten the community.

Last month, the Children's Creative Festival wrapped up their weekend-long street painting festival, Fun with Chalk. Hundreds of artists from around the world descended on to my district to transform the streets around the Mission Viejo, California civic center into a colorful, interactive art gallery.

The art of street painting and the carnival that follows it dates back to sixteenth century Europe when villagers decorated the cobblestone paths surrounding their town square to celebrate a harvest or other important occasion. The Children's Creative Festival continues this tradition as a way to educate, entertain and inspire young people, and to foster a small town atmosphere reminiscent of old Europe.

The Children's Creative Festival uses funds raised at this annual street painting faire to help local schools with art education and other cultural activities. Last year, more than 79,000 children benefited from year round programs and classes sponsored by this all-volunteer organization.

The Children's Creative Festival was also the key sponsor of my 2003 Congressional art competition, which awarded scholarships to five young artists.

Dr. Frank Lieberman and his wife, Elaine, founded the Children's Creative Festival five years ago to inspire creativity, teach art appreciation and provide supplemental funding for quality visual and performing arts experiences for school children, thus developing creative and imaginative adults. I believe they have achieved their stated goals and wish them and their organization continued success in future endeavors.

RECOGNIZING MICHAEL URBAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Mr. Michael Urban, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in national government.

Michael is a junior political science major at the University of Missouri-Columbia and has distinguished himself as an intern in my Washington office by serving the great people of the 6th District of Missouri. Michael joined my staff for the 108th congress as part of the House of Representatives intern program at the United States Capitol in Washington, D.C., a program designed to involve students in the legislative process through active participation. Through this program, Michael has had the opportunity to observe firsthand the inner workings of national government and has gained valuable insight into the process by which laws are made.

During his time as an intern in my office, Michael has successfully demonstrated his abilities in the performance of such duties as conducting research, helping with constituent services, and assuming various other responsibilities to make the office run as smoothly as possible. Michael has earned recognition as a valuable asset to the entire U.S. House of Representatives and my office through the application of his knowledge and skills acquired prior to his tenure as an intern and through a variety of new skills he has acquired while serving the people of Missouri and our nation. I would also like to commend his interviewing skills and his solo singing rendition of happy birthday for other staffers.

Mr. Speaker, I proudly ask you to join me in commending Mr. Michael Urban for his many important contributions to the U.S. House of Representatives during the current session, as well as joining with me to extend to him our very best wishes for continued success and happiness in all his future endeavors.

RECOGNITION OF BAYAUD INDUSTRIES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize Bayaud Industries, a nonprofit corporation that enables disabled individuals to contribute to their communities by providing them job training and placement.

Since 1969 Bayaud Industries has provided job training and placement to thousands of individuals with mental, emotional, and physical disabilities. Even after placement, Bayaud Industries continues its support, making sure that each of their clients has a case worker they can turn to even after they start their first job. Bayuad's mission is simple—to provide hope, opportunity, and choice by using employment as a means through which people with disabilities can participate in mainstream life.

Many working individuals find satisfaction in their jobs because they feel they have the opportunity to do something useful everyday. Groups of disabled Americans and advocates for individuals with disabilities have told me that employment can provide a sense of worth and accomplishment that many people with disabilities live without. In addition, they say that disabilities can keep people isolated from their communities, creating a sense of loneliness and dulling social skills. Employment can take individuals with disabilities off of the sidelines, provide them an opportunity to be involved in daily life, and a chance to interact with members of the community.

Unfortunately, according to the Mental Health Association the unemployment rate for individuals with disabilities is approximately 75 percent, and for those with psychiatric disabilities it is at almost 80 percent. Some of these statistics can be attributed to those individuals with such severe disabilities that they are unable to work, however much of that percentage is made up of individuals with disabilities who have never had the training or help they need to find the jobs they can do.

The need for a company like Bayaud Industries is clear. Bayaud provides an invaluable link between individuals with disabilities and employment. By being that link they are changing lives on a daily basis. They make a difference every day by opening doors for members of America's disabled community that many of them never knew existed before.

CITIZENS OF LIBERIA

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. RUSH. Mr. Speaker, tonight, while the President of the United States is visiting Senegal and other countries in Africa, 'I rise to address the House to express my concern for the citizens of Liberia. Liberia is an African nation that was founded in 1820 by freed Black slave men and women from the United States. The nation, considered to be the only U.S. colony in Africa, was founded with a grant of $100,000. Its capital, Monrovia, is named after the United States fifth president, James Monroe. By 1847, thousands of freed slaves had immigrated to Liberia from the United States. They declared independence and the commonwealth of Liberia became the Republic of Liberia.

Liberia's recently-deposed president, Charles Taylor, seized power in 1997 after leading a seven year insurrection, which claimed the lives of thousands of Liberian Africans against his predecessor, Samuel Doe. Taylor, an accused embezzler and protégée of Libyan dictator, Col. Mu'ammar al-Qadhafi, spread terror throughout Sierra Leone, Ivory Coast and Guinea. Taylor's human rights abuses include the use of child soldiers and funding terrorist organizations with money from blood diamond mines.

On June 4, 2003, the United Nations supported an indictment of President Taylor by a Special Court in Sierra Leone, at the same time a group of West African Presidents were meeting with Taylor and others in Ghana to discuss efforts to negotiate a peace agreement.

During the negotiations, President Taylor [said he would step aside if it would bring peace to his war torn country]. On Sunday, July 6, 2003, President Olusegun Obasanjo of Nigeria announced that Taylor agreed to leave Liberia under certain conditions and with certain guarantees. President Obasanjo stated that what was happening in Liberia could happen anywhere in Africa. Liberia, he said, needed relief from dictatorship so that the entire region wouldn't be affected by the errant regime in that nation.

Mr. Speaker, thus far, there has not been a successor named to govern Liberia. The leaders from the 16 Liberian opposition political parties in the nation, as well as leaders from religious and women's organizations, have been meeting in Ghana to draw up a peace plan and establish a transitional government expected to run the country for 18 to 24 months before new elections can be held.

The Economic Community of West African States (ECOWAS) Britain and France have asked the United States to lead, at least initially—a peace-keeping operation designed to separate and disarm the warring factions and establish an environment where a transitional government can take control of the country. ECOWAS has pledged 3,000 troops for an intervention force and is asking the United States to pledge 2,000 troops in this effort.

Mr. Speaker, I urge you, and my colleagues support the Liberian people's struggle to return their country to sane and just rule. Liberia has been a friend and a supporter of the United States. It was an ally during the Cold War and a facilitator of covert operations against Col. Mu'ammar al-Qadhafi during the 1980s. It would be a betrayal of that long-held trust to turn our backs on the people of Liberia who have supported us in the past.

Liberia's natural resources are plentiful. The country has iron ore, rubber, timber, diamonds, gold and tin. In addition, in recent years that it has discovered sizable deposits of crude oil along its Atlantic Coast, and it continues to make strides in the agriculture sector. We need to work with the local communities and provide assistance in the areas of development, policing, healthcare.

Mr. Speaker, Liberia has the potential of reestablishing a strong democratic model of liberation and justice for the continent. We must do whatever we can to assist the Liberians—these proud people of liberty—rebuild their beautiful country.

DISEASE PREVENTION IN MEDICARE

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. RAMSTAD. Mr. Speaker, I rise today to submit into the Record a letter I have received from seven former Secretaries of the Department of Health and Human Services and its predecessor, the Department of Health, Education and Welfare. The letter, sent to many Members of Congress, and especially to the leadership of both bodies, requests that during our work on Medicare modernization we not forget about the benefits of disease prevention.

The letter specifically references a report by Partnership For Prevention, ''A Better Medicare for Healthier Seniors: Recommendations to Modernize Medicare's Prevention Policies,'' which states that Medicare should increase its emphasis on keeping seniors healthy, not just treating them when they become sick, as a roadmap for a modernizing Medicare's prevention practices.

The Partnership For Prevention (PFP) is a highly respected non-profit partnership of public and private sector organizations committed to finding solutions to health issues in a nonpartisan and rigorously scientific manner. The report and other recommendations can be viewed and downloaded at the PFP Web site, http://www.prevent.org.

I encourage my colleagues to read the attached letter, look at the Partnership For Prevention report and consider their recommendations in our further efforts to modernize Medicare.

THE FORMER SECRETARIES OF HEALTH AND HUMAN SERVICES AND HEALTH EDUCATION AND WELFARE

JUNE 25, 2003.

Hon. JIM RAMSTAD,
U.S. Representative, House of Representatives, Washington, DC 20515.

DEAR MR. RAMSTAD, as former Secretaries of Health and Human Services (or Health, Education and Welfare), we write to encourage you to include disease prevention in discussions about Medicare modernization.

Congress created Medicare In 1965 based on the knowledge of health and medicine at that time. Thus, Medicare came into being as a national insurance system to cover hospitalization and visits to clinicians' offices for diagnoses and treatment.

In the nearly four decades since Medicare's creation, considerable research and practice have yielded proven ways to not just diagnose and treat disease, but to prevent it and promote longer, healthier life. Today we know that postponing disability, maintaining social function, and sustaining independence are achievable for seniors through evidence-based health promotion and disease prevention services. It is nearly always preferable, both for the individual and for society, to prevent disease instead of waiting to treat it.

Congress has added selected preventive services to Medicare but has not included other services that are proven effective, nor has it encouraged Medicare to take a comprehensive approach to disease prevention and health promotion for America's seniors.

A recent Harris Poll found that nine in ten American adults want Medicare to be modernized and to put as much emphasis on disease prevention as it does on disease treatment.

The roadmap for this Medicare modernization is laid out in a new Partnership for Prevention (Partnership) report, A Better Medicare for Healthier Seniors: Recommendations to Modernize Medicare's Prevention Policies, which you already have received. These recommendations would move the U.S. toward realization of our nation's two overarching national health goals: Increasing life expectancy and improving quality of life, and reducing disparities in health among different segments of the population.

Respectfully yours,

JOSEPH A. CALAFANO, JR.
RICHARD S. SCHWEIKER.
MARGARET M. HECKLER.
DAVID MATHEWS, MD.
LOUIS W. SULLIVAN, MD.
DONNA E. SHALALA, PHD.
OTIS R. BOWEN, MD.

TRIBUTE TO RODNEY C. LESTER, PhD, CNRA

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. CULBERSON. Mr. Speaker, I pay tribute today to an outstanding representative from the State of Texas, Rodney C. Lester, PhD, CRNA. Dr. Lester will soon complete his year as national president of the American Association of Nurse Anesthetists (AANA). I am very pleased that one of Texas's own was tapped as the 2002–2003 president of this prestigious national organization.

Founded in 1931, the AANA is the professional organization that represents more than 30,000 practicing Certified Registered Nurse Anesthetists (CRNAs). CRNAs administer more than 65 percent of the anesthetics given to patients each year in the United States. They provide anesthesia for all types of surgical cases and are the sole anesthesia provider in two-thirds of all rural hospitals, providing these medical facilities with obstetrical, surgical, and trauma stabilization capabilities. They work in every setting in which anesthesia is delivered including hospital surgical suites, obstetrical delivery rooms, ambulatory surgical centers, and the offices of dentists, podiatrists, and plastic surgeons.

Dr. Lester received his PhD in health education from Texas A&M University in College Station, Texas; his master's of science in nursing from the University of Tennessee, Memphis, Tennessee; and his master's in business administration from Drury College Breech School of Business, Springfield, Missouri. He is currently the Nurse Anesthesia Division director and associate professor of clinical nursing at the University of Texas Health Science Center-Houston, School of Nursing. He also serves as a member on the Admissions, Progression and Graduation Committee at the school. Previously, he was the director for the University of Texas MD Anderson Cancer Center, Department of Anesthesiology and Critical Care in Houston, Texas.

Dr. Lester has served terms as president and vice president for the Texas Association of Nurse Anesthetists. Adding to his professional accomplishments, Dr. Lester has become nationally recognized in both publishing and speaking on anesthesia-related topics over the years.

In addition to his service to the AANA, Dr. Lester served his country in the United States Army as an officer and certified registered nurse anesthetist. He recently retired from the Army after 5 years active duty and 24 years as a reservist.

Mr. Speaker, I ask my colleagues to join me today in recognizing Dr. Rodney Lester, PhD, CRNA, for his notable career and outstanding achievements.

H. CON. RES. 210 HONORING SPECIALIST SHOSHANA JOHNSON FORMER IRAQ POW

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. RANGEL. Mr. Speaker, I am announcing the introduction of H. Con. Res. 210 honoring Army Spc. Shoshana Nyree Johnson, former POW in Iraq, and the first African-American woman POW.

Specialist Johnson was deployed to the Persian Gulf region as a member of the Army's 507th Maintenance Company. On March 23, 2003, Iraqi Troops ambushed her unit in Nsiriyah, Iraq, and Specialist Johnson and five other members of her unit were captured and held as prisoners of war. Specialist Johnson, four other members of her unit, and two helicopter pilots were rescued by United States Marines on April 13, 2003.

Specialist Johnson, who suffered gunshot wounds in both ankles, displayed extraordinary courage and valor during her 21-day ordeal, and outstanding dignity since her release.

She was honored on Capitol Hill on June 12, 2003, at an event hosted by the Congressional Black Caucus. Specialist Johnson described her experience as "just doing her job," and asked for prayers for those still fighting in Iraq. She also remembered fellow POW Private First Class Jessica Lynch, a member of her unit who was also captured and released. The humility of her remarks reflected the hero that she is.

H. Con. Res. 210 honors Specialist Shoshana Johnson for her sacrifice and for representing the highest ideals of service in the United States Armed Forces. To cosponsor this Resolution, please call Jean Mathis of my staff on extension 54365.

NORTON FILES BILL TO AUTHORIZE ANNUAL FUNDING FOR TRANSFORMATION SCHOOLS AND CHARTER SCHOOLS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Ms. NORTON. Mr. Speaker, I submit the following for the RECORD:

Congresswoman Eleanor Holmes Norton (D–DC) today introduced the Model Alternative Publicly Accountable Schools Act of 2003 to allow the District to use its unique experience in establishing an unusual number and variety of successful publicly accountable alternatives to its traditional public schools in an effort to encourage other school districts to do the same and to provide additional funding to allow the city to continue these efforts, which are now threatened by cuts and a shortage of funds. Norton said that nationally, the Congress has been unwilling to fund private school vouchers and has had very limited success in getting school districts to establish public alternatives such as charter schools. (For example, Virginia has eight charters and Maryland has one, while the District has 42). Locally, she said that H.R. 2556—the D.C. Parental Choice Incentive Act of 2003—would authorize private school vouchers but without her bill there would be no bill authorizing funds for the city's transformation and charter schools that would treat these parents and children equally, as even voucher advocates say is necessary. In addition, Norton said, in a year when both D.C. and the federal government have cut school funding, her bill providing funds for publicly accountable schools would free up scarce D.C. funds for use in traditional public schools. The D.C. Public Schools last week cut 422 positions to help meet a $40.4 million shortfall, including $6.5 million in funds for textbooks. However, the voucher bill will result in a minimum loss of $25,114,000 if 2,000 students exit the public schools altogether next year because D.C. and federal law require that schools be funded on a per pupil basis.

The Norton bill would authorize a total of $15 million for the first of five years of funding. In the FY 04 budget, $12 million would fund and expand transformation schools based on a congressional finding that the District has significantly improved the performance of its poorest and lowest performing children in transformation schools. She said that the improvements in test scores and parental involvement were directly related to extra services provided only to transformation school children and parents. These improvements for they city's low-income children cannot be expected to continue if these services are withdrawn, as cuts now are forcing, she said.

A total of $3 million in FY '04 would fund public charter schools in recognition of heightened demand, long waiting lists, and unavailability of funds for facilities to meet a demand the city has shown it cannot meet. Norton said that a particularly large number of schools had applied for charter school status for the coming school year and that the $3 million was important to expand the direct loan fund to assure that start-up charter schools would have the necessary head start to lease facilities in D.C.'s costly rental market. In the remaining four years of the Norton bill, allocation of funds between charter and transformation schools would be done by the City Council after hearings based on the demonstrated needs and gaps in both.

The Congresswoman said that sporadic and ad hoc funding for charter schools from Congress demonstrate the necessity for a specific authorization. Last year, the House did not fund charter schools at all, but working with the Senate, Norton got $17 million for charters to help ease facilities pressures. ''This was done without slogans about funding multiple sectors,'' she said, ''and funds may come on an episodic basis again. However, no one should mistake any funds we may get without an authorization this year or in the future, for the authorized amount for vouchers that is designed to guarantee an annual appropriation. Only a comparable authorization can do for charter schools and transformation schools what H.R. 2556 does in authorizing a specific amount for private school vouchers.''

Norton said that the voucher intervention by federal authorities ''has been a distraction from the expressed desires and needs of the majority of the city's parents and children and has done a disservice to the District's leadership role in carrying out two congressional statutes''—the charter school provision of the Improving America's Schools Act of 1994, which Funded charter schools nationally, and Section 1115 of the No Child Left Behind Act, which encourages schools such as D.C.'s transformation schools. Norton is also one of the authors of the District of Columbia School Reform Act of 1995. written on a home rule basis with D.C. officials and residents.

Norton said that her bill is also necessary because the President's visit last week shows that his administration intends no extra funds for charter schools, because he spoke only of funds that are available to all charter schools nationally, despite demand here that far outstrips the available funds and despite D.C.'s record of establishing charter schools in particularly significant numbers, as Congress intended. She said without explicit authorization, charter and transformation schools would be left to the mercy of appropriation committees, which are free to fund whatever programs they desire while vouchers would be authorized for finds on an annual basis.

AFRICA

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Ms. WATSON. Mr. Speaker, I want to thank ELIJAH CUMMINGS, Chairman of the Congressional Black Caucus, for once again holding this very timely and important discussion on Africa.

For the next week Africa will be page one news due to the President's trip to the continent. Then, once again, news on Africa will most likely recede to the back pages of our major newspapers and disappear. However, what many Americans don't realize is the increasing importance of Africa to the world and the United States.

Americans now import more than one quarter of their oil from the African continent. In the coming years, due to new major oil discoveries in the Gulf of Guinea off the west coast of Africa the percentage of African oil Americans consume will most likely rise. It will rise because there are quantities of untapped oil reserves on the continent, and it will rise because the U.S. realizes that oil from the Middle East can easily fall prey to the vagaries of war and politics.

Africa is so important to us, in part, because it is a continent rich in natural resources. Copper, diamonds, gold, and wood are all in abundance throughout the continent. The Congo River itself has enough potential hydroelectric power to supply the electrical needs of the whole continent. And the continent still has abundant rain forests, which have been described as the lungs of the world.

We as legislators can no longer afford to ignore Africa or view it solely through the lens of disaster and peril. Yes, we cannot deny that there are serious health problems in Africa with HIV/AIDS and malaria leading the list. There is crushing poverty throughout the continent. Africans living on less than a dollar a day now number over 315 million, according to a recent World Bank survey. Serious conflicts in the Congo—where not thousands but millions have perished—and West Africa still plague the continent and put a serious drag on the development of human resources and capital.

We cannot afford to ignore Africa because people are beginning to realize that failed states and crushing poverty are fertile breeding grounds for terrorist and criminal groups. We cannot afford to ignore Africa because the world is smaller and more interconnected. From the war on terrorism to the supply of crucial resources, from the campaign against threatening diseases to the opportunities for economic trade and investment, Africa is a key global player. We cannot afford to ignore Africa because we now ignore it at our own peril.

Africa matters in many ways. Not all the news coming out of Africa is gloomy. Trade and investments with Africa are growing. U.S. exports totaled over $5.8 billion last year, while U.S. imports were $18 billion. Nigeria alone is the fifth largest supplier of oil to the U.S. Despite appearances, Africa is more peaceful today than in the 1980s and 1990s. Democracy is also taking root in many parts of Africa.

But Africa needs increased resources to deal with the multitude of problems. U.S. assistance to Africa has been stagnant for many years, and real development assistance to the continent is less than $500 million. Although total U.S. assistance to Africa may total about $2 billion, a large chunk of this is for humanitarian and health related programs. Many programs—including in the areas of agriculture, democracy, conflict resolution, trade and investment—have suffered from significant cutbacks. In short, Africa needs increased assistance if it is truly to be brought into the mainstream world economy.

The Congressional Black Caucus has been a staunch advocate and played a pivotal role in strengthening the cultural, political and economic ties between Africa and the United States. I am therefore concerned, but not surprised, that President Bush did not seek out the guidance and assistance of the CBC before making his sojourn to Africa. This is not surprising because, as our chairman recently noted, ''The President has declined all of our offers to meet with him since our last discussion of January 31, 2001.''

In closing, I want to make a few remarks on the President's proposal to send in U.S. peacekeepers to Liberia. First, I recognize the longstanding historical ties between the U.S. and Liberia. I don't believe it will be as difficult to win the hearts and minds of Liberians who are predisposed to look upon the U.S. with favor. I generally support the concept of a peacekeeping mission to Liberia. However, I believe that a U.S.—led peacekeeping mission should be placed under the auspices of the United Nations. The United States by itself cannot be the policeman of the world, and our forces are already spread thin by our other significant commitments around the world. Any U.S. actions in Liberia will have greater credibility if they have the seal of approval of an international body.

We must also think through very carefully our commitment to place U.S. forces in Liberia. We must have a mission that is clearly defined, and we must have an exit plan that is articulated and understood by the American public. I also believe that any plan to introduce U.S. forces in Liberia should be subjected to serious congressional oversight and approval.

The Devil is in the details. The administration must first clearly articulate its methods and goals before any U.S. troops are put on the ground.

RECOGNIZING CHARLES REESE, DISTRICT GOVERNOR OF DISTRICT 5670 OF ROTARY INTERNATIONAL

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. MORAN of Kansas. Mr. Speaker, I rise today to recognize a Kansan devoted to his community and to the State of Kansas. Mr. Charles Reese, a Rotarian since 1975, will be installed as the District Governor of District 5670 of Rotary International on Friday, July 11.

I am personally proud of Mr. Reese, who resides in my hometown of Hays, Kansas. District 5670 encompasses Hays and all of northwest Kansas. As District Governor, Mr. Reese will lead 31 Rotary clubs with 1200 members in a 38-county region.

Reese's dedication to his community is well known. Mr. Reese served the Hays community as a board member of the Kansas Chamber of Commerce and Industry and as chairman of the board of the Kansas PRIDE program. Last year, Charles retired as Vice President of Corporate Relations for Midwest Energy, an electric and natural gas utility based in Hays.

Mr. Reese's commitment to community service is an example of tremendous leadership. He served as President of the Heartland of Development Corporation and is currently serving as interim director of the Ellis County Coalition for Economic Development. Mr. Reese and his wife, Louise, have also traveled to Panama with the Rotary District HungerPlus service teams. For his volunteer work in economic development, Charles received the 2002 Volunteer of the Year award from the Kansas Economic Development Association.

Not least of all, Charles and Louise are the proud parents of three grown daughters and grandparents of three grandsons. The family will celebrate Charles' formal installation as District Governor at a banquet Friday evening, July 11, in Hays.

Charles Reese is a role model for service to others. His devotion to his community, and to Rotary International, reflects his strong character and sense of duty to community, state, and nation.

Daily Digest

HIGHLIGHTS

The House passed H.R. 2658, Department of Defense Appropriations Act for Fiscal Year 2004.

Senate

Chamber Action

Routine Proceedings, pages S9001–S9059

Measures Introduced: Nine bills were introduced, as follows: S. 1370–1378. **Page S9049**

Patients First Act: Senate continued consideration of the motion to proceed to consideration of S. 11, to protect patients' access to quality and affordable health care by reducing the effects of excessive liability costs. **Pages S9001–09, S9010–43**

Senate will continue consideration of the motion to proceed to consideration of the bill on Wednesday, July 9, 2003, with a vote on the motion to close further debate on the motion to proceed to consideration of the bill to occur at 11:30 a.m. **Page S9059**

Medical Malpractice/Nominations/State Department Authorization—Agreements: A unanimous-consent agreement was reached providing that at 9:30 a.m. on Wednesday, July 9, 2003, Senate continue consideration of the motion to proceed to the consideration of S. 11, Patients First Act, and that the time until 11:30 a.m., be equally divided between the Majority Leader and the Democratic Leader or their designees; that at 11:30 a.m., Senate vote on the motion to close further debate on the motion to proceed to consideration of S. 11; that following that vote, Senate vote on confirmation of the nomination of Victor J. Wolski, of Virginia, to be a Judge of the United States Court of Federal Claims; that the Senate then proceed en bloc to the nominations of Mary Ellen Coster Williams, of Maryland, Susan G. Braden, of the District of Columbia, and Charles F. Lettow, of Virginia, each to be a Judge of the United States Court of Federal Claims, and the nominations then be confirmed; further, Senate will then proceed to consideration of S. 925, State Department Authorization Bill. **Page S9009**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 92 yeas (Vote No. EX. 263), David G. Campbell, of Arizona, to be United States District Judge for the District of Arizona. **Page S9059**

Nominations Received: Senate received the following nominations:

Daniel J. Bryant, of Virginia, to be an Assistant Attorney General.

1 Army nomination in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force. **Page S9059**

Executive Communications: **Pages S9048–49**

Additional Cosponsors: **Pages S9049–50**

Statements on Introduced Bills/Resolutions: **Pages S9050–58**

Additional Statements: **Pages S9043–48**

Amendments Submitted: **Page S9058**

Notices of Hearings/Meetings: **Page S9058**

Authority for Committees to Meet: **Pages S9058–59**

Record Votes: One record vote was taken today. (Total—263) **Page S9010**

Adjournment: Senate met at 9:30 a.m., and adjourned at 7:57 p.m., until 9:30 a.m., on Wednesday, July 9, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9059.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEFENSE

Committee on Appropriations: Subcommittee on Defense approved for full Committee consideration an original bill making appropriations for the Department of

Defense for the fiscal year ending September 30, 2004.

LIBERIA

Committee on Armed Services: Committee met in closed session to receive a briefing on the situation in Africa, with a focus on Liberia, from Vice Admiral Lowell E. Jacoby, USN, Director, Defense Intelligence Agency; Major General Stanley A. McChrystal, USA, Vice Director, Operations Directorate, J–3, The Joint Staff; and Theresa Whelan, Deputy Assistant Secretary of Defense for African Affairs.

NOMINATIONS:

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine the nominations of Nicole R. Nason, of Virginia, to be Assistant Secretary of Transportation for Governmental Affairs, and Pamela Jones Harbour, of New York, to be a Federal Trade Commissioner, after each nominee testified and answered questions in their own behalf.

RADIO OWNERSHIP

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine radio ownership, focusing on the impact of industry consolidation, and Federal Communications Commission's new radio market definition, after receiving testimony from Representative Menendez; Lewis W. Dickey, Jr., Cumulus Media Inc., Atlanta, Georgia; Jon Mandel, MediaCom, Grey Global Group, Inc., New York, New York; Simon Renshaw, The Firm, Beverly Hills, California, on behalf of the Recording Artists' Coalition; and Alex Kolobieski, First Media Radio, Easton, Maryland.

NATIONAL PARK SYSTEM

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded oversight hearings on the maintenance backlog within the national park system, including the impact of new park unit designations, land acquisitions, and personnel vacancies, after receiving testimony from Donald Murphy, Deputy Director, National Park Service, Department of the Interior; Barry T. Hill, Director, Natural Resources and Environment, General Accounting Office; Eric Dillinger, Carter and Burgess, Inc., Fort Worth, Texas; Thomas C. Kiernan, National Parks Conservation Association, Washington, D.C.; and Curtis E. Cornelssen, PricewaterhouseCoopers LLP, Boston, Massachusetts.

CLIMATE CHANGE: AGRICULTURAL SEQUESTRATION

Committee on Environment and Public Works: Subcommittee on Clean Air, Climate Change, and Nuclear Safety concluded hearings to examine the potential of agricultural sequestration to address climate change through affecting atmospheric levels of carbon dioxide, after receiving testimony from Bruce I. Knight, Chief, Natural Resources Conservation Service, Department of Agriculture; Cynthia Rosenzweig, Research Scientist, Goddard Institute for Space Studies (Columbia University, New York, New York), National Aeronautics and Space Administration; Bob Stallman, Columbus, Texas, on behalf of the American Farm Bureau Federation; Rattan Lal, Ohio State University Carbon Management and Sequestration Center, Columbus; Joseph L. Bast, Heartland Institute, Chicago, Illinois; and Debbie A. Reed, National Environmental Trust, Washington, D.C.

U.S. TAX POLICY

Committee on Finance: Committee concluded hearings to examine U.S. tax policy and its effects on the domestic and international competitiveness of U.S.-based operations, after receiving testimony from Robert Hall, Stanford University Hoover Institution, Stanford, California; William C. Barrett, Applied Materials, Inc., Santa Clara, California; James G. Berges, Emerson, St. Louis, Missouri; Mark Russell, Electrolux North America, Cleveland, Ohio; Alexander Spitzer, Nestle USA, Norwalk, Connecticut; and Kathryn Kobe, Joel Popkin and Company, and Thea M. Lea, AFL–CIO, both of Washington, D.C.

Hearings recessed subject to the call.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings to examine the nominations of Michael J. Garcia, of New York, to be Assistant Secretary of Homeland Security, and Jack Landman Goldsmith III, of Virginia, to be Assistant Attorney General, Office of Legal Counsel, Department of Justice, who was introduced by Senator Allen, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Measures Introduced: 11 public bills, H.R. 2660–2670; and; 5 resolutions, H.J. Res. 63; H. Con. Res. 240–241, and H. Res. 308, 313 were introduced. **Pages H6347–48**

Additional Cosponsors: **Pages H6348–49**

Reports Filed: Reports were filed as follows:

H.R. 2122, to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, amended (H. Rept. 108–147, Pt. 3);

H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004 (H. Rept. 108–188);

H. Res. 309, providing for consideration of H.R. 438, to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education (H. Rept. 108–189);

H. Res. 310, providing for consideration of H.R. 2211, to reauthorize title II of the Higher Education Act of 1965 (H. Rept. 108–190);

H. Res. 311, providing for consideration of H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes (H. Rept. 108–191); and

H. Res. 312, providing for consideration of H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes. (H. Rept. 108–192). **Page H6347**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Gilchrest to act as Speaker Pro Tempore for today. **Page H6273**

Recess: The House recessed at 10:55 a.m. and reconvened at 12 noon. **Page H6276**

Department of Defense Appropriations Act for Fiscal Year 2004: The House passed H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004 by yea-and-nay vote of 399 yeas to 19 nays, Roll No. 335. **Pages H6276–6302, H6318–20**

Agreed To:

Lewis of California amendment that decreases Navy Operation and Maintenance funding by $96 million to reduce excess funded carryover and appropriates $5 million to the Army National Guard for the nationwide dedicated fiber optic network program, $14 million to the Marine Corps for the AN/PRC–148 tactical handheld radio and combat casualty care equipment, $5 million to Air Force Research, Development, Test and Evaluation for low emission/efficient hybrid aviation refueling truck propulsion, and $5 million to Defense Wide Research, Development, Test and Evaluation for the development of novel pharmaceuticals for anthrax. **Page H6298**

Rejected:

Hostettler amendment that sought to prohibit funding related to the 2005 round of base closures and realignments under the Defense Base Closure and Realignment Act (rejected by recorded vote of 57 ayes to 358 noes, Roll No. 334). **Pages H6302–03, H6318–19**

Withdrawn:

Blumenauer amendment was offered but subsequently withdrawn that sought to increase funding for the unexploded ordinance cleanup program; **Pages H6298–99**

De Fazio amendment was offered but subsequently withdrawn that sought to increase funding for the National Guard Weapons of Mass Destruction Civil Support Teams; **Pages H6299–6300**

Acevedo-Vila amendment was offered but subsequently withdrawn that sought to strike section 8125 relating to the closure of Naval Station Roosevelt Roads, Puerto Rico; and **Pages H6300–01**

Bordallo amendment was offered but subsequently withdrawn that sought to prohibit the use of any funding to overhaul, repair, or maintain naval vessels in shipyards outside the United States or Guam; and **Pages H6301–02**

Inslee amendment was offered but subsequently withdrawn that sought to prohibit the use of any funding to alter the existing civilian personnel system. **Page H6302**

The bill was considered pursuant to the unanimous consent order of the House of June 26. **Page H6318**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Prescription Drug Benefits for Retirees Under the FEHB: H.R. 2631, to provide that the actuarial value of the prescription drug benefits offered to Medicare eligible enrollees by a plan under the Federal employees health benefits program shall be at least equal to the actuarial value of the prescription drug benefits offered by such plan to its enrollees generally; **Pages H6303–09**

Garner E. Shriver Post Office, Wichita, Kansas: H.R. 1761, to designate the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the "Garner E. Shriver Post Office Building" (agreed to by yea-and-nay vote of 415 ayes with none voting "nay", Roll No. 336); and **Pages H6309–10, H6320**

Francisco A. Martinez Flores Post Office, Duarte, California: H.R. 2396, to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the "Francisco A. Martinez Flores Post Office". **Pages H6310–12**

Recess: The House recessed at 2:14 p.m. and reconvened at 4:10 p.m. **Page H6312**

Recess: The House recessed at 4:11 p.m. and reconvened at 6:34 p.m. **Page H6312**

Senate Messages: Message received from the Senate appears on page H6273.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H6349–50.

Quorum Calls—Votes: Two yea-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H6318–19, H6319–20, and H6320. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 11:09 p.m.

Committee Meetings

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development approved for full Committee action the Energy and Water Development appropriations for fiscal year 2004.

LOW-INCOME FAMILIES—PROVIDING ASSISTANCE

Committee on Education and the Workforce: Subcommittee on Education Reform held a hearing on "LIHEAP & CSGB: Providing Assistance to Low-Income Families." Testimony was heard from Leslie Lee, LIHEAP Director, Department of Health and Social Services, State of Delaware; and public witnesses.

CLEAN SKIES INITIATIVE—MULTIPOLLUTANT APPROACH

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled "The Clear Skies Initiative: A Multipollutant Approach to the Clean Air Act." Testimony was heard from Jeffrey Holmstead, Assistant Administrator, Air and Radiation, EPA.

RURAL HOUSING IN AMERICA

Committee on Financial Services:, Subcommittee on Housing and Community Opportunity continued hearings entitled "Rural Housing in America." Testimony was heard from Thomas C. Dorr, Under Secretary, Rural Development, USDA.

FEDERAL ELECTRONIC RECORDS MANAGEMENT

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held a hearing entitled "Federal Electronic Records Management: What is the Plan? What is our Progress?" Testimony was heard from the following officials of the National Archives and Records Administration: John W. Carlin, Archivist; and L. Reynolds Cahoon, Chief Information Officer; Harriet Riofrio, eRecords Management Policy and Program Lead, Department of Defense; Linda Koontz, Director, Information Management Issues, GAO; and public witnesses.

UNBORN VICTIMS OF VIOLENCE ACT

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on H.R. 1997, Unborn Victims of Violence Act of 2003 or Laci and Conner's Law. Testimony was heard from public witnesses.

REDUCTION IN DISTRIBUTION OF SPAM ACT

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security, hearing on H.R. 2214, Reduction in Distribution of Spam Act of 2003. Testimony was heard from Will Moschella, Assistant Attorney General, Office of Legislative Affairs, Department of Justice; Jerry Kilgore, Attorney General, State of Virginia; and public witnesses.

LEGISLATIVE BRANCH APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a closed rule on H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, providing one hour of debate in the House on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against the bill and against its consideration. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Kingston, Manzullo, Moran of Virginia, and Holt.

LABOR, HHS, EDUCATION AND RELATED AGENCIES APPROPRIATIONS

Committee on Rules: Granted, by a vote of 7 to 2, an open rule waiving all points of order against consideration of H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004. The rule provides that general debate shall be confined to the bill. Under the rules of the House the bill shall be read for amendment by paragraph. The rule waives all points of order against provisions in the bill, except as specified in the resolution. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Regula and Obey.

READY TO TEACH ACT

Committee on Rules: Granted, by voice vote, a structured rule on H.R. 2211, Ready to Teach Act of 2003, providing one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Boehner and Representatives Gingrey and Kildee.

TEACHER RECRUITMENT AND RETENTION ACT

Committee on Rules: Granted, by voice vote a modified closed rule on H.R. 438, Teacher Recruitment and Retention Act of 2003, providing one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule makes in order the amendment printed in the Rules Committee report accompanying the resolution, if offered by Representative George Miller of California or his designee, shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendment printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Boehner and Representatives Wilson of South Carolina, Tierney, DeLauro, and Becerra.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D763)*

H.R. 658, to provide for the protection of investors, increase confidence in the capital markets system, and fully implement the Sarbanes-Oxley Act of 2002 by streamlining the hiring process for certain employment positions in the Securities and Exchange Commission. Signed on July 3, 2003. (Public Law 108–44)

S. 1276, to improve the manner in which the Corporation for National and Community Service approves, and records obligations relating to, national service positions. Signed on July 3, 2003. (Public Law 108–45)

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 9, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Homeland Security, business meeting to mark up proposed legislation making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, 10:30 a.m., SD–124.

Subcommittee on Interior, business meeting to mark up proposed legislation making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, 11 a.m., SD–138.

Full Committee, business meeting to mark up proposed legislation making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and proposed legislation making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, 3 p.m., SD–192.

Committee on Armed Services: to hold hearings to examine lessons learned during Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom, and to receive testimony on ongoing operations in the United States Central Command region; followed by a closed session in SH–219, 9:30 a.m., SH–216.

Committee on Indian Affairs: to hold oversight hearings to examine the Indian Gaming Regulatory Act, 10 a.m., SD–106.

Committee on the Judiciary: to hold hearings to examine the nominations of James O. Browning, to be United States District Judge for the District of New Mexico, Kathleen Cardone, to be United States District Judge for the Western District of Texas, James I. Cohn, to be United States District Judge for the Southern District of Florida, Frank Montalvo, to be United States District Judge for the Western District of Texas, and Xavier Rodriguez, to be United States District Judge for the Western District of Texas, 3 p.m., SD–226.

Committee on Rules and Administration: to hold hearings to examine S. Res.173, to amend Rule XVI of the Standing Rules of the Senate with respect to new or general legislation and unauthorized appropriations in general appropriations bills and amendments thereto, and new or general legislation, unauthorized appropriations, new matter, or nongermane matter in conference reports on appropriations Acts, and unauthorized appropriations in amendments between the Houses relating to such Acts, 9:30 a.m., SR–301.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies, to mark up appropriations for fiscal year 2004, 10 a.m., H–309 Capitol.

Subcommittee on the District of Columbia, to mark up appropriations for fiscal year 2004, 11 a.m., H–144 Capitol.

Committee on the Budget, hearing on A Closer Look, The Inspectors General Address Waste, Fraud, Abuse in Federal Mandatory Programs, 10 a.m., 210 Cannon.

Committee on Energy and Commerce, to mark up the following measures: H.R. 1950, Foreign Relations Authorization Act, Fiscal Years 2004 and 2005; H. Con. Res. 215, honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economics; and H. Res. 296, recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century, 10 a.m., 2123 Rayburn.

Subcommittee on Commerce, Trade and Consumer Protection and the Subcommittee on Telecommunications and the Internet, joint hearing entitled ''Legislative Efforts to Combat Spam, following full Committee mark up, 2123 Rayburn.

Committee on Financial Services, hearing on H.R. 2622, Fair and Accurate Credit Transactions Act of 2003, 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Civil Service and Agency Organization, hearing entitled ''Making Health Care More Affordable: Extending Premium Conversion to Federal Retirees,'' 2 p.m., 2247 Rayburn.

Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing entitled ''Disrupting the Market: Strategy, Implementation, and Results in Narcotics Source Nations,'' 10 a.m., 2154 Rayburn.

Subcommittee on Human Rights and Wellness, hearing on ''International Child Abduction: The Rights of American Citizens Being Held in Saudi Arabia,'' 2 p.m., 2154 Rayburn.

Committee on House Administration, hearing on H.R. 2205, National Museum of African American History and Culture Act, 2 p.m., 1310 Longworth.

Committee on International Relations, hearing on A Survey and Analysis of Supporting Human Rights and Democracy: The U.S. Record 2002–2003, 10:30 a.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following: H. Res. 287, directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national Security interests of the United States; a measure implementing the U.S. Chile Free Trade Agreement; a measure implementing the U.S. Singapore Free Trade Agreement; H.R. 1707, Prison Rape Reduction Act of 2003; H.R. 2330, Burmese Freedom and Democracy Act of 2003; H.R. 1561, United States Patent and Trademark Fee Modernization Act of 2003; H.R. 2086, Office of National Drug Control Policy Reauthorization Act of 2003; and H.R. 1375, Financial Services Regulatory Relief Act of 2003, 10 a.m., 2141 Rayburn.

Committee on Resources, to mark up the following bills: H.R. 1038, Public Lands Fire Regulations Enforcement Act of 2003; H.R. 1616, Martin Luther King, Junior, National Historic Site Land Exchange Act; H.R. 1651, Sierra National Forest Land Exchange Act of 2003; H.R. 1658, Railroad Right-of-Way Conveyance Validation Act of 2003; H.R. 2040, to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska; H.R. 2059, Fort Bayard National Historic Landmark Act; S. 233, Coltsville Study Act of 2003; and

S. 278, Mount Naomi Wilderness Boundary Adjustment Act, 10 a.m., and to hold an oversight hearing on ''Can a process be developed to settle matters relating to the Indian Trust Fund lawsuit?'' 2 p.m., 1324 Longworth.

Committee on Science, Subcommittee on Research, hearing on H.R. 2183, Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing on Saving Our Defense Industrial Base, 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, oversight hearing on GSA's 2004 Capital Investment and Leasing Program, 10 a.m., 2253 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing to review the pre- and post-deployment health assessment processing of troops recently deployed to the Persian Gulf, 2 p.m., 334 Cannon.

Joint Meetings

Joint Economic Committee: to hold hearings to examine technology and innovation in relation to health care costs, 9:30 a.m., SD–628.

Next Meeting of the SENATE

9:30 a.m., Wednesday, July 9

Senate Chamber

Program for Wednesday: Senate will continue consideration of the motion to proceed to consideration of S. 11, to protect patients' access to quality and affordable health care by reducing the effects of excessive liability costs, and at 11:30 a.m. proceed to a vote on the motion to close further debate on the motion to proceed to consideration of the bill; following which, Senate will vote on confirmation of the nomination of Victor J. Wolski, of Virginia, to be a Judge of the United States Court of Federal Claims; and pursuant to today's order, confirm the nominations of Mary Ellen Coster Williams, of Maryland, Susan G. Braden, of the District of Columbia, and Charles F. Lettow, of Virginia, each to be a Judge of the United States Court of Federal Claims; further, Senate will then proceed to consideration of S. 925, State Department Authorization Bill.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, July 9

House Chamber

Program for Wednesday: Consideration of H.R. 438, Teacher Recruitment and Retention Act of 2003 (modified closed rule, one hour of general debate);

Consideration of H.R. 2211, Ready to Teach Act of 2003 (structured rule, one hour of general debate);

Consideration of H.R. 2660, Labor, Health and Human Services, and Education, and Related Agencies Appropriations for FY 2004 (rule only); and

Consideration of H.R. 2657, Legislative Branch Appropriations for FY 2004 (closed rule, one hour of general debate).

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